

North Yorkshire County Council

Executive

Minutes of the remote meeting held on Tuesday, 21st 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 David Ireton, Karin Sedgwick, Paul Haslam, Alyson Baker, Caroline Dickinson, George Jabbour, Andrew Lee and Malcolm Taylor.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Melanie Carr, Daniel Harry, Tony Law, Simon Moss, Laura Venn and Mark Heaton.

Other Attendees: Mr Ian Crozier.

Apologies: County Councillor David Staveley.

Copies of all documents considered are in the Minute Book

191 Introductions

County Councillor Carl Les welcomed everyone to the meeting, in particular the members of the Scrutiny Board, attending in relation to Agenda item 6 – Quarter 3 Performance Monitoring and Budget Report and other non-executive Councillors.

192 Minutes of the Meeting held on 14 February 2023

Resolved –

That the Minutes of the Executive meeting held on 14 February 2023, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

193 Declarations of Interest

In regard to Agenda item 6, County Councillor Michael Harrison declared a disclosable interest, as an employee of one of the organisations listed in Treasury Management Appendix B, He confirmed he had a dispensation from the Standards Committee enabling him to remain in the meeting and vote.

194 Exclusion of the public from the meeting during consideration of each of the items of business listed in Column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph(s) specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006:-

Resolved –

Given that no discussion was required in relation to the exempt information contained within Appendix A to agenda item 8 – Creation of new Property and Estates Company – Align Property Partners 2, it was agreed the Executive would not enter into private session for that agenda item.

195 Public Questions and Statements

There was one public statement received from Mr Ian Crozier, in relation to Agenda item 7. The Chair agreed to hear Mr Crozier's statement as part of that agenda item.

196 Q3 Performance Monitoring and Budget Report

Considered: A joint report of the Chief Executive and Corporate Director - Strategic Resources, bringing together key aspects of the County Council's performance on a quarterly basis.

County Councillor Carl Les introduced the Quarter 3 performance monitoring and budget report, confirming it provided an overview on all of the ambitions of the County Council but with a key focus on the council plan ambition for 'Every child and young person has the best possible start in life'.

County Councillor David Chance provided a summary of the Executive performance report and confirmed the Authority continued to make progress in delivering its wide-range of ambitions. He drew specific attention to the ongoing challenges which included:

- The cost of living crisis affecting all parts of the county creating an increased demand on Council services;
- The combined effects of Covid-19 and an increase in flu cases;

In regard to his own portfolio area, he confirmed the Council's ongoing commitment to supporting communities, and provided an update on a range of initiatives delivered via the North Yorkshire Local Assistance Fund, and the second allocation of the Government's Household Support Fund. He also provided a brief update on:

- the Homes for Ukraine Scheme and Afghan refugee programme
- The work of the Customer Services team
- Support for the local economy through the Authority's spend with local suppliers (55%)

County Councillor Janet Sanderson introduced the in-depth focus of the performance report on 'Every child & young person has the best possible start in life'. She drew attention to the rising demand for EHCPs and the associated financial pressures. She also highlighted:

- The increasing demand at the front door, which had led to an increase in referrals to Children's Social Care;
- The ongoing issues around resources, staff retention and capacity
- The sharp increase in the number of Looked After Children coming into the Authority's care, half of whom were unaccompanied asylum seeking children. Plus 15 young people awaiting allocation and accommodation through the national transfer scheme – she commended officers for their sensitivity in handling the situation and their creativity in finding suitable accommodation;
- The commendation from the Chief Constable for the work of an officer from the Youth Justice Team;
- The reduction in the number of first time entrants, the drop in re-offending and zero

custodial sentences in this year;

- The imminent Ofsted inspections expected and the new inspection frameworks;
- the Authority remained one of the top three performing nationally and thanked all CYPS officers for their hard work throughout the year.

County Councillor Annabel Wilkinson added her thanks and drew attention to the support given to schools who in some cases, were continuing to struggle financially due to rising inflation etc.

Members went on to consider the remaining sections of the performance report and in response to Scrutiny Board members questions, it was confirmed that:

- SEND services were currently under review, with a new SEND educational strategy - attention was drawn to a 2022 report on the increase in mental health issues in children
- The rise in the number of children with autism was as a result of improvements in diagnosis - it was noted that earlier diagnosis led to improved life chances for those children.
- The number of suitable places for autistic children was a problem nationally - plans to increase provision across the county were being developed;
- The government's response to the Green Paper was long overdue, with significant system reform required. It was noted the Authority remained under funded by the DfE;
- The Authority remained under the national rate for the number of EHCPs;
- In regard free school meals, there had been an increase in the number of online inquiries as a result of a recent national campaign, but this had not resulted in a marked increase in the number of eligible families.
- There was no established evidence base to support a relationship between behavioural issues/low attainment levels in school children and a lack of access to regular nutritious meals and stability at home etc, although anecdotally it was acknowledged – it was noted the county had a good number of breakfast clubs, and associated support was being given to families through other Public Health initiatives.
- A review of the Yorbus Pilot was scheduled to take place soon in order to inform the next steps. It was noted there were a possible 10 zones that would be suitable and viable for a Yorbus style service. The cost per passenger journey was approx. £11-£13, in comparison to a subsidised bus service cost per passenger journey in the trial zone of between £8-£9. It was noted a subsidised bus service only benefitted those residents living along its fixed route, whereas the flexible Yorbus approach maximised the number of people who could benefit from the service.
- The dangerous defect KPI target of 99% remained an ambitious challenge, which the Authority would continue to aim for in the future;
- The improved satisfaction survey results in relation NY Highways were subjective based on public perception and it was difficult to assess the underlying reasons. One area requiring improvement was cycle routes and facilities;
- Information on street lighting defects repaired within 7 days would be circulated after the meeting;
- A bespoke induction process was in place for international recruits working in Public Health, in order to encourage their retention, and this was being closely monitored;

Revenue Budget, Treasury Management & Capital Plan

County Councillor Gareth Dadd introduced each section of the report. In regard to Revenue, he confirmed there had been little change since the last quarter's report. He noted it had been a challenging year with the slight underspend of net revenue budget of £2.5m having been supported by a £22.5m use of contingency. He drew attention to the delivered planned savings of £11bn and to the potential spending of £17m of the LGR Reorganisation Fund to date for the transition phase. He noted it was not expected that the full £38m allocated to the Fund would be required.

In regard to Treasury Management County Councillor Gareth Dadd highlighted the in-house expertise in the investment team and commended their work. He also noted the £13.3m drop in external total debt expected this year.

In regard to the Capital Plan, it was noted the County received the lowest capital allocation in the country per pupil, for high needs provision. The implications on the budget of spending capital were also noted.

Finally, attention was drawn to the plans for increasing capacity at Springwater School.

Having considered the report and the information provided at the meeting in full, Executive Members were referred to the recommendations in the report, and it was

Resolved – That:

- a. The latest position for the County Council's 2022/23 Revenue Budget, as summarised in paragraph 2.1.2 of the report be noted.
- b. The position on the GWB (paragraphs 2.4.1 to 2.4.3) be noted
- c. The position on the 'Strategic Capacity – Unallocated' reserve (paragraphs 2.4.4) be noted
- d. The latest position regarding the Local Government Review transition fund (paragraphs 2.5.1) be noted
- e. The position on the County Council's Treasury Management activities during the second quarter of 2022/23 be noted
- f. The report be referred to the Audit Committee for their consideration as part of the overall monitoring arrangements for Treasury Management.
- g. The refreshed Capital Plan summarised at paragraph 4.2.3 be approved
- h. The proposal to expand capacity at Springwater School including the associated rationalisation of neighbouring office accommodation (paragraph 4.4.7.4) be approved
- i. That no action be taken at this stage to allocate any additional capital resources (paragraph 4.5.7)

197 North Yorkshire Hackney Carriage and Private Hire Licensing Policy 2023 & Adoption of the Local Government (Miscellaneous Provisions) Act 1976

Considered – a report of the Corporate Director - Business and Environmental Services seeking:

- a) adoption of the proposed Hackney Carriage and Private Hire Licensing Policy with or without further amendments, taking into consideration the responses to the consultation and the recommendations from the Licensing Members Working Group at its meeting of 24 January and 13 February 2023;
- b) approval to remove the existing licensing hackney carriage zones to create a new single zone for the North Yorkshire Council;
- c) approval for a senior officer to make minor and inconsequential amendments to the policy (if adopted) to reflect legislative changes or correct any inaccuracies;
- d) Approval to develop and maintain an Inclusive Service Plan (ISP) within 12 months of policy adoption

County Councillor Carl Les welcomed Mr Ian Crozier to the meeting and invited him to read out his public statement as follows:

"I attended your previous meeting on this subject where I presented a statement written by Richard Fieldman. Having considered the contributions made then and done some

research I would like to offer some further reasons why the proposed policy should be reconsidered and not implemented as planned.

Having taken the time to reread your proposal, sadly, as exposed at the last meeting, I can't see anything which improves access for disabled users. Of note is the statement made by the council officer that the policy of only issuing new H/C plates to WAV by Harrogate had had little effect in increasing WAV numbers. This was offered as a reason to justify the complete abolishment of the cap on H/C numbers. This conclusion is flawed.

This initiative was always going to fail because of HBC policy at the time limiting H/C to 4.9m excluded a large amount of common WAV due to their length, specifically those able to carry more than 4 passengers. So, it's failure should not surprise anyone. I've included a list of currently available WAV conversions and their lengths. All could not be licenced as a Hackney carriage under the 4.9m rule.

1. Ford Tourneo FX8 SWB – 4.972m (£46,750)
2. Renault Traffic RX8 SWB – 4.999m (£46,600)
3. Renault Traffic RX8 LWB – 5.399m (£47,900)

This illustrates that the regulations created a barrier to any driver considering the WAV market as a Hackney carriage, together with the capital cost it was foreseeable that the initiative would not work as hoped. Now, there are smaller cheaper WAV available, but their use is more limited. If you really want to incentivise this service, the starting point is justifying the capital outlay.

You offer to licence a vehicle with multiple uses, one that can seat up to 8 passengers, ply for hire on taxi ranks, be available at transport hubs like stations and of course, service-disabled people. This policy would not allow that.

You could go further. Para 41 of the new regs suggests grants be available for low emission vehicles. Why not WAV, why not reduce or abolish council and test fees for WAV. The service is needed, the council should partner with operators to achieve success not put barriers in place. But the elephant in the room here is that the rank/transport hub use you seek is only an advantage when H/C numbers are at the present level. Deregulation, which will cause massive over population of ranks, will be another policy created barrier to increasing WAV availability.

This is therefore contrary to NYCC stated aim to help disabled residents access services. The policy of a Hackney carriage free for all is poorly thought out and removes a valuable tool currently available to achieve your aims and most concerning is the fact that the last unmet demand survey had one criticism. Not enough wheelchair provision!

What it did identify was there was no unmet demand. In fact they are even able to put a number on it. The available evidence produces a number, anything less than 80 is considered to prove there is no unmet demand. The result of the Harrogate district survey – zero. (There's nothing lower)

As for D of T guidance they do declare it best practice not to impose restrictions, but it also considers benefit v disadvantages. There are no tangible advantages but there are real disadvantages. Furthermore, D of T also recommends that if no unmet demand is found "a third way" aka restrictions remain.

The single zone issue was addressed at the last meeting and its plain to see that North Yorkshires size and population distribution negates any potential advantage but what can we learn from recent experience?

Northumberland County Council 2021 – Same survey, same considerations, same type of county. Single zone never considered (2 an option). Result – original 7 zones retained. No problems reported.

Durham County Council 2022 – same survey, same considerations, similar county but much smaller area (so some justification for reduced dead mileage) result – absolute chaos. Taxi ranks massively overpopulated. Increased congestion. Complaints from drivers and the public. Result – imminent public meeting to address taxi problems where there was none before. Cause – DEREGULATION.

Recent experience must be our best guide. Do not deregulate. Please retain the current system of zones to protect the supply in each area and keep the cap on Hackney carriages to protect the number of WAV (HBC – 22) and to encourage more.

Whilst North Yorkshire does not have significant numbers of residents from Ethnic minorities it became apparent to me, coming into the trade last summer that the majority of drivers are from this group. I gained the opportunity to speak with many, some even refugees from conflict, at length about their jobs. I found that all considered it their full time occupation. They were proud to run a hackney carriage and considered it an achievement which was reflected in the immaculate cars they operated and great work ethic. An education for me for which I'm grateful. For many, English is not their first language, and they often find the officialdom when dealing with public bodies difficult. They're now unsure of their futures and do not understand why the County Council is proposing to implement changes that make no sense and will harm them and their families. All of this has motivated me to address you today. I urge you to reconsider."

In response, Daniel Harry, Democratic Services & Scrutiny Manager confirmed that licensing officers supporting the LGR Licensing Members Working Group had chosen not to provide a written response to the above statement on the grounds that the issues raised had been covered in the report, and in their previous written responses to the public statements made at the Executive meeting on 7 Feb 2023.

As a supplementary question, Mr Crozier queried what the proposed policy would do to address the need for more taxis in rural areas where bus services had been lost or reduced, in particular accessible taxis.

County Councillor Derek Bastiman introduced the report and confirmed that as requested by the Executive at its meeting on 7 February 2023, the LGR Licensing Members Working Group had held a further meeting to discuss the draft Policy proposed by officers. He noted that meeting had resulted in some small amendments to the draft Policy as detailed in the report.

In response to Mr Crozier's statement he confirmed the issues raised would be considered and consulted on as part of the development of an Inclusive Service Plan. In regard to the supplementary question, he confirmed there had been many consultation responses relating to the issue of rurality and confirmed that as part of the planned development of an Inclusive Service Plan, the issue of the unmet needs of residents in rural communities would be considered, including their need for accessible transport.

In drawing attention to the recommendations in the report, County Councillor Derek Bastiman proposed an additional recommendation that the LGR Licensing Members Working Group hold a further meeting in 3 months' time to consider the draft public consultation arising from the development of an Inclusive Service Plan (ISP), and to provide an opportunity for all members to feed in proposals for any further revisions required to the new Hackney Carriage and Private Hire Licensing Policy. Finally, he acknowledged the monumental task that had been undertaken to develop the draft Policy. And thanked licensing officers from all the Districts/Boroughs and County Council for their joint working.

Karl Battersby, Corporate Director for Business & Environmental Services confirmed the Policy was a live document that could be further revised post 1st April. He also noted the maximum length of WAVs that could be licensed under the current Harrogate Policy was

in fact 5.2m and not 4.9m as stated by Mr Crozier. Finally he drew attention to an error in the EIA at page 376 of the report - the number of WAVs in Harrogate was actually 23, making the total number of WAVs across the county 89.

County Councillor David Chance suggested that to illustrate the County's commitment to increasing the number of WAV's, the application fees and renewal fees for WAV drivers should be waived for a fixed period, up to the Policy being finalised, as an incentive to the trade. He confirmed this could be accommodated within budget. He also suggested any future/additional incentives could be identified through the development of the ISP.

Executive members agreed taxis played an essential role in rural areas where access to public transport was minimal.

County Councillor Carl Les thanked all those members of the public who had shared their views and contributed to the work on the draft Policy, and it was

Resolved – That:

- i. The provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 (other than section 45) be adopted within the administrative area of North Yorkshire Council, with effect on the 1 April 2023, with the caveat of the decision only taking effect if the Hackney Carriage and Private Hire Licensing Policy has been adopted for the 1 April 2023;
- ii. The proposed Hackney Carriage and Private Hire Licensing Policy as shown in Appendix 1 of the report dated 7 February 2023 be adopted, with the amendment identified in paragraph 2.4;
- iii. The approval of minor and inconsequential amendments to the policy from time-to-time be delegated to a senior officer, to reflect legislative changes or correct any inaccuracies;
- iv. An Inclusive Service Plan be developed and implemented within 12 months.
- v. The LGR Licensing Members Working Group hold a further meeting in 3 months' time to consider the draft public consultation arising from the development of an Inclusive Service Plan, and to provide an opportunity for all members to feed in proposals for any further revisions required to the new Hackney Carriage and Private Hire Licensing Policy.
- vi. The license fees for any new applications and renewals for WAVs be waived until such time as the Inclusive Service Plan is completed, and any subsequent changes to the Policy implemented.

198 Creation of new Property and Estates Company – Align 2 (APP2)

Considered - A report of the Corporate Director for Strategic Resources presenting the Business Case for the establishment of a new council owned company for the provision of property projects and estates services which would adhere to the Teckal exemption in the Public Contracts Regulations 2015. The report sought the Executive's approval to establish the new company (transferring to North Yorkshire Council from 1 April 2023) and to limit the shares on the basis of the Business Case.

County Councillor Carl Les confirmed the Executive would not be entering into private session as there was to be no discussion on the content of the exempt Appendix A.

County Councillor David Chance introduced the report, providing an overview of the setup of the original company, its successes to date and the requirements of a Teckal agreement. He noted that Align Property Partners Limited would operate on a commercial basis in the future without the benefit of the Teckal exemption.

County Councillor Gareth Dadd reflected on the scepticism around the creation of the original company and was pleased to acknowledge the Authority's success in running a commercial enterprise and commended the work of the personnel involved

Resolved – That:

- a) The implementation of a new wholly owned company (APP2) be approved, in accordance with the details set out in the Business Case at Appendix A;
- b) The setting up of a company limited by shares be approved;
- c) The investment of 100 £1 shares in APP2 be approved;
- d) The approval of the articles, the company name and any other governance documents associated with new company be delegated to the Assistant Chief Executive – Legal and Democratic Services;
- e) 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;
- f) The Assistant Chief Executive Legal and Democratic Services in consultation with the Assistant Director, Strategic Resources (BES and Central Services) be delegated to conclude all steps to agree a working capital loan for the company, up to a maximum of £200k to be funded from North Yorkshire Council reserves for which a market rate of interest will be charged;
- g) The Assistant Chief Executive Legal and Democratic Services be delegated to progress and conclude the working arrangements of APP2 including the method of the provision of support services, staffing and secondment arrangements;
- h) All other necessary steps to secure the implementation of the proposed Option be delegated to the Assistant Chief Executive – Legal and Democratic Services;
- i) The Corporate Director - Strategic Resources, the Corporate Director - Business and Environmental Services and the Operations Director for Align Property Partners be appointed to the Board of Directors of the new company;
- j) The appointed officers to the board of directors of the company be entitled to indemnity in accordance with the Council's Indemnity Policy for Members and Employees.

199 Closure of Scarborough & Ryedale Community Health and Social Care

Considered – A report of the Assistant Chief Executive (Legal and Democratic Services) seeking seek approval for the board of directors to apply to Companies House to voluntarily strike off Scarborough and Ryedale Community Health and Social Care Partnership CIC, a company that had not traded for over 5 years.

County Councillor Michael Harrison introduced the report and provided a brief overview of the original objective behind the creation of the company which had subsequently not materialised due to the Company being unsuccessful in the Scarborough and Ryedale Clinical Commissioning Group procurement process for health and integrated social care services in 2017.

Given that its original purpose was no longer relevant due to the changes to the NHS structures over the last few years, it was

Resolved – That:

- i. The winding up of the Company be approved;
- ii. The Company's directors be authorised to apply to Companies House for the voluntarily Strike Off of the Company;
- iii. Any decisions relating to the financial implications of winding up the Company be

- delegated to the Corporate Director (Strategic Resources); and
- iv. The Assistant Chief Executive (Legal and Democratic Services) be authorised to take all other necessary steps to facilitate the strike off of the Company.

200 Community Networks

Due to issues with the publication of the papers relating to this agenda item, it was

Resolved – That this item be deferred to the next meeting of the Executive

201 Appointments Report

Resolved – That:

- i) The change to the membership of the North Yorkshire Health and Wellbeing Board, as stated in paragraph 2.1 of the report be noted.
- ii) It be recommended to Full Council that the Executive Member for North Yorkshire Council with responsibility for Housing and Leisure and the Corporate Director for Community Development, North Yorkshire Council (or their nominated representative for Housing and Leisure) become Members of the North Yorkshire Health and Wellbeing Board.

202 Forward Plan

Considered – The Forward Plan for the period 13 February 2023 to 29 February 2024 was presented.

Resolved - That the Forward Plan be noted.

The meeting concluded at 12.23 pm.