

# North Yorkshire Council

## Executive

Minutes of the meeting held on Tuesday 7 May 2024 commencing at 11.00 am.

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

In attendance: Councillors Barbara Brodigan, George Jabbour, Steve Mason and Kevin Foster.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Nic Harne, Barry Khan and Elizabeth Jackson, Gareth Bentley, Simon Fisher, Matt George, Jon Holden, Max Thomas and Iain Mann (remote).

Apologies: Councillor Michael Harrison.

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

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### **437 Apologies for Absence**

Apologies for absence were received from Councillor Michael Harrison.

### **438 Minutes of the Meeting held on 16 April 2024**

#### **Resolved –**

That the public Minutes of the meeting held on 16 April 2024, having been printed and circulated, be taken as read and confirmed by the Chair as a correct record.

### **439 Declarations of Interest**

Councillor Gareth Dadd declared an interest in Minute 445 – Creation of New Audit Company, as he was an unpaid Director of Veritau, and left the meeting during consideration of the item.

Councillor Greg White declared an interest in Minute 443 – Proposal to close St Hilda's Ampleforth Church of England VC Primary School, as his wife was an unpaid trustee of Arete Learning Trust. As this was not a pecuniary interest Councillor White remained in the meeting room and took part in the debate and vote.

### **440 Exclusion of the Public**

It was noted that there was an exempt appendix relating to Minute 445 – Creation of New Audit Company. As the contents of the appendix were not discussed there was no requirement to exclude the public from the meeting.

## 441 Public Participation

A public question was received from Mr Richard Fieldman in relation to Minute 442 – Review of Maximum Hackney Carriage Fares as follows:

As representative of 70 drivers in the trade, I am here today to object to the proposed tariff increase you see before you today.

As Mr Bentley will testify, the proven fare formula that was previously used by Harrogate Borough council, and also Transport for London, in determining an increase needed for the taxi trade in order to keep up with the increase in annual expenses and cost of living, showed we needed an increase of 5%.

The trade therefore requested that increase across the board. We were happy with the initial flagfall to remain as is, on tariffs 1,2, and 3, but requested the 5% on the running mile, and the waiting time on all of those three tariffs, as well as an increase on the callout charge, from £1 per mile to £2 per mile.

What you see before you today is totally unacceptable for those that work nights, and the unsocial xmas period. The proposal gives no increase to those working these hours, which less and less drivers are prepared to work these days.

The proposal is to bring tariff 2 in at 10pm, from the current 11pm at present. This will have minimal effect of an increase for those who only work nights, and those that are prepared to sacrifice their xmas with their family, to give the public a service during a festive, alcoholic holiday.

It is ironic that officers recognise that drivers need rewarding for late night unsocial hours, filled with abusive, alcohol and drug fuelled customers, yet are failing to provide them with the same increase as the daytime drivers. Night time work since covid is split into two categories, those that go out early evening for meals, usually going home between 8.30/9pm, and those that are out for a long drinking session, going home from 11pm onwards, the work between 10pm-11pm is minimal, so that proposal will give very little benefit to those working night hours.

The callout charge has been at a £1 per mile for many years, and as well as increased fuel costs, it has become unviable in a vast rural county, to travel many miles to pick a customer up, to take them a minimal distance, and therefore drivers are refusing to do these types of journey, leaving many customers stranded in the middle of nowhere, unable to get home.

It is absolutely imperative that you reject this proposal if you wish to see adequate coverage of drivers working nights and the xmas period. Areas such as Ripon, Thirsk, Northallerton, and Skipton, are massively short of drivers working these times, and if you accept this proposal you will be ensuring even less cover in these areas, as you are not allowing them the increase they need, not only to run their businesses successfully, but to put up with the abuse, and difficult customers they experience during these antisocial hours.

The trade feel they have been very reasonable in what they asked for, and therefore I ask you to respect the difficult job they do during these hours, and accept a 5% increase on the running mile and waiting time on all 3 tariffs, increase the running mile to £2 per mile, and leave tariff 2 to come in at 11pm.

I thank you for your consideration.

Councillor Barbara Brodigan was also in attendance at the meeting and made a statement in support of Mr Fieldman's statement as below:

I would like to bring to the Executive's attention a similar situation experienced by Barnsley Council regarding taxi tariffs and its potential implications for our area. As you may be aware, Barnsley Council conducted an independent demand survey six months ago in preparation for implementing new tariffs for taxis. Following implementation of revised tariffs for daytime taxi services a further survey revealed a concerning trend: there were no taxis or a shortage of taxis at night or during holiday periods because it was not financially viable for drivers to operate during these times.

Given the potential for similar outcomes, I would ask that the Executive considers a cross-the-board increase of 5% for tariffs 2 and 3. This adjustment could help mitigate the risk of a shortage of taxi services during nighttime hours and Christmas holidays and would ensure that drivers are adequately compensated for their work.

By taking this step, we can maintain a reliable and accessible taxi service for our residents and visitors, particularly during times of increased demand. I am confident that this step will contribute positively to our local transportation infrastructure.

Councillor Greg White thanked Mr Fieldman and Councillor Brodigan for their statements and responded as follows. The first thing I want to stress is that any decision today is to be subject to a statutory consultation, this is the start of the process. As well as some people asking for maximum charges to be increased further, we've also had people in other parts of the county saying that they would quite like to see them go in the other direction because they're not competitive with neighbouring areas. In terms of the comparison that Councillor Brodigan made taxi rates in North Yorkshire are already about 70% higher than they are in South Yorkshire and I'm looking at a chart here which compares North Yorkshire and Barnsley. A three mile trip in Barnsley would be £8.90 whereas in North Yorkshire it's £14.98, nearly £15, so we're already substantially higher than Barnsley. So you're probably quite right there probably are people in Barnsley that think the taxi rate should go up but it doesn't really compare to North Yorkshire because we're already significantly more expensive than that particular town and you know we are more expensive than Bradford, Durham, East Riding, Lancaster, Leeds, Redcar and Cleveland and York. We have already got the most expensive taxis in in in the surrounding area when it comes to that nighttime rate. So I'm really keen that we don't get to a situation where we actually do an injustice to the people who use the taxi service by making it that those taxis become completely unaffordable. Like I said all of this will be subject to statutory consultation once the Executive makes its decision today.

Mr Fieldman and Councillor Brodigan then made supplementary statements referring to the higher licensing fee in North Yorkshire and the higher cost of living which leads to higher taxi fares. Councillor White responded that taxi charges were higher in North Yorkshire than in York, however the cost of living was similar. He also added that the licence fee charge reflected the cost of providing the service and only represented a small proportion of the expenses of a taxi driver.

#### **442 Review of Maximum Hackney Carriage Fares**

Considered – A report of the Assistant Director for Integrated Passenger Transport, Licensing, Public Rights of Way and Harbours regarding a proposal to vary the Council's Hackney Carriage Table of Fares. A proposed variation must be advertised for a specified period and could only come into effect at the end of the period if no objections were received and approval was sought for the publication of the proposed table of fares attached at Appendix D.

Councillor Greg White introduced the report which presented the review in advance of formal consultation on the proposed new fares. Mr Richard Fieldman, a representative of an informal group of taxi drivers from the Harrogate area, and Councillor Barbara Brodigan

made statements to which Councillor Greg White responded, as detailed at Minute 441.

Executive Members considered the proposal and made the following points:

- When the current table of fares had come into effect in April 2023 there had been agreement that it be reviewed in 12 months' time
- It was noted that these were maximum fares and drivers were able to charge a lower amount if they wished; and it was confirmed that the notices in taxis stated the amounts listed were maximum amounts
- The matter would only come back to the Executive if objections were received following publication of the statutory notice

**Resolved (unanimously) – that:**

The publication of the proposed variation to the Council's Hackney Carriage Table of Fares as set out in Appendix D be approved, subject to further consideration in the event of any objections being received.

#### **443 Proposal to close St Hilda's Ampleforth Church of England Voluntary Controlled Primary School**

Considered – A report of the Corporate Director – Children's and Young People's Service providing details of the outcome of the public consultation carried out by the Council on the proposal to close St Hilda's Ampleforth CE VC Primary School. Authorisation was requested for the publication of proposals and statutory notices and to schedule taking a final decision on the proposal on 16 July 2024.

Councillor Annabel Wilkinson introduced the report and advised that on 17 January the governing body had resolved to commence consultation on the proposal to close the school due to low pupil numbers, the resulting finances and matters of future leadership. Whilst the consultation had shown a great deal of local support for the school, low pupil numbers had led to the proposal at section 6 of the report that the school cease to be maintained from 31 August 2024 and that the catchment be split as outlined at paragraph 6.1.

Councillor Steve Mason was in attendance at the meeting and spoke in objection to the proposal requesting that consideration be given to finding ways to keep these small schools open. The Corporate Director – Children's and Young People's Service advised that there was a surplus of school places in the county. St Hilda's would only have 10 pupils on the roll in September, whilst there were 94 children in the catchment area and the school had consistently been rated as good by Ofsted. The community were choosing not to use this school as there were good schools elsewhere and the Corporate Director reported on which schools local children were attending.

**Resolved (unanimously) – that:**

- i) Statutory proposals and notices be published on 22 May 2024 proposing to cease to maintain St Hilda's Church of England VC Primary School with effect from 31 August 2024.
- ii) The proposals include that, in the event of closure, the catchment area currently served by St Hilda's Church of England VC School will be split between Terrington CE VA Primary School, Helmsley Community Primary School and Husthwaite CE. The parishes of Gilling East, Grimstone, Cawton and Coulton would become part of the catchment area for Terrington Church of England. The parishes of Oswaldkirk and

Stonegrave would become part of the catchment area for Helmsley Community Primary School. The parishes of Byland with Wass and Ampleforth would become part of the catchment area for Husthwaite Church of England

iii) The Executive schedule taking a final decision on these proposals on 16 July 2024.

**444 Adoption of the “Protecting Dark Skies in the Nidderdale National Landscape (Area of Outstanding Natural Beauty)” Supplementary Planning Document**

Considered – A report of the Assistant Director for Planning presenting the Protecting Dark Skies in the Nidderdale Area of Outstanding Natural Beauty Supplementary Planning Document (SPD), which supports the implementation of the Harrogate Local Plan 2014-2035.

Councillor Derek Bastiman, Executive Member for Open to Business, introduced the item and advised that the SPD would be used when determining planning applications in the Nidderdale AONB as it set out the levels and types of lighting appropriate for different zones. The SPD had been published for public consultation in February 2023 and the full details of the responses received were set out at Appendix B.

The Executive Member agreed to discuss with the Director whether a similar SPD could be developed for the Howardian Hills.

**Resolved – that:**

- i) That the Protecting Dark Skies in the Nidderdale Area of Outstanding Natural Beauty SPD is adopted, to be used as a material consideration in planning decisions within the Nidderdale AONB area.
- ii) That the Head of Planning Policy and Place be authorised to make minor amendments and graphical improvements ahead of adoption.

**445 Creation of new audit company**

Considered – A report of the Corporate Director of Resources which provided a business case for the establishment of a new company for the provision of audit, counter fraud and information governance services which would adhere to the Teckal exemption in the Public Contracts Regulations 2015 and be known as Veritau Public Sector Limited. Approval was sought for the establishment of the new company which would be jointly owned between North Yorkshire Council, City of York Council, Middlesborough Borough Council and Redcar and Cleveland Borough Council and limited by guarantee. Approval was also sought for the existing company, Veritau Limited, to operate on an entirely commercial basis in the future without the benefit of Teckal exemption.

The Assistant Director Resources introduced the report and confirmed that the new company would be not for profit.

**Resolved (unanimously) – that:**

- i) the Business Case at Appendix A be approved;
- ii) the implementation of a new jointly owned company, in accordance with the details set out in the Business Case at Appendix A, be approved;
- iii) the setting up of a company limited by guarantee be approved;
- iv) the Chief Executive (as Shareholder Representative) be delegated the approval of

- any dividend payment by Veritau Limited and authorise the Chief Executive (as Shareholder Representative) to sign any relevant shareholder resolutions in relation to a dividend;
- v) the investment of a “subscription fee” in NewCo be approved;
  - vi) the approval of the articles, the company name, the members agreement and any other governance documents associated with new company be delegated to Assistant Chief Executive Legal and Democratic Services;
  - vii) the Council entering into all other agreements and documents necessary for the establishment of the new company be delegated to the Assistant Chief Executive Legal and Democratic Services;
  - viii) the Assistant Chief Executive Legal and Democratic Services be delegated to progress and conclude the working arrangements of NewCo including the method of the provision of support services, staffing and secondment arrangements between NewCo and Veritau Limited;
  - ix) all other necessary steps to secure the implementation of the proposed Option be delegated to the Assistant Chief Executive Legal and Democratic Services;
  - x) the Chief Executive (as Shareholder Representative) be delegated the appointment of the directors of NewCo on behalf of the Council; and
  - xi) the appointed officers to the board of directors of the company on behalf of the Council will be entitled to indemnity in accordance with the Council’s Indemnity Policy for Members and Employees.

#### **446 Area Constituency Committee Feedback Report**

Considered – A report of the Assistant Chief Executive Legal and Democratic Services providing an overview of the key issues considered at recent meetings of the Area Constituency Committees.

**Resolved** - That the report be noted.

#### **447 Forward Plan**

Considered –

The Forward Plan for the period 25 April 2024 to 30 April 2025 was presented.

**Resolved** – That the Forward Plan be noted.

#### **448 Date of Next Meeting - 21 May 2024**

The meeting concluded at 11.50 am.