

North Yorkshire Council

Executive

Minutes of the meeting held on Tuesday, 4 February 2025 commencing at 11.00 am.

Councillor Carl Les in the Chair plus Councillors Mark Crane, Gareth Dadd, Keane Duncan, Michael Harrison, Simon Myers, Heather Phillips, Janet Sanderson, Greg White and Annabel Wilkinson.

In attendance: Councillors Liz Colling (remote), Paul Haslam (remote), George Jabbour, Peter Lacey (remote), Rich Maw and Malcolm Taylor.

Officers present: Richard Flinton, Karl Battersby, Stuart Carlton, Gary Fielding, Rachel Bowes, Nic Harne, Trudy Forster, Barry Khan, Daniel Harry, St John Harris, Steve Wilson and Kerry Metcalfe (remote).

Copies of all documents considered are in the Minute Book

615 Apologies for Absence

There were no apologies.

616 Minutes of the Meeting held on 21 January 2025

Resolved that the public Minutes of the meeting held on 21 January 2025, having been printed and circulated, be taken as read and confirmed by the Chair as a correct record.

617 Declarations of Interest

There were no declarations of interest.

618 Public Participation

There were no public questions or statements.

619 North Yorkshire Council Pay Policy for Senior Managers

Considered a report of the Assistant Chief Executive HR & Business Support which set out the North Yorkshire Council Pay Policy for Senior Managers 2025-26 for approval by full Council at their meeting on 26 February 2025. Introducing the report, the Executive Member for Finance and Resources, Councillor Gareth Dadd advised that the principles behind the policy remained unchanged. He noted savings worth some £4.7 million in senior officer pay achieved through LGR and also the leanness of the staffing structure when compared to similar councils.

Resolved (unanimously) that the Executive consider the 2025-2026 Pay Policy in Appendix A and recommend to full Council, at their meeting on 26 February 2025, the approval of the Pay Policy for publication.

Reasons for recommendations

A legal requirement to publish the pay policy as set out in the Localism Act 2011.

620 Soft Market Testing Exercise for Scarborough North Bay

Considered a report of the Corporate Director of Resources and Corporate Director of Community Development in respect of a proposed soft market testing exercise to inform future proposals for undeveloped land at Scarborough's North Bay and the Alpamare waterpark, which were all in the council's ownership. Introducing this item, the Executive Member for Open to Business, Councillor Mark Crane welcomed the report which proposed to seek from the market suggestions of how to enhance this attractive part of Scarborough which held great potential for the benefit of the town and wider area. Local member, Councillor Liz Colling then addressed the meeting welcoming the Soft Market Testing exercise but questioning how the interests of residents and sustainable development would be factored into the proposals. Local member, Councillor Rich Maw expressed concern that the proposals largely ignored the extensive work and public consultation in respect of the site undertaken by Scarborough Borough Council, and instead should be set clearly within this strategic context. He also felt that seeking developers' views on a wider package of development sites in the town may not be in the best interests of those other sites. In reply to these and other comments it was established that:

- The interests of residents were referred to in the documents for the soft market testing exercise
- Planning policy and the local plan would ensure any future development was sustainable
- The proposals in the report were to test and explore the market. When considering the market's response, then the council would have to weigh up the usual social, environmental and economic factors
- There were many steps to take before any commercial decision was made
- The exercise was not about disposing of the council's assets but about making the best use of them for the benefit of Scarborough
- In respect of the ongoing operation of the Waterpark, the original agreement with Flamingo Land gave the Council the ability to extend the contract for another year on the same terms

Resolved (unanimously) that the Executive:

- i. approve the objectives of the Soft Market Testing exercise for Scarborough North Bay (Section 5.2)
- ii. approve that officers launch soft market testing for Scarborough North Bay;
- iii. approve the inclusion of sites 1 to 6 within the scope of the North Bay Soft Market Testing exercise:
 - Site 1: North Bay Gateway – Formerly Atlantis Waterpark
 - Site 2: Scarborough Heights – Formerly Marvel's amusement park
 - Site 3: Northstead Gardens – Formally Kinderland
 - Site 4: Former Indoor Pool & Off-street Car Parking
 - Site 5: Alpamare Waterpark & Off-street Car Parking
 - Site 6: Footpaths
- iv. note that the outcome of the soft market testing exercise will inform future proposals for the North Bay sites.

Reasons for recommendations

To set the objectives for the redevelopment of the remaining parcels of land at Scarborough North Bay and seek feedback, through a soft market testing exercise, that will inform future proposals for the area including the future operation of the waterpark.

621 The future of the Selby Local Plan

Considered a report of the Corporate Director of Community Development which set out the current position in relation to the preparation of the Selby Local Plan and consequently proposed that work on the plan cease and that, where possible, the evidence base and work undertaken to date be used to feed into the new local plan for North Yorkshire. Introducing the report, the Executive Member for Open for Business, Councillor Mark Crane advised that the demands in terms of housing requirement, economic growth and associated infrastructure placed on the local planning authority by the newly updated NPPF meant that much more work was required on the Selby Local Plan to evidence and deliver new sites; capacity and budget which was better directed towards the development of the new local plan for North Yorkshire. Members were further advised that the local area committee, although disappointed, supported this decision but asked that the council continued to vigorously promote the regeneration of Tadcaster.

Resolved (unanimously) that:

- i. The Executive recommend to Full Council that work on the emerging Selby Local Plan is ceased.
- ii. The council works proactively to bring forward sites within the Selby area to seek to maintain land supply, using those sites identified within the draft Selby Local Plan as the starting point for discussions with site promoters/developers.
- iii. The council continues to promote the regeneration of Tadcaster, working with key stakeholders to support the delivery of sites and to bring derelict buildings back into use and work to ensure that evidence in respect of delivery is secured as we move through the preparation of the North Yorkshire Local Plan.

Reasons for recommendations

Taking into account the up-to-date context for the preparation of the Selby Local Plan, most notably the implications of the new NPPF, it is the view of officers that work on the plan should be halted.

Irrespective of whether the plan is halted or not, the land supply position will be challenging and there will need to be a proactive approach to the delivery of sites.

622 North Yorkshire Tenancy Strategy

Considered a report by the Corporate Director Community Development which presented the North Yorkshire Tenancy Strategy for approval. The Executive Member for Culture, Arts and Housing, Councillor Simon Myers commended the new strategy which provided a high-level framework of shared objectives and principles relating to tenancy issues for the council and Registered Providers who managed affordable housing across North Yorkshire.

Resolved (unanimously) that the Executive:

- i. Notes the content of the report, the proposed Tenancy Strategy, consultation responses and the Equality Impact Assessment.
- ii. Approves the Tenancy Strategy to become effective no later than 1 March 2025.
- iii. Delegates to the Corporate Director Community Development, authority to make

minor amendments to the Tenancy Strategy as needed by changes to regulation or legislation.

Reasons for recommendations

The Tenancy Strategy has been subject to a broad consultation exercise; responses to the consultation have resulted in a revised version.

623 Transforming Cities Fund Works Contract Entry Authority

Considered a report of the Corporate Director Environment which sought delegated authority to enable acceptance of the final Transforming Cities Fund funding, enable any minor works scope adjustments to ensure the works tender price is within tolerance of the funding available and to enter the contracts to deliver the construction of the schemes in Skipton and Selby in line with necessary timescales. Introducing the report, the Executive Member for Highways and Transportation, Councillor Keane Duncan was pleased to advise that for these two challenging multi-million pound schemes, the council was now entering the final steps before construction could commence. He noted the delegations requested, the £2m projected overspend on the Selby scheme and the proposal to draw on council reserves to fund the shortfall, although alternative options were being actively explored to address this overspend. Councillor Duncan further alluded to the Harrogate scheme, not included in the report, which was subject to a Pre-Action Protocol letter in respect of which the council was preparing to mount a robust challenge. Following the approvals outlined in the report, the work on the Skipton scheme was expected to commence in March, and Selby in June. Both Councillors Myers and Crane expressed disappointment that the Skipton and Selby schemes respectively had been reduced in scope and ambition because of current economic constraints and other factors, whilst drawing comfort that the council was still committed to delivering both schemes in full but through a phased approach, as reiterated by Councillor Duncan. In light of this challenging economic environment and the scale of the council's capital programme, the Executive Member for Finance and Resources, Councillor Dadd proposed a minor amendment to the report's recommendations to the effect that the use of up to an additional £2m from reserves for the Selby scheme also be the subject of delegated approval by the Corporate Director – Environment, in consultation with the Corporate Director – Resources, the Assistant Chief Executive Legal and Democratic Services, the Executive Member for Highways and Transportation and the Executive Member for Finance. This proposal was accepted.

Resolved (unanimously) that the Executive:

1. approves the delegation of authority to the Corporate Director – Environment, in consultation with the Corporate Director – Resources, the Assistant Chief Executive Legal and Democratic Services, the Executive Member for Highways and Transportation and the Executive Member for Finance to:
 - i. agree the final terms of and enter into the construction contract necessary to deliver the Selby TCF project; also delegated authority to enact project scope adjustments, if necessary, post tender submission to contain within budget or seek additional funding
 - ii. submit the Material Change proposal for the Selby TCF project and agree the terms of and enter into any required agreements with Network Rail
 - iii. agree the final terms of and enter into the construction contract necessary to deliver the Skipton TCF project; also delegated authority to enact project scope adjustments, if necessary, post tender submission to contain within budget or seek additional funding

- iv. note that if final costs for the Selby scheme are over budget following value engineering, any remaining overspend would fall to the Council and therefore approve that up to an additional £2m which would need to be met from reserves if required.

Reasons for recommendations

It is necessary for the Council to formally accept this funding to comply with the Council's governance procedures.

As the funding is above £500,000 this decision would normally be made by Executive, however, due to the need to co-ordinate timing of the acceptance of grant funding and the signing of construction contracts the Executive is asked to delegate approval to Corporate Director - Environment, in consultation with the Corporate Director, Resources, Assistant Chief Executive Legal and Democratic Services, Executive Member for Highways and Transportation and the Executive Member for Finance, (in line with paragraph 13 of the Executive Members Delegation Scheme under the Constitution). This is on the basis that it is not practicable to refer it to the Executive for determination due to the tight timescales involved.

624 Ethical Decision Making in Adult Social Care

Considered a report of the Corporate Director of Health and Adult Services which reviewed the current Ethical Decision-Making framework in place within Adult Social Care and made recommendations for its future use. The Executive Member for Health and Adult Services, Councillor Michael Harrison introduced the report explaining that the framework had been adopted in early 2022 in response to pressures brought about by Omicron infections on the council's workforce and that of the wider care sector and the economy. The framework allowed services to manage risk and prioritise more effectively where necessary and gave colleagues in Adult Social Care the opportunity to discuss and record decisions as part of a more formal framework. Following a review of the framework, it was proposed to cease using it for decision-making for an individual at an operational level since this could be supported by the current adult social care legal frameworks.

Resolved (unanimously) that the Executive approve the following:

- i) Remove decision making for individuals from the Ethical Decision-Making Framework
- ii) Retain the Ethical Decision-Making Framework for decision making at a tactical, strategic and system level to primarily support Care Provider Services and Quality and Service Continuity decision making

Reasons for recommendations

Having reviewed the use of the Ethical Decision-Making Framework across the last 12 months, it is evidenced that its use is primarily for Care Provider Services and Quality and Service Continuity purposes, therefore there is benefit in the framework remaining in use at tactical, strategy and system level. Where the requests were made for decisions about individuals, the advice/recommendations were to use the current adult social care legal frameworks to support decision making. Therefore, this rationale supports the report's recommendations

625 Forward Plan

Considered the Forward Plan for the period 24 January 2025 to 28 February 2026.

Resolved that the Forward Plan be noted.

626 Any Other Items

The Chair confirmed that on 31 January 2025 the council had sent a letter to the Ministry of Housing, Communities and Local Government pursuant to the Pre-action Protocol for Judicial Review which challenged the Government's removal of the Rural Services Delivery Grant in the provisional local government finance settlement. In 2024-25 the RSDG to the council was worth circa £14.3m. The Assistant Chief Executive Legal and Democratic Services, Barry Khan proceeded to explain the grounds for the challenge, namely the consultation process, irrationality of the decision and the failure to have due regard to the public sector equality duty. Members of the Executive voiced their extreme disappointment at the withdrawal of the RSDG and their support for the legal challenge.

627 Date of Next Meeting - 18 February 2025 (Performance Monitoring)

The meeting concluded at 12.02 pm.