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North Yorkshire Council

Executive

Minutes of the meeting held on Tuesday, 9th May, 2023 commencing at 11.00 am.

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

In attendance: Councillor George Jabbour.

Officers present: Karl Battersby, Richard Flinton, Nic Harne, Barry Khan, Michael Leah, Peter Jeffreys, Daniel Harry, Howard Emmett, Louise Wallace and Will Baines.

Apologies: Councillor Keane Duncan, Stuart Carlton, Gary Fielding and Richard Webb.

Copies of all documents considered are in the Minute Book

234 Apologies for Absence

Apologies were received from Councillor Keane Duncan, Gary Fielding, Richard Webb (substitute Louise Wallace) and Stuart Carlton (substitute Howard Emmett).

235 Declarations of Interest

There were no declarations of interest.

236 Public Participation

There were no public questions or statements.

Addressing the meeting, Councillor George Jabbour asked:

A number of North Yorkshire-based organisations within and outside the Helmsley and Sinnington division, which I have the privilege of representing, have contacted me about the Community Infrastructure Levy Grant Scheme that Ryedale District Council had run before it ceased to exist a few weeks ago.

I have already highlighted this matter to the appropriate Members of the Executive and Officers. However, it is also important to raise it at this meeting given the significant impact that it has on several organisations within Ryedale.

I will start by setting out the full background:

Following the decision to implement local government reform in North Yorkshire, the Secretary of State issued a Direction under Section 24 of the Local Government Act 2007 to require a number of local councils in North Yorkshire, and also in Cumbria and Somerset which too were going through reorganisation, to obtain the consent of a specified authority before entering into certain types of transactions.

In the case of Ryedale District Council, the appropriate entity was North Yorkshire County Council.

This is a standard process that has been prescribed by law for a long time and has been applied to other local authorities outside North Yorkshire.

After the Direction of the Secretary of State had been issued, Ryedale District Council decided to launch the Community Infrastructure Levy Grant Scheme to fund local projects. However, they did so without receiving Section 24 consent from the appropriate local authority.

The process of the CIL Grant Scheme and associated decisions received significant amount of publicity, including from the local paper, the Gazette & Herald, which thoroughly and diligently reported the facts.

Despite this, a number of organisations applied to the CIL Grant Scheme while incorrectly believing that Ryedale District Council had the authority to award the CIL money. As a result, some of these entities had spent substantial time and resources without realising that their proposals would have to be considered by the new North Yorkshire Council after 31st March 2023.

North Yorkshire Council has a duty to consider each decision that involves spending taxpayer money according to the priorities and needs of the local community. This is what I expect the Council to be meticulously doing with respect to this matter too. This may or may not lead to the same decision that Ryedale District Councillors reached.

Therefore, I do have a great deal of sympathy for the entities that had applied to the Grant Scheme without fully understanding the process or the timeframe and uncertainty involved.

I think that everyone now agrees that Ryedale District Council should have been clearer about the process or should not have proceeded with this scheme in the first instance.

Having looked at the individual projects that the various organisations applied to fund, I believe that these are all excellent. I also believe that Members of the Executive would agree with me that they too would support these projects should there be enough financial resources.

It appears from some of the conversations that I have had and the communications that I have received that some of the applicants to the CIL Grant Scheme are still not fully aware of the process. Therefore, I wonder if it is possible for the Council to write to them to explain and clarify the situation.

Can you also reassure us all that each application will be considered on its own merits based on the priorities and needs of the local community?

In response, Councillor Gareth Dadd, Executive Member for Finance & Resources, thanked Councillor Jabbour for his question and setting out the background to the issue he raised.

He advised the Executive that a report will be brought to it on this matter in due course. It will be considering in detail the merits of each individual case and try to put these into context within the priorities for CIL spending within the whole area, but in particular the Ryedale area. Once the views of officers have been sought in regards to each application, the North Yorkshire Council will be writing to all of the organisations involved, highlighting to them when the report is due to be considered. He felt that the collective priorities with regards to CIL spending should have been taken more into account by Ryedale District Council at the time that the grant scheme was launched.

237 Waste Collections - Separate Collection of Food Waste

Considered – Report of the Corporate Director – Environment seeking member approval of the DEFRA transitional arrangement to implement separately collected food waste across North Yorkshire from 1 February 2043 and to explore options for an earlier implementation date by engaging with DEFRA and the Government, whilst ensuring that an earlier date does not negatively affect funding eligibility.

Michael Leah, Assistant Director for Environmental Services and Climate Change introduced the report, setting out the context around the issue, with three consultations published by Government in 2021, concerning 'Extended Producer Responsibility', 'Introduction of a Deposit Return Scheme' and 'Consistency in Household and Business Recycling Collections'. Of these, the outcome of the 'Consistency in Household and Business Recycling Collections' consultation is still awaited from Government.

In December 2022, a letter from DEFRA to North Yorkshire County Council indicated that in the 'Consistency in Household and Business Recycling Collections' consultation they would be looking to mandate separate weekly food waste collection from 31 March 2025 for the country. However, within that letter to North Yorkshire County Council as the waste disposal authority at that time, given the contractual arrangements at Allerton Waste Recovery Park (AWRP) and the long-term nature of the contract, the difficulties with how this would fit with the proposals were noted.

Therefore, the DEFRA letter asked if the county council would be minded to defer the implementation of separate food waste collections through transitional arrangements to the end of the contract at AWRP in February 2043. Following receipt of the letter, clarity was sought from Government on the financial impact on New Burdens funding in order to help inform a decision, but this has not been received.

There are two options available, the first is to seek an implementation date ahead of 2043, with an option to go live in line with the rest of the country at the end of March 2025. However, as the council is shortly expected to consider options for waste collection harmonisation in North Yorkshire following the move to a unitary council, 2025 is not seen as practical and a date between 2027 and 2030 is seen as more suitable if this option is preferred by members.

The other option is to take advantage of the dispensation offered by DEFRA and go live with separate food waste collections at the end of the Allerton Park Waste Recovery Park contract in 2043. It was highlighted that it has been difficult to model the situation given the lack of clarity over New Burdens funding, but additional costs of approximately £5m could be incurred in the provision of a new food waste collection service.

Councillor Greg White set out that the report recommendation is to go with the 2043 date, however to work with Government around the funding clarity required and to also monitor the implementation of separate food waste collection service by other councils in 2025.

It was highlighted that there are carbon emissions savings associated with separately collecting food waste of between approximately 2 to 3 tonnes per annum, with additional potential carbon benefits from the collection harmonisation process at a future point. But without the New Burdens funding clarity, the financial risk was felt to be too high.

Councillor David Chance supported the report recommendations, with further clarity on the costs required from Government. He did note that the carbon savings needed to be brought forward as quickly as possible.

Councillor Simon Myers reluctantly supported the report recommendations as he wished to see a separate weekly food waste collection service brought in by 2027 when the waste

collections are harmonised. However, he also noted the lack of clarity with regard to funding, referencing the letter the Leader sent to the Secretary of State for Environment, Food and Rural Affairs on this matter and hoped a positive response would be received to allow the new service to be brought in earlier than the proposed 2043. The Leader explained that the MPs from North Yorkshire were copied into the letter and have separately fed in their views to the Secretary of State.

Councillor Gareth Dadd recognised the choice that the report set out, with a reduction in carbon emissions wanted by everyone, but recognising the further financial detail required in order to make an informed decision and protect council services.

In responding to the comments, Councillor Greg White reiterated the desire to bring in separate food waste collections earlier, if possible, in a phased way alongside the waste collection harmonisation and that discussions with Government would continue.

Resolved – That the Executive recommends to the Council:

- i. To accept the DEFRA transitional arrangement to implement separately collected food waste across North Yorkshire from 1 February 2043; and
- ii. To explore options for NYC to implement separately collected food waste at an earlier implementation date and to engage with DEFRA and Government to ensure that an earlier implementation date does not negatively affect our eligibility for funding.

238 Forward Plan

Considered –

The Forward Plan for the period 24 April 2023 to 30 April 2024 was presented.

Resolved - That the Forward Plan be noted.

The meeting concluded at 11:40am.