

# North Yorkshire County Council

## Executive

Minutes of the remote meeting held on Tuesday, 7th February, 2023 commencing at 11.00 am.

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

In attendance: County Councillors Kevin Foster, Chris Aldred, Andy Brown, Liz Colling, Caroline Dickinson, Bryn Griffiths, Tim Grogan, Subash Sharma and Arnold Warneken.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Melanie Carr, Justine Brooksbank, Daniel Harry, Max Thomas, Neil Irving and Rachel Woodward.

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

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### **171 Minutes of the Meeting held on 17 January and 24 January 2023**

#### **Resolved –**

That the public Minutes of the meeting held on 17 January 2023 and the 24 January 2023, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

### **172 Declarations of Interest**

There were no declarations of interest.

### **173 Public Questions and Statements**

A number of public questions and statements were received. Four were in regard to Agenda item 6, and eight were in regard to Agenda item 11. The Leader welcomed the members of the public to the meeting and confirmed he would hear their submissions immediately before consideration of the appropriate agenda items.

### **174 Armed Forces Covenant**

Considered: A report of the Assistant Director Policy, Partnerships & Communities

As the Authority's Armed Forces champion, County Councillor Carl Les introduced the report confirming that North Yorkshire was one of the first places in the UK to have an Armed Forces Covenant in place.

Neil Irving - Assistant Director Policy, Partnerships & Communities, provided an overview of the report which detailed the background to the covenant and drew attention to the new statutory duty to specified persons or bodies, including councils, to have due regard to the

principles of the Covenant, when exercising certain housing, education or healthcare functions (excluding social care).

Members noted the recommendation within the report and agreed it was a timely opportunity for North Yorkshire Council to consolidate the good work already undertaken within the county and to take the necessary steps to meet the duty going forward. It was therefore

**Resolved:** That the proposed Armed Forces Covenant Policy, as set out in Appendix 1 of the report, be adopted.

#### **175 Counter Fraud Policy Framework for the new North Yorkshire Council for recommendation to County Council**

Considered: A report of the Corporate Director - Strategic Resources presenting a number of counter fraud policies required for the new North Yorkshire Council for the Executive's approval.

County Councillor Gareth Dadd introduced the report, and Max Thomas from Veritau, confirmed the proposed policies were built on the County Council's counter fraud policy framework with the aim of ensuring robust arrangements were in place to address any potential risks arising from local government reorganisation. He also confirmed:

- As a unitary authority, North Yorkshire Council would be responsible for counter fraud arrangements across a number of new service areas, including business rates, council tax, benefits and housing
- The proposed Policies reflected both updated legislation and best practice
- The importance of having a good policy framework in place from day one.

Executive members noted the proposal within the report, and it was

**Resolved** – That the draft counter fraud and corruption, whistleblowing and anti-money laundering and terrorist financing policies be endorsed and recommended for approval by the County Council at its meeting on 22 February 2023.

#### **176 Consider the outcome of the consultation on the Taxi Licensing Policy and Conditions**

Considered – A report of the Corporate Director for Business & Environmental Services seeking adoption of the proposed Hackney Carriage and Private Hire Licensing Policy, taking into consideration the responses to the consultation and the recommendations from the Licensing Members Working Group at its meeting of 24 January 2023. The report also sought approval:

- a) To remove the existing licensing hackney carriage zones to create a new single zone for the North Yorkshire Council;
- b) For a senior officer to make minor and inconsequential amendments to the policy (if adopted) to reflect legislative changes or correct any inaccuracies;
- c) To develop and maintain an Inclusive Service Plan (ISP) within 18 months of policy adoption.

County Councillor Derek Bastiman introduced the report and thanked the LGR Licensing Members Working Group and supporting officers for their work on the drafting the Policy under consideration. He drew specific attention to paragraph 4.7 of the report detailing the Council's commitment to improving accessibility, and the proposal to develop and maintain

an Inclusive Service Plan (ISP) within 18 months of the proposed Hackney Carriage and Private Hire Licensing Policy being adopted, ideally forming part of the Council's overarching Local Transport Plan. He went on to welcome the contributions from members of the public who had made submission as part of the County Council public participation scheme.

It was noted four public submissions had been received. The first three submissions were from representatives of the Disability Forum. All three were unable to attend in person, and therefore their statements were read out on their behalf, as follows:

i) Mr Nick Moxon – Chairman of North Yorkshire Disability Forum

*“The North Yorkshire Disability Forum agree that a mixed fleet of taxis is required for the first 5-year Policy but then to be reviewed. Please understand, anyone can use a wheelchair accessible taxi, but permanent wheelchair users cannot use a normal taxi. Quite simply, with almost 100 licensing authorities nationally having 100% of their taxis as being accessible, they provide clear evidence that it works.*

*I emphatically disagree with the Director's recent statement to me that “high steps and large floor areas of traditional wheelchair accessible vehicles can constrain” the access of ambulant disabled people. This is factually incorrect and misleading as most wheelchair accessible cars (but not London Black cabs) are normal cars that are converted to take wheelchairs, prior to being supplied by Motability to wheelchair users. However, the statement is correct for the large Mercedes Vito type WAVs but these are not what most licensing authorities licence as taxis. We have information from one city with over 1250 accessible taxis where 9 different makes of wheelchair taxis are in use, in other words a mixed fleet of taxis. Ford Tourneo's, Citroen Berlingo's, Fiat Doblo's and VW Caddy's are typically found operating on taxi ranks within Yorkshire and across the country. Many families buy these models for everyday use because everyone, except a wheelchair user, can get in and out of them easily.*

*The suggestion that one zone, rather than 7, will enable wheelchair users to find taxis on ranks in future lacks any credible evidence. Government Data for 2020 shows that 91% of all taxi journeys nationally were less than 10 miles. Please think of the principal towns in all 7 Borough Councils, then look up the distances between them all. Almost all exceed 20 miles. Where is the evidence to support the confidence that one zone will deliver improvements? At the moment a wheelchair user arriving in Whitby cannot find a taxi on the rank or by phoning for one on the List. Will a taxi drive from, say Malton in Ryedale council's zone, to take the customer 2 or 3 miles uphill to their hotel on the West Cliff in Whitby? If Malton's only wheelchair taxi is fortuitously on the rank in Whitby, there will not be a wheelchair taxi at the station rank in Malton. Incidentally the wheelchair taxi at Malton station is only available on weekdays but not weekends.*

*We ask that the Executive does not sign off the 5-year Policy for 6 months. In that time, we believe that the authority can look at the issue of the suitability of wheelchair accessible vehicles regarding access for all and find ways that will result in more accessible taxis being licensed each year of this 5-year Policy. The forum is very willing to assist as evidenced by the request made, in writing, by the Accessible Transport group in July last year to co-produce the Policy, with the authors of the Policy, but our request was refused.”*

In response, Karl Battersby, Corporate Director for Business & Environmental Services drew attention to guidance published by DPTAC in August 2020:

*“For a significant number of disabled people, [WAVs] are difficult to use, particularly those using artificial limbs and others with restricted mobility. Creating the space for the wheelchair frequently means that there is a gap between the door and seat, which some people find difficult to negotiate”.*  
<https://www.gov.uk/government/publications/dptac-position-on-taxis-and->

private-hire-vehicles/dptac-position-on-taxis-and-phvs

He confirmed the extract had been taken from the DfT's Taxi and Private Hire Vehicle Licensing Best Practice Guidance (2022 Consultation Document):

*"For some passengers, particularly ambulant disabled people whose ability to walk is impaired, the high steps and large floor areas of traditional WAVs can constrain their access."* – see: <https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-best-practice-guidance>

He noted the DPTAC and the DfT were therefore satisfied that an entire fleet of WAVs would be unlikely to meet the needs of all users. He drew attention to the consultation responses from the trade which provided feedback relating to difficulties experienced by some passengers accessing WAVs. Officers note the support of a mixed fleet.

He confirmed officers had not only assessed the impact of the WAV policies so far in Harrogate, Scarborough and Richmondshire since implementation, but also the likely impact of such a policy in the future. A premium had been placed on plates attached to existing non-wheelchair accessible vehicles and the number of WAVs had not increased, which suggested that new entrants to the trade were not encouraged to license WAVs and, instead, were opting to purchase plates from existing proprietors. This was consistent with the experiences of many authorities with similar policies throughout England and Wales and therefore it was reasonable to expect the current trends to continue.

Karl Battersby confirmed officers are committed to taking appropriate measures to increase the number of WAVs by other, more effective means, and would review the relevant policy provisions when the authority considers the outcome of the Inclusive Service Plan within 18 months.

He suggested the proposal to abolish any hackney carriage zones would allow drivers to operate across existing borders, which was currently not permitted, concluding that the trade and the public might benefit from such an approach. Finally, he confirmed no conclusions had been drawn in relation to the frequency of such a benefit but the intention was to remove barriers that currently existed.

ii) Mr Ian Lawson - Mickleby Lodge, The Lane, Mickleby, Saltburn TS13 5LT

*"The Equality Impact Assessment, linked to the draft Policy states, in section 1, that the new authority's key priority is to improve accessibility for disabled people. Her Majesty's Government published best practice guidance in 2010 stated that "it is important that a disabled person can hire a taxi on the spot (rank) with the minimum delay or inconvenience and having accessible taxis available helps to make that possible".*

*Trans Pennine Express and Northern Rail manage stations and operate trains across North Yorkshire, with Trans Pennine advertising taxis, onboard on their information screens, prior to their trains arriving at stations along the route. At Thirsk the only wheelchair taxi has to come from Easingwold, making the fare very expensive. At Northallerton there is one, but it has to be prebooked. At Yarm the 3 firms promoted by Trans Pennine tell me that they do not possess a wheelchair taxi. On the Middlesbrough to Whitby line 13 stations in the Esk Valley, after Great Ayton, have no accessible taxi service at all as the only taxi on Scarborough's Designated list of accessible taxis is routinely unavailable.*

*Whitby DAG have provided a list of complaints over 6 months to the Director Mr. Karl Battersby from both residents and visitors who have been unable to find or book a wheelchair taxi. So, at the train stations mentioned no wheelchair taxis are to be found on their ranks at all and prebooking one is difficult or impossible. Clearly wheelchair users are unlikely to travel being unsure of reaching their destination. Nichola Emmerson's statement outlines how difficult it is to obtain a wheelchair taxi at Starbeck, Knaresborough*

*and Harrogate being the stations served by Northern Rail. Buses are not an acceptable alternative to a wheelchair taxi as many, many rural bus stops are not suitable or safe for a wheelchair user to get on or off a bus. As this authority states that its key priority is to improve accessibility for disabled people, please explain to me what in the proposed Policy demonstrates that the Policy will improve accessibility for wheelchair users, both in the short term and longer term? Accessible taxis are needed, not Private Hire Vehicles, as this authority controls the fares for taxis but not for PHVs.”*

In response, Karl Battersby confirmed officers were aware of the need to increase the number of WAVs and were satisfied that the way to achieve results in this regard was not by implementing the provisions of existing policies with little expectation of an improvement. He noted they were therefore committed to taking appropriate measures to increase the number of WAVs by other, more effective means, and that it was hoped that the outcome of the proposed Inclusive Service Plan would inform the authority in this regard within 18 months.

Barry Khan, Assistant Chief Executive confirmed Mr Lawson had also sought legal advice and as a result a second submission had been received from his legal representative. His second submission focussed on reasons why it was believed the EIA was flawed, as detailed in (a) to (i) below:

*(a) It does not draw attention to each limb of the duty – in particular, the opportunity to use the new policy to promote equality of opportunity for wheelchair users by requiring all new hackney carriages to be WAVs is not explored, nor is the reason for this approach not being adopted, as it is in 4 other authorities, not explained.*

In response Karl Battersby confirmed:

- In accordance with s149 of the Equality Act 2010, NYC must, in the exercise of its functions have due regard to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The PSED had been engaged and considered throughout the process of developing a draft policy for the new North Yorkshire Council. It informed the draft policy in the proposals for the relaxation of age limits pertaining to WAVs, the driver’s duties to carry disabled persons, prohibitions on overcharging, likely disciplinary action in the event of a breach and the requirement to undertake disability awareness training in order to promote compliance and understanding. This reflected best practice as set out by the Department of Transport (“DfT”), Taxi and Private Hire Vehicle Licensing, Best Practice Guidance for Licensing Authorities in England (2022 – consultation version) (“the DfT Best Practice Guidance for Licensing Authorities 2022”).
- The Courts had recognised that the mere recitation of the statutory formula was no substitute for the required assessment of the PSED; the duty was one of substance, not form, the real issue was whether a public authority had, in substance, had regard to the relevant matters, having regard to the substance of the matter (see *Hotak v Southwark* [2015] UKSC 30). The substance of the matter in the present circumstances was the need to adopt a new taxi & private hire licensing policy for the new North Yorkshire Council. This policy included the relaxation of age limits pertaining to WAVs, the driver’s duties to carry disabled persons, prohibitions on overcharging, likely disciplinary action in the event of a breach and the requirement to undertake disability awareness training in order to promote compliance and understanding.
- An EIA facilitated compliance with the PSED, but the EIA sat within a wider evidence

base. There had been two EIAs, the first (dated 15.08.22) submitted with the Report of the 18<sup>th</sup> October 2022 which attached the draft policy for consultation, and a subsequent EIA (dated 20.01.23) which was attached to the Report for the 7<sup>th</sup> February 2023.

- The latest EIA recognised the concerns of the North Yorkshire Disability Forum. The latest EIA was informed by the consultation responses and consideration thereof. The NYC recognised that the PSED was an ongoing duty therefore as part of its decision on the draft policy the Executive was being asked to approve a recommendation that an Inclusive Service Plan be created to look thoroughly into this area within 18 months. As part of that work the Council would seek that a survey be carried out by an external Transport Consultancy to provide the Council with a true picture of the provision and requirement for wheelchair accessible transport across the whole of the North Yorkshire Council area. Work could then be looked at how to improve the fleet accordingly.
- An ISP was commended as good practice by the DfT Best Practice Guidance for Licensing Authorities 2022” (paras 4.17 – 4.21).
- It was clear from the consultation responses that further information was required. The acquisition of further information and evidence, the review of existing policies and further consultation was part of the ongoing PSED and also good practice (see DfT Best Practice Guidance for Licensing Authorities 2022, para 8.64)
- In the current circumstances to have no single policy for the NYC or to retain multiple taxi zones was contrary to good practice (see DfT Best Practice Guidance for Licensing Authorities 2022, para 12.2).

(b) *It is factually incorrect. It states that Selby is the only authority which currently requires new hackney carriages to be WAV. That is inaccurate, as it is four out of the 7 that require such a policy (Selby, Harrogate, Richmondshire and Scarborough).*

In response Karl Battersby confirmed the EIA (20.01.23) stated: “Selby District Council was the only authority of the Seven that requires all new and replacement hackney carriage vehicles to be wheelchair accessible.” Admittedly, the EIA did not explain the position in Harrogate, Richmondshire and Scarborough but their policies do differ from that of Selby. This was explained in further detail in the officer comments (Appendix 5) as follows:

“Selby District Council is the only authority of the seven that requires all new and replacement hackney carriage vehicles to be wheelchair accessible. Harrogate, Scarborough and Richmondshire each have a policy requiring new hackney carriage vehicles to be wheelchair accessible, but this requirement does not apply to the replacement of non-WAVs. Accordingly, there has been no noteworthy increase in the number of WAVs in any of these areas”

(c) *The removal of the requirement for new hackney carriages to be WAVs from 4 out of the 7 authorities has significant implications for the wheelchair users in those areas. The policies are in their infancy. There is no analysis of their impact so far, and in light of the reduced accessibility of WAV as evidenced in the parliamentary briefing this is clearly a retrograde step. No attention has been called to this in the EqIA (nor is it addressed in the policy itself, which is also factually inaccurate, referring as it does only to Selby as having the policy requirement of new WAV); there is no explanation of the reasoning for removing rather than adopting this policy; nor an examination of the impact and/or mitigation of same.*

In response Karl Battersby confirmed

- The impact of the existing policies has been considered in the officer comments (Appendix 5) as follows: “Recent history in Harrogate, Scarborough and Richmondshire indicates that imposing mandatory wheelchair accessible requirements on new vehicles would be unlikely to lead to a noteworthy increase in the number of

WAVs. Instead, it would be likely to place a premium on plates attached to vehicles licensed prior to 1st April 2023 and limit the number of new entrants to the market due to the additional financial outlay required. On that basis, any negligible benefits to wheelchair users are likely to be outweighed by negative impacts. Imposing a limit on non-WAVs would primarily only serve to benefit existing licence holders and not the public”.

- In response Karl Battersby confirmed reasonable conclusions had been drawn not only in relation to the impact of the policies in Harrogate, Scarborough and Richmondshire since implementation, but also in relation to the likely impact of such a policy in future. A premium had been placed on plates attached to existing non-wheelchair accessible vehicles and the number of WAVs had not increased. This would suggest that new entrants to the trade were not encouraged to license WAVs and, instead, opted to purchase plates from existing proprietors. This was consistent with the experiences of many authorities with similar policies throughout England and Wales and therefore it was entirely reasonable to expect the current trends to continue.
  - In order to adopt a single policy throughout North Yorkshire, the new authority was required to balance the cost of every licensing requirement against the benefit to the public. In this case, there was no evidence to support any suggestion that the policies in Harrogate, Scarborough and Richmondshire were having, or would have, a positive impact on the number of WAVs.
  - Officers in this instance had considered the need to increase the number of WAVs and reasonably concluded that the way to achieve results in this regard was not by implementing the provisions of the existing policies with little expectation of an improvement. The authority had however, committed to formulating an Inclusive Service Plan to consider its options in this regard.
- (d) *Any community engagement – and in respect of disability, this appears to have been carried out at one online meeting with only one disability organisation – will have been based on flawed information as set out above, and so will not have been effective.*

In response Karl Battersby confirmed

- An extensive consultation exercise was carried out with a wide range of stakeholders (including disability groups) with links to the policy and survey. The survey specifically invited comments on the proposal not to require all licensed vehicles to be wheelchair accessible. The consultation was open for 12 weeks and included the reasons for the policy proposals. A meeting was held on request by the North Yorkshire Disability Group. The concerns of the NYDG had been incorporated into the EIA (20.01.23) which would also inform the proposed ISP.
  - The consultation responses matched the concerns highlighted at paragraph 4.6 of the DfT Best Practice Guidance for Licensing Authorities 2022 which further supported the commendation for an ISP.
- (e) *There is no attempt to consider the numbers of disabled users affected by the new policy and in particular the removal of the requirement from 4 authorities that new applications be with new WAVs. As indicated above by the caselaw, it is important for the authority to base its decision on relevant information and this should be gathered as part of the assessment of impact – not simply as a means of mitigating the adverse effects of a policy which, in this case, is going to result in the removal of a positive policy for wheelchair users without any apparent rationale having been put forward nor the relevant information being before the decision makers.*

In response Karl Battersby confirmed:

- The policy did not represent a removal of existing requirements but, rather, the introduction of a new set of requirements for an entirely new authority. The multiplicity of zones was contrary to good practice (see DfT Best Practice Guidance for Licensing Authorities 2022, para 12.2 and the Risk Assessment on multiple zoning attached to

the report.

- If no unified policy was implemented, proprietors would be entitled to make a new application to the new authority and, where a conflict existed between current district policies, only the least restrictive requirement could be enforced. This could lead to an absurdity whereby an application could be made to one office and the new authority would be under an obligation to determine it contrary to existing policies in other areas.
  - The alternative approach would be to retain hackney carriage zones with inconsistent vehicle specifications, pre-application requirements, fares and fees in each zone. This was considered to be a significant risk to the new authority, the licensed trade and the general public. In any case, as hackney carriage zones could apply to private hire drivers, vehicles and operators, any conflict in those areas could not be addressed by zoning arrangements.
  - Once the decision was made to consult on a unified policy, all proposals were subject to the Public Sector Equality Duty. The conclusions drawn in relation to the effectiveness of a WAV policy (like the ones in Harrogate, Richmondshire and Scarborough) were reasonable, based on past experiences in North Yorkshire and beyond. Any such policy would be highly unlikely to increase the number of WAVs and therefore the impact would not be dependent on the number of wheelchair users in the area. If there was a shortage of WAVs in North Yorkshire, it would not be exacerbated by the new policy. However, the authority was committed to taking appropriate measures to increase the number of WAVs. Any information relating to the number of wheelchair users in the area would be extremely relevant when the authority considered its options with a view to increasing the number of WAVs by other, more effective means. It was hoped that the outcome of the proposed Inclusive Service Plan would inform the authority in this regard.
- (f) *It is not only factually incorrect but misleading. The assessment stages at p.4 of 10 (p.328) of council papers that “the only way to ensure that a wheelchair accessible vehicle is available at a taxi rank is to mandate that all hackney carriage vehicles must be wheelchair accessible”. It then goes on to quote from DfT’s Taxi and Private Hire Licensing Draft (and it is notable that this is Draft) best practice Guidance as guiding against this (i.e., against all vehicles being WAVs) and stating instead that there is a demand for a mixed fleet. The EqIA makes no mention of the fact that there are such existing policies in local authorities; and that the proposed policy would remove those; nor does it explain why those policies were initially introduced and what it is now that has changed such that they are no longer considered appropriate. There was every opportunity to address this issue, but such opportunity has not been taken.*

In response Karl Battersby confirmed:

- The EIA did not explain the position in Harrogate, Richmondshire and Scarborough. However, it was explained in the officer comments (Appendix 5). The authority could demonstrate that the relevant, factual information had been considered.
  - It was worth noting that the new authority did not adopt any of the existing policies – either to mandate the use of WAVs (as in Selby), to cap the number of non-WAVs (as in Harrogate, Richmondshire and Scarborough) or to impose no mandatory WAV restrictions (as in Craven, Hambleton and Ryedale). Decisions in this regard have been made by the predecessor authorities.
- (g) *The reasoning given for not mandating WAVs is given as reluctance to purchase higher value wheelchair accessible vehicles (which would presumably be offset by the longer period for which they may be licensed, as included in the policy); the lack of requirement on the taxi ranks (when research readily available indicates that disabled people do not have confidence in travelling because of the scarcity of accessible transport) ; and because of the additional time required to load a person in a wheelchair – the latter will only be overcome if all drivers are mandated to have WAV.*



In response Karl Battersby confirmed:

- There was a reluctance to purchase higher value WAVs and the reasons given were confirmed in some of the consultation responses. It was immaterial if those reasons were justified because the reluctance remains regardless of any contrary argument.
- Among the measures that the new authority could take to increase the supply of WAVs would be to explain the benefits and to reduce the reluctance to purchase WAVs. This was in keeping with good practice (see DfT Best Practice Guidance for Licensing Authorities 2022, paras 4.8, 4.13 and 8.65).

(h) *There is no evidence in the EqIA for the statement that “wheelchair accessible vehicles from one area in North Yorkshire will travel to another area of the Council e.g. for school runs, hospital drop offs. It is on these occasions that the driver may choose to go to the nearest hackney carriage rank and pick up further work to avoid dead mileage back”. There is nothing to suggest that the author has carried out any focus group work, for example, with the owners and/or operators of existing WAV to ascertain whether when in receipt of such work they are likely to be free to go to a rank and/or whether this is work that they would undertake. It is particularly lacking in credibility when Government Data for 2020 shows that 91% of all taxi journeys nationally were less than 10 miles (see Taxi and Private Hire Vehicle Statistics: 2022 at [https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2022/taxi-and-private-hire-vehicle-statistics-england-2022#:~:text=In%202020%2C%2091%25%20of%20taxi,be%20longer%20than%2010%20miles\).](https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2022/taxi-and-private-hire-vehicle-statistics-england-2022#:~:text=In%202020%2C%2091%25%20of%20taxi,be%20longer%20than%2010%20miles).)*

In response Karl Battersby confirmed this element of the EIA focused on the ability of drivers to operate across existing borders, which was not currently permitted. It was entirely reasonable to conclude that the trade and the public might benefit from such an approach. No conclusions had been drawn in relation to the frequency of such a benefit. The intention was to remove barriers that currently existed which was to be further explored within the ISP.

(i) *The ISP (Inclusive Service Plan) proposed is in essence the information that should have been gathered for the purposes of any equality impact assessment. The bald statement in the EqIA that “prior to consultation there was no data describing demand and demographic characteristics of users” is insufficient to meet the duty: those developing the policy had an obligation to conduct such research as they could and to obtain information from potential consultees as to the relevant demographics in order to carry out a valid consultation.*

In response Karl Battersby confirmed the authority had had regard to the need to eliminate discrimination, advance opportunity and foster good relations. In considering those matters, it had committed to formulating an Inclusive Service Plan. The authority would once again have regard to those matters when it considered the outcome of the ISP. The equality duty applied at every stage and the promise of further consideration of wheelchair accessible services adequately demonstrated that the authority had had regard to its duties to this point.

iii) Ms Nichola Emmerson – (member of NY Disability Forum)

*“I am a disabled powered wheelchair user now living in Harrogate with my disabled husband following a recent move from West Tanfield. We decided to move as we were living in an isolated village so assumed that living in town would make life so much easier. While we can access local shops more easily, I am relying much more on public transport as my declining health means that driving is almost a thing of the past. My husband and I are in our 30's and enjoy socialising in town with our friends as well as attending concerts and events in Harrogate, York and further afield. The increasing number of hospital appointments that I have had recently has made me realise how badly served Harrogate is with wheelchair accessible taxis. Frequently, I try and ring for an accessible taxi but*

*cannot obtain one. When my Motability car was in for repair, I had a hospital appointment in Harrogate but could not book a taxi, so Motability offered to obtain one for me. They struggled to obtain one, but when they did it came from Bingley 20 miles away. Fortunately, Motability paid for the taxi as I simply could not have done so.*

*Why is the proposed Taxi Policy not requiring an increase in the number of wheelchair accessible taxis available in North Yorkshire for disabled people like me? Why is it possible for an able bodied person to obtain a taxi on the ranks in Harrogate or by telephoning for one but I, a wheelchair user, cannot - it's also impossible to pre book.*

*These bad experiences have often left me feeling isolated and the impact on my mental health has at times been significant, as I'm a very outgoing person who likes to spend time with my friends.*

*I really hope that all the points that I have raised will be discussed and have a positive impact on the final Policy.*

*North Yorkshire is definitely lagging behind on this issue. It's time to level up and lead from the front and have more inclusion for people with disabilities within North Yorkshire."*

In response Karl Battersby confirmed officers were aware of the need to increase the number of WAVs and that the evidence suggested the existing policies are not adequately achieving results in that regard. Officers intended to review the relevant policy provisions when the authority considered the outcome of the Inclusive Service Plan within 18 months.

iv. Mr Richard Fieldman of 28 Timble Grove Harrogate HG1 2BJ – the fourth public participant was unable to attend the meeting in person and therefore Mr Ian Crozier, his representative, read out his submission on his behalf as follows:

*"The vast majority, if not all, hackney carriage trade are totally against the proposals to create a one zone authority for the purpose of taxi trading, as this will lead to certain livelier areas being swamped at peak times, leaving the quieter rural areas with little or no supply at all, leaving residents in those areas vulnerable in getting home safely.*

*We are also opposed to not limiting the numbers of hackney licence plates, as this will see a demise in the private hire licensed vehicles, and WAV vehicles covering transport for the disabled. The benefit to the aforementioned is that the private hire vehicles would no longer need an operator's license, saving them a minimum of £132 per year, they would also be able to operate like a taxi, in being flagged down in the street, able to sit on a taxi rank. In Harrogate we currently have 148 taxis and around 450 private hire vehicles, if the private hire vehicles convert to hackney licenses for the reasons just described, that would put a massive burden on the already inadequate space on existing taxi ranks, forcing vehicles onto the streets, illegally parking, and causing congestion around towns and cities, touting for business, a scene we do not want to see in North Yorkshires beautiful county.*

*As far as WAV are concerned, we have held many meetings lately, since this proposal became public, and all of our WAV owners have said they will immediately get rid of their vehicles overnight, and simply acquire a license plate for a normal saloon car, because of the expense entailed in a WAV, and the loss of income and time, loading and unloading a disabled person in a wheelchair, for which they are not allowed to charge any extra for. This will deplete the council's quota of WAV supply for the disabled.*

*I have personally attended two meetings now, with Councillors Les, and Bastiman, and on both occasions I have been told that the results of the consultation would determine the policy going forward, well, this is clearly not the case, as the consultation showed a result of 52% against this policy, which has left the trade highly disappointed that the result is clearly being ignored.*

*An additional item in the rules on compliance testing has been added, which was not in the consultation, and that is, vehicles over seven years old must be tested three times a year, that is a test every four months. Legally the council only has the ability to ask that a vehicle is tested at maximum, three times in a twelve month period, this rule could fall foul of being illegal if a vehicle/vehicles are due to be tested in December, that would mean that at re-licensing of said vehicles, with a test every four months, those vehicles would have been tested four times, which is illegal.*

*I ask you all today, as responsible councillors, as lovers of North Yorkshire, to respect the results of the consultation, and vote against this policy.”*

In response Karl Battersby confirmed the consultation response data did not support the suggestion that the vast majority of the hackney carriage trade was against the proposals to create one zone. He went to suggest:

- The retention of hackney carriage zones and seven conflicting licensing policies would be likely to pose a significant risk to the new authority, the licensed trade and the general public. Due to the current inconsistencies throughout North Yorkshire, it might also leave the new authority with an obligation to determine applications contrary to some of the existing policies of predecessor authorities. In any case, as hackney carriage zones could apply to private hire drivers, vehicles and operators, any conflict in those areas could not be addressed by zoning arrangements.
- According to the Competition and Markets Authority (regulation of taxis and private hire vehicles: understanding the impact of competition) ‘Quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable. However, they can harm passengers by reducing availability, increasing waiting times, and reducing the scope for downward competitive pressure on fares’
- Most local licensing authorities did not impose quantity restrictions and the Department for Transport regarded that as best practice.
- Recommendations made by the Members’ Working Group with regards to the frequency of vehicle testing were considered in the report.

County Councillor Tim Grogan, as a member of the Member Working Group also spoke on the report and urged the Executive to recommend the Policy as proposed by the Working Group, and not that which had been presented by officers. He drew attention to the significant experience within the Member Working Group and to the Working Group’s views on increasing the age limit to 15-years; cross-border activities; enforcement; testing and Executive Vehicles.

County Councillor Carl Les confirmed an email had been received from County Councillor Andrew Lee which also reflected the views expressed by County Councillor Tim Grogan. Given its similarity, he chose not to have it read out.

In light of the views expressed by Working Group members, County Councillor Derek Bastiman proposed that the item be deferred to allow time for a further meeting of the Working Group, so that legal advice regarding age limits etc, and a revised EIA could be considered.

Given the difference of opinion between officers and members of the Working Group, it was

**Resolved** – That a decision on the item be deferred to the coming Executive meeting scheduled for 21 February 2023

Considered – A report of the Corporate Director - Strategic Resources seeking approval for a risk management policy for the new North Yorkshire Council.

County Councillor Gareth Dadd introduced the report confirming the proposed overarching policy had drawn on best practice from the County Council, District and Borough Councils.

Having noted the report, Executive members

**Resolved** – That the draft Risk Management Policy for the new North Yorkshire Council be endorsed, and recommended for approval by County Council at its meeting on 22 February 2023

#### **178 Recommendation to County Council for approval of appointment of Corporate Directors**

Considered – a Report of the Leader of the Council as Chair of the Chief Officer Appointment and Disciplinary Committee, outlining the Chief Officers Appointment and Disciplinary Committee recommendation to full council for the appointment to and salary of the Chief Officers for North Yorkshire Council.

County Councillor Carl Les introduced the report confirming the proposed appointments had been unanimously agreed by the Chief Officers Appointment and Disciplinary Committee,

Having received a brief overview of the proposed appointments from Justine Brooksbank, Assistant Chief Executive (HR), the Executive

**Resolved:**

That the following be recommended to County Council on 22 February 2023:

- i) The appointments of Gary Fielding as Corporate Director Resources, Karl Battersby as Corporate Director of Environment and Nicholas Harne as Corporate Director Community Development for North Yorkshire Council with effect from 1 April 2023.
- ii) Approval of the proposed Chief Officer salary range from £129k to £150k, with 4 incremental progression points, (£129,000 to £133,967 to £139,125 to £144,481 to £150,044) be approved.

#### **179 Response to Motion referred from County Council on Fair Tax Declaration**

Considered – A report of the Corporate Director - Strategic Resources providing a summary of the fair tax motion including the key elements of the motion, to enable the Executive to make a formal recommendation to County Council on the 22 February 2023.

County Councillor Gareth Dadd introduced the report and drew attention to the amended version of the motion previously agreed by himself and the motion proposer – County Councillor Liz Colling. He agreed the principal behind the Motion was a correct, and thanked Councillor Colling for her contribution in developing a cross-party, pragmatic and acceptable way forward.

Councillor Colling thanked Rachel Woodward- Head of Procurement and the representative from the Fair Tax Foundation who had worked with her, She also noted that currently procurement

rules restricted what Councils could do to encourage responsible tax conduct amongst their suppliers. Having accepted there were limits on what the Authority could do, she suggested it was the responsible thing to do, and therefore welcomed the cross-party cooperation and proposed way forward.

**Resolved** – That the amended Motion at Appendix 2 of the report be endorsed and referred to County Council on 22 February 2023.

## **180 Response to Motion referred from County Council on Fracking Activities**

Considered – A report of the Assistant Chief Executive (Legal and Democratic Services) presenting information to support the consideration of a motion regarding fracking activities for oil or gas in North Yorkshire, referred by County Council at their meeting on 16 November 2022.

County Councillor Greg White introduced the report which detailed the Current Government position on Fracking i.e. a total moratorium on fracking in England at this time and confirmed there were no planning applications for fracking in North Yorkshire. He also referenced the robust Waste & Minerals Plan currently in place for North Yorkshire, which provided a high level of protection to residents against the unlikely event of government policy changing.

He went on to confirm that the Motion under consideration would not improve or strengthen that protection. Instead, he expressed concern that if the Authority were to pass the Motion, the existing conditions and protections arising from the Waste & Minerals Plan would be put in jeopardy, as anyone seeking a license to undertake fracking works could claim the Authority and its members were not considering their application with an open mind. He therefore suggested the only sensible response from the Executive would be to reject the Motion and preserve the protections already in place.

County Councillor Bryn Griffiths, proposer of the Motion, drew attention to the incorrect versions of the Motion published within the agenda for the meeting and confirmed they had been superseded by a combined Motion which had been circulated to Executive Members prior to the meeting. He went on to read out the combined Motion and queried whether the officer report written in response to the original two Motions properly addressed the combined version and suggested the Motion should be deferred to a later Council meeting.

County Councillor Arnold Warneken suggested everyone in North Yorkshire should be encouraged to take on board how serious the Authority was about its commitment to climate change and this message could be reinforced by a clear statement from the Authority that fracking was inappropriate given that it was the most polluting of fossil fuel extraction methods.

Barry Khan, Assistant Chief Executive (Legal & Democratic Services) confirmed there was no reason to defer consideration of the Motion to a later Council meeting. He also expressed concern that members of a planning committee in the future may be open to an argument of pre-determination, should the proposal within the Motion be agreed by Full Council. It was noted that should the Motion be agreed, there was a heightened risk of losing an appeal on the refusal of a fracking application in the future.

County Councillor Andy Brown argued that it would be quite reasonable for a Councillor to state a political position that fracking was damaging for the environment, and then to sit on a planning committee and consider the evidence put forward that it was not.

Having considered the views expressed at the meeting, the Executive voted unanimously and it was

**Resolved** – That it be recommended to County Council that the combined motion on fracking activities for oil or gas in North Yorkshire be rejected.

## 181 Response to Motion referred from County Council on Proportional Representation

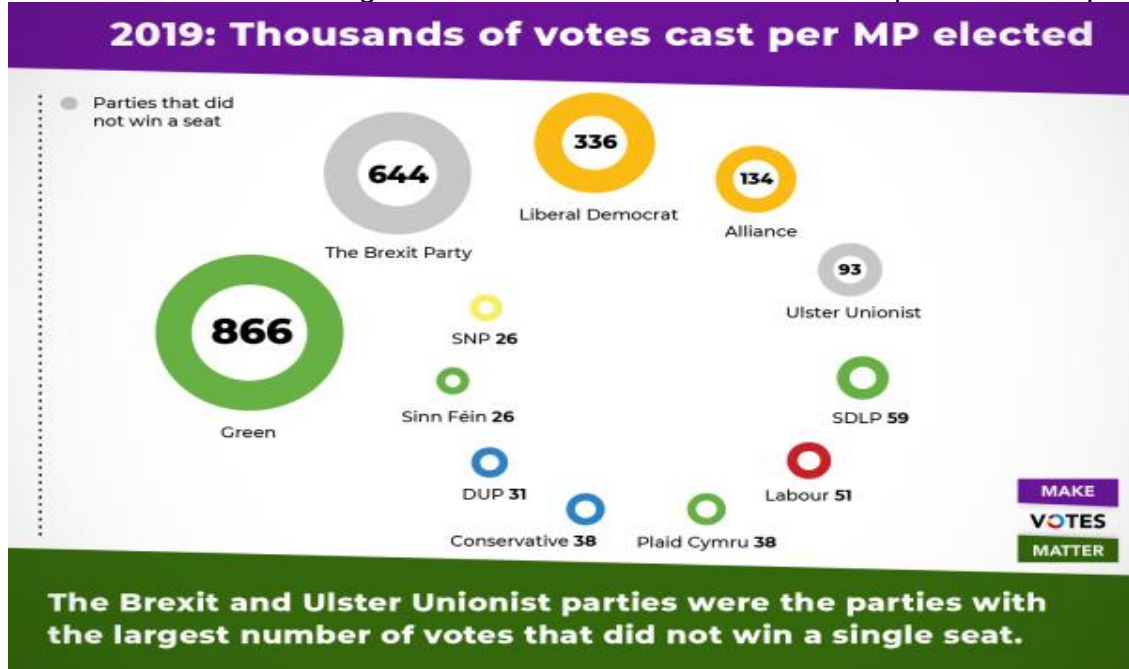
Considered – A report of the Assistant Chief Executive (Legal and Democratic Services) presenting feedback on the motion on Proportional Representation referred by County Council at their meeting on 16 November 2022 and seeking a recommendation to the meeting of the County Council on 22 February 2023.

County Councillor David Chance introduced the report which provided an overview of the First-Past-The-Post system (FPTP) and the various forms of proportional representation (PR).

County Councillor Carl Les welcomed the public participants registered to speak on this item and invited each one to present their submission, as follows:

1. Mr Michael E. Chaloner, secretary to Richmond Constituency Green Party – 19 Spruce Gill Avenue, Aiskew, Bedale North Yorkshire DL8 1DN (attending in person)

*“Looking at the diagram based on 2019 General Election we see how unfair the First Past the Post voting is to smaller political parties.*



*The Green Party had one MP, so they represented 866,000 voters while the SNP has only 26,000 per MP. No one should consider this true democracy.*

*If you support democracy you need to accept that the North Yorkshire Council should use a form of Proportional Representation for all elections.*

*It is not surprising that so many members of the British public have so little interest in politics while others turn to using extreme measures to get their opinions across.”*

2. Ms Rosemary Livingstone – The Barn, Winksley, Ripon, North Yorkshire (attending in

person)

*"I wish to submit the following statement in support of the NYCC Motion for Proportional Representation. I am speaking as a private citizen on behalf of my family and friends.*

*There seems to be an existential angst amongst the population about the threats facing the County, the Country and the World. They feel these are not being dealt with adequately and they (the people) feel they are not being heard, and this is manifested in disillusionment with both local and national government.*

*As a consequence of this disillusionment there is a decline in the number of people voting in elections. It is not as though people can't be bothered to vote- 12 million votes were cast in the TV series "I'm a Celebrity, get me out of here".*

*So let's look at the voting outcomes in the last General Election in 2019 - across 8 parliamentary constituencies in North Yorkshire, including York:*

- *Conservatives polled 54% of all votes cast but won 7 out of 8 seats.*
- *Labour took 26% of the votes cast but only won 1 seat.*
- *20% of voters gained no representation at all and indeed, probably never will if the system is not changed.*
- *So 45 % of all voters ended up with an MP they did not vote for with a massive under-representation for smaller minority parties relative to their vote share.*

*So let's accept we have a problem. But there is a solution. The solution is a proper method of Proportional Representation when we have elections for ANY governing body."*

3. Mr Mark Harrison - 15 Garbutt Lane, Swainby, Northallerton, DL6 3EN (attendance TBC)

*"Many are suffering, angry and/or depressed by the state of the country. A vast amount of money has been wasted on PPE whilst hunger, poverty, inequality of opportunity and crises in the NHS, care services and schools worsen.*

*It appears that our current systems of election and government do not ensure good leadership. In May 2022 in a letter to her constituents, concerning Boris Johnson, Dame Angela Leadsom stated: "The conclusion I have drawn from the Sue Gray report is that there have been unacceptable failings of leadership that cannot be tolerated and are the responsibility of the Prime Minister."*

*(see Yorkshire Post 31<sup>st</sup> May 2022 by Caitlin Doherty "Conservative Yorkshire council leader calls on Boris Johnson to resign. The Conservative North Yorkshire council leader has called on Boris Johnson to resign."*

<https://www.yorkshirepost.co.uk/news/politics/conservative-yorkshire-council-leader-calls-on-boris-johnson-to-resign-3715624> )

*It is wrong and defeatist to believe that "they are all the same" or that nothing can be done. There are many excellent politicians and candidates who would be excellent given the opportunity. It is significant that those with marginal seats are generally more attentive to the needs and views of the electorate than those with safe ones.*

*Our First Past The Post (FPTP) voting system rewards the worst. Leaders of winning parties overestimate their righteousness as Blair did with Iraq, Thatcher with Poll Tax and more recently, Truss.*

*FPTP encourages divisiveness, the discreditation of others and discourages cooperation. Consequently, inadequate progress with essential policies such as Social Care, rising poverty or energy policy has been made – a gross abdication of responsibility. FPTP drives ideological swings such as that between nationalisation and privatisation, endless NHS reorganisations or the replacement of at least 2,400 pieces of EU legislation which previous UK governments voted for. A small number of swing voters in marginal*

*constituencies determine the government.*

*FPTP is inherently unfair. Analysis of NYCC elections between 2005 & 2022 shows that, on average, UKIP required 15,556 votes per councillor, the Green Party 6,919, Labour 4,576, Liberal Democrats 3,504, but the Conservatives only 1,902. Understandably, many believe their votes do not count, only 35% voted in May 2022.*

*The Conservative's majority is based on only 41.3% of the votes. Nearly 3 in 5 of those who voted did not vote Conservative and their views are not represented at this committee.*

*The most stable states in the world (Sweden, Switzerland, Norway, Finland and Denmark all use PR; the only other European country which uses FPTP is a dictatorship: Belarus.*

*It's time for fair representative government. I request that the Executive Committee and full Council endorse Proportional Representation at all elections and write to the Prime Minister accordingly."*

4. Georgina Sale - 44 Frenchgate, Richmond, DL10 7AG (attendance TBC)

*"My name is Georgie Sale and having lived in Croft for many years I now live in Richmond.*

*It is certainly true that we live in a time of political turmoil and political change. We too in NY have a major political change with our newly forming Unitary Council. This council, you as councillors, will be working through, not only your practices but your policies based on your values and beliefs.*

*I do not think you will not get such a golden opportunity again to make a stand for values or for things you believe in, or think are unfair.*

*Just about any snapshot of statistics concerning either National or local elections show the unfairness of FPTP. So, in this area for last year's May elections, 41.5% of votes casted won 58% of the seats. It does not matter about which party is which, as similar scenarios are found in other areas with the winning / losing parties reversed.*

*We also have 'some votes are more equal than others'. How many votes does it take to elect an MP? Well, it is 15,500 if you are UKIP, 6919 if you are a Green, Labour 4576, LDs 3,504, and Conservative 1902. Just under 2000; this is half of what it takes for a Labour MP and a third what it takes for a Green MP. No wonder that people think their vote does not matter and don't turn up to vote. About 70% of people in NY did not turn up last summer. If you have lived in North Yorkshire all your life, many of us have never had a representative that reflects our views.*

*Why should we bother voting?*

*As a Yorkshire woman I don't want unfairness and inequality, I want everyone to have their voices heard and feel PART of the political system. So, let's have North Yorkshire lead the way as we have done in the past from anti- slavery to factory reform. It's time for our new council to stand up for Proportional Representation."*

5. Margaret Whitehead - 22 Harewood Lane, Romanby, DL7 8BQ (attending in person)

*"It is not unknown for UK to claim to be the mother of modern democracy, a system of representative government in which all citizens can participate equally with an equal vote, an equal say in the choice of their representative in government.*

*Unfortunately, the system does not live up to its billing. First Past The Post (FPTP) does not produce a body of people who, taken together, reflect the votes cast. The well-known figures show the imbalance between votes cast and seats won. Take one example: in 3 of the last 5 elections at least 50% of the votes went to losing candidates, add in the not inconsiderable numbers who did not vote and the lack of a valid mandate for the winning party and many winning candidates is clear. The votes for the losing candidates were wasted, but so also were the extra votes for the winning candidate. Neither group of voters*



had any impact on the outcome in their constituency nor on the overall composition of the legislature. By this reckoning in 2019 71.2% of votes were wasted, 2017 68.4% and 2015 74.4%.

*The effects of the statistical absurdities of FPTP are various and none contribute to a healthy functioning democracy:*

- i. combined with the present constituency system it produces safe seats many of which have not changed party in 100 years.*
- ii. induces voter apathy in safe seats and depresses participation.*
- iii. encourages cynicism about the whole democratic process if a vote is seen to be pointless.*
- iv. encourages cynicism among some of those elected who say that a win is a win, ignore the limited nature of their mandate which undermines their claim to speak for their people.*
- v. Creates a situation in which only marginal seats matter which can distort policies and spending by both the ruling and the aspiring party.*

*Given the manifest unreasonableness of FPTP, it is surprising that so many people do turn out to vote even in constituencies where they know full well that their vote will not affect the result. The most they can do is register a protest vote or, possibly vote tactically where there is a chance that they may be able to prevent the election of a someone they really do want to keep out or get rid of. People do want to register their vote, and many do so regardless of the defects of the system, just consider the 2019 election, on average each SNP seat took 26000 votes, Conservative 38000, Labour 50,000, Greens 800,000, while the Brexit party had 600,000 votes nationally but won no seats! There is no way of explaining that out come as reasonable or democratic.*

*The absurdities, the inequity and the plain unfairness of FPTP are so blatant and glaring that I am surprised that anyone can defend it except by saying that that is the British way, we have always done like that. That is an understandable reaction in matters of habit or quaint and much-loved customs, but it is not a sufficient response when questions arise about the functioning of over fundamental democratic systems. However well it may have operated in the past FPTP is plainly not democratic and this country will not be a democracy until votes are equal in weight.*

*If anyone is minded to say that the voting system is a matter for Parliament and therefor outside the remit of this Council, I would say that in addition to the job of administering the affairs of the County, the Council also has the function of making representations upwards to Government about matters of concern to your electorate, not just questions of funding and projects requiring support, but also fundamental matters which affect the Council's own legitimacy and mandate.*

*Today is not the occasion to weigh the merits of different possible forms of PR but a chance to acknowledge the inadequacies of the present system and for the Council to show its wish to have the soundest and broadest possible democratic mandate and for those principles to extend to all elements of the electoral system. I hope therefor that this motion will have the support of this committee and then of the Council as a first step to eliminate the country's current democratic deficit."*

6. District Cllr Richard Good - Liberal Democrat Councillor on Richmondshire District Council (attendance TBC)

*"My name is Councillor Richard Good I am currently a Liberal Democrat Councillor on Richmondshire District Council.*

*I have been involved in Liberal then Liberal Democrat politics for over 45 years. All that time I have campaigned for a fairer voting system for both General and Local Elections. In the early years only the Liberal and some smaller parties wanted a fairer voting system. In recent year all the major parties except for the Conservatives have put electoral reform as*

a policy.

*In the Autumn of last year, I successfully proposed a motion to Richmondshire District Council for the Council to write to HM Government requesting a move away from first past the post to a fairer system. I am pleased to say this motion was supported by Councillors from all the parties with just two conservative Councillors voting against.*

*I ask that this Executive supports a move to a new voting system for the new North Yorkshire Council. Thank you.”*

7. Ms Celine Barry – 1A Castle Hill, Richmond, DL10 4QP - Representing Compass North Yorkshire (attending in person)Compass

*“The national organisation is founded on the belief that no single issue, organisation or political party can achieve the society we need by themselves. Compass stands for people working together to make change happen.*

*I represent members of all parties and none who are part of Compass North Yorkshire. We all agree we want a country that is much happier, more equal, and more sustainable. A country with a flourishing democracy and a thriving society. We all agree that to get there we need a new politics to take on the huge challenges the country faces: the climate and cost of living crises, housing, social care, technological shifts and much more.*

*That new politics starts with proportional representation. That is the key to unlocking democracy. Our existing system centralises power and gives disproportionate power to a few swing voters in a few swing seats. It’s a system where the majority of votes are wasted and voters are forced to back their least bad option, not what they believe in most. We want a system in which every vote counts equally. It cannot be justified that more than 70% of votes cast in the 2019 General Election received no political representation. Those in favour of First Past The Post (FPTP) argue that FPTP is a tried and tested system that ensures stability and clear governance. Considering the shambles of our current administration, that must provoke a laugh out loud response if anything does! He also thinks FPTP prevents “disproportionate influence by minority parties with minimal public support”. So, what do we think the ERG Group within the current administration is doing? FPTP has not saved us from the disproportionate influence of that group on our national politics.*

*Our votes must count equally. Our voices must be heard. A vote that is not successful in electing a candidate of choice, must be allowed to go forward and be included in the tally of other votes by people who vote the same way. I say this as a Labour voter here in North Yorkshire, but I also speak for the Conservative voter in Liverpool whose vote currently is also wasted. This is the basic unfairness at the heart of our voting system which affects us all. It is unfair and unjust and people in NI, Wales or Scotland do not have to live with this unfairness at the heart of their politics. As candidates, activists, and citizens, people in Compass will be using their activism, resources, and votes at the next election to make proportional representation a priority issue at local and national government.”*

8. Mr Sean Hagan - on behalf our local group of the national Make Votes Matter (MVM) campaign, MVM York & North Yorkshire which covers both unitary authorities and all 8 existing parliamentary constituencies across the county of North Yorkshire (attending in person)

*“MAKE VOTES MATTER is the national cross-party campaign to elect MPs by Proportional Representation (PR). We focus on the House of Commons because that’s where real power lies.*

*PR delivers votes of equal value for all, whatever their postcode or party preference, and would elect a more representative and inclusive Parliament - one that reflects the UK’s diversity and people’s actual democratic choices, so each party’s number of seats closely matches their share of votes. But First Past The Post (FPTP) distorts democratic*

*representation, wastes millions of votes, forces people to vote tactically - and leads to permanent "minority rule".*

*No UK government has won a true majority mandate since the 1930s! - For ANY party to gain a Commons majority with only a minority of votes denies democracy. Why should it be possible for less than 44% of total votes to produce a landslide majority with 56% of MPs? Such one-party governments with their unearned majorities just represent the largest of many minorities but can push through whatever legislation they want - despite being rejected by most voters. How does that represent the "will of the people"? How can such governments properly be held to account? And, especially in safe seats which haven't changed hands for generations, how can voters actually hold their own MP to account?*

*A vote's value under FPTP depends on where and for whom it's cast. Swing voters in key marginals hold the only votes with real power to change the outcome. But most votes don't really matter because they're either for losing candidates or surplus votes for winners. In 2019, 71% of all votes were "wasted" in these ways (source: Make Votes Matter).*

*That basic inequality, plus the uneven distribution of support for different parties, leads to grossly DISPROPORTIONAL representation overall. For example, in 2019, more than 22 times the total number of votes were needed to elect the sole Green MP than, on average, each Conservative MP (source: Electoral Reform Society). That starkly illustrates FPTP's fundamental democratic injustice.*

*So, PR is essential for the UK to become a well-functioning, multi-party democracy - like most of our EU neighbours and many other OECD nations. PR would open up the whole democratic process - ensuring truly competitive elections everywhere, maximising meaningful voter choice and guaranteeing genuine democratic equality. No more wasted votes, safe seats, negative tactical voting or unrepresentative minority rule. What's not to like? Please support the motion!"*

County Councillor Chris Aldred, as proposer of the Motion noted a similar Motion had previously been passed by Richmondshire District Council in October 2022 with cross-party support. He confirmed his view that first passed the post was no longer fit for purpose and suggested now was the right time to seek change in the political system nationally. This was supported by County Councillor Andy Brown who suggested First Past the Post was an unfair system, no longer delivering a strong and stable government, and that the Conservative government should be encouraged to introduce a form of PR.

County Councillor David Chance noted the 8 public questions and statements regarding the current First Past the Post Voting system and their support for the alternative Proportional Representation system and thanked the members of the public for their contributions to the meeting. Recognising they were very similar in content and in terms of what was being asked of the Council, he went on to give a response that would address them all.

In response to the officer report which was both thorough and comprehensive and provided a detailed overview of the pros and cons of First Past the Post and the different forms of Proportional Representation, he made the following points:

- No electoral system was perfect and there were always pros and cons associated with any form of voting used.
- Proportional Representation based systems of voting did enable a greater number of parties to be represented on political bodies, which in turn could enable a broad range of political views to be heard. However, Proportional Representation often led to coalition governments that could be unstable and short-lived, involve significant compromise and the elevation of smaller parties to positions of great and perhaps

undue influence as coalitions were formed and deals done.

- The First Past the Post system of voting had the advantage of providing a clear winner in every seat contested, it built a strong relationship with the locally elected officials and was a well-known system of voting that was easy to understand.
- The May 2022 elections to this Council were, as they had been for many years, conducted through the First Past the Post system and had returned a balanced and healthy mix of political representation with Conservatives, Liberal Democrats and Liberals, Labour, Greens and independent councillors.
- The County council's democratic processes were robust as demonstrated by the consideration the Motion, put forward by Liberal Democrats and Liberals and the Green Party, referred from Council regarding Proportional Representation on which Council will have the ultimate say at their meeting on 22 February 2023.
- First Past the Post was used for elections to the House of Commons and local councils in England and Wales and this was not something that North Yorkshire County Council could change unilaterally. Clearly, it was a decision for national government for whom a change in the voting system was simply not on the agenda.

Finally, taking account of the process to be followed regarding the Motion that was referred to the Executive by Council, he suggested the only course of action available to the Executive was to consider whether to recommend to the County Council on 22 February 2023 that a letter be written to the Secretary of State advocating for a review of the current electoral system, with a view to implementing a form of Proportional Representation.

County Councillor Gareth Dadd drew attention to the time and costs associated with considering the Motion on an issue the Authority had no control over. He suggested it could be better spent on the delivery of local services. He also suggested voter engagement had been increasing since 2001 with a slight dip due to a December election in 2019.

County Councillor Greg White suggested the various methods of PR were very messy and delivered fairly elected but weak Governments.

County Councillor Keane Duncan suggested the advantages of FPTP included the tie between an MP and their constituency, and enabled voters to know who to hold to account, with votes cast based on the individual candidates who were best to serve their area rather than voting for a political party.

County Councillor Simon Myers suggested the issue was not the business of the Council and therefore should not be under consideration.

Taking account of the significant amount of business related to LGR that was due to be tabled at Full Council in February 2023, and given the level of interest in the Motion, the proposed and seconder of the Motion agreed with Executive Members that its consideration should be deferred to Full Council in May 2023.

Having considered all of the views given at the meeting, the Executive

**Resolved** – That given the resources and role of the Council it be recommended to County Council in May 2023 that the Motion be rejected.

**182 Forward Plan**

Considered –

The Forward Plan for the period 29 January 2023 to 31 January 2024 was presented.

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

The meeting concluded at 1.20 pm.