

North Yorkshire Council

Executive

Minutes of the meeting held on Tuesday 19th March 2024 commencing at 11.00 am.

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

In attendance: Councillors George Jabbour, Andrew Murday and Karin Sedgwick.

Officers present: Richard Flinton, Gary Fielding, Barry Khan, Nic Harne, Paul Thompson, Anton Hodge, Howard Emmett, Amanda Newbould, Karen Iveson, Elizabeth Jackson and Karen Iveson.

Apologies: Karl Battersby, Stuart Carlton and Richard Webb.

Copies of all documents considered are in the Minute Book

415 Apologies for Absence

Apologies for absence were received from Councillors David Chance and Janet Sanderson.

416 Declarations of Interest

Councillor Gareth Dadd and Gary Fielding declared an interest in Minute no. 425 – Provision of Internal Audit, Counter Fraud and Related Governance Services, as unpaid directors of Veritau. They both left the meeting during consideration and vote on the item.

417 Exclusion of the Public

It was noted that there was an exempt appendix relating to Minute number: 425 – Provision of Internal Audit, Counter Fraud and Related Governance Services
As the contents of the exempt appendix were not discussed there was no requirement to exclude the public from the meeting.

418 Public Participation

A public question was received from Mrs Anne Seex in relation to Minute number 419 – Housing Strategy 2024 to 2029 as follows:

The on-line consultation on the Draft Housing Strategy engaged less than 0.01% of the adult population and NYC received only 14 'stand alone' written responses. Although the report on the Consultation tries to make the best of it, even within this limited number of respondents 3 in 10 either disagree or have no view on the 'Vision' and 4 in 10 disagree or have no view on the priorities.

Many responses comment adversely on the absence of a definition of 'affordable' housing, the lack of evidence and relevant statistics, failure to engage with the National Parks as Planning Authorities, failure to recognise the different area needs and characteristics

across North Yorkshire.

Cllr Myers previously acknowledged that he did not have access to information about:

- * how many new homes, in which areas and at what sale price or rental levels, are required to meet the predicted housing needs of people currently living in North Yorkshire;*
- * how many homes do not meet decent standards and where such homes are located; or*
- * what resources North Yorkshire Council predicts it will have to invest in housing in the next 10 years.*

Will the Executive now accept that the absence of such information has contributed to the lack of engagement in the consultation on the Draft Housing Strategy, recognise that the draft is not 'fit-for-purpose' and defer approving it until further work has been done and there has been meaningful engagement with citizens, social landlords and private landlords, housing developers and community organisations?

Councillor Simon Myers thanked Mrs Seex for her contribution and responded that Consultation on the draft housing strategy took place with a wide range of key partners and stakeholders, which included Registered Providers, Private Landlords, Housing Developers, the two National Parks, all Town and Parish Councils in North Yorkshire, plus a wide range of Community and Voluntary Organisations and the wider community.

Both the National Park Planning Authorities were consulted individually, as well as via the YNY Housing Board. Responses were received from both NPAs to the consultation and amends were made to the draft strategy as a result.

The draft strategy also made frequent reference to some of the different needs and characteristics of various parts of the authority, including the demographic challenges, affordability issues, rural housing challenges, the impact of second homes and holiday lets and the concentration of private rented homes in some localities.

The consultation lasted for 10 weeks and there was a high level of engagement with partners and stakeholders, through various means, including attendance at and participation in forums, events and individual meetings with key partners and stakeholders. There was an on-line survey, which was advertised widely, through various means, including through the Council's website, targeted social media alerts and media releases. The forums and events ensured that there was consultation with a very wide range of consultees including various Partnerships, reaching a greater range of consultees, such as the York and North Yorkshire Housing Partnership, consisting of over 25 social housing providers operating across York and North Yorkshire.

The Council also undertook a mid-point review of the consultation, which identified a number of key groups where response rates were low. As a result, targeting of those particular groups took place in order to increase response rates.

Overall, more than 500 responses were received, (including 25 specific written responses). 70% of respondents agreed with the Vision, whilst over 60% agreed with both the People and Places themes and 71% agreed with the Homes themes.

It should also be noted that there is no statutory requirement to produce a Housing Strategy and as a consequence there are no prescribed requirements for undertaking such a consultation. The feedback that the Council received to the consultation was analysed and as a result, a number of meaningful amendments were made to the final version, which reflected the feedback received.

We do also accept that further work will be required to build our data and evidence bases.

However that is reflected and built into the strategy going forward. It should also be noted that the consultation on the draft strategy was a starting point of dialogue with partners, stakeholders, communities and others, which will be continued as we undertake delivery of the action plans.

In consequence, we consider the consultation to have been comprehensive and robust, with the feedback shaping the final version of the Strategy being considered for adoption.

In response to a supplementary question from Mrs Seex on the benefit of selling homes at half price, Councillor Myers advised that that was not a part of the draft strategy.

419 Housing Strategy 2024 to 2029

Considered – A report of the Corporate Director – Community Development presenting the North Yorkshire Housing Strategy 2024-29 for approval for the strategy to be taken to Council for adoption.

Councillor Simon Myers introduced the report. In September 2023 approval had been given for public consultation on a 5 year draft Housing Strategy, the first housing strategy for North Yorkshire Council. The report provided details of the consultation process and those consulted with. This was a high-level strategy and action plans were being developed to deliver the council's aspirations. At budget Council in February the budget for the Housing Revenue Account budget had been approved and this gave a commitment to the development of 500 new council homes, as well as a commitment to upgrading and maintaining existing housing stock.

Resolved – That:

- i) the detailed consultation that was undertaken on the draft Housing Strategy, along with the analysis of the feedback and the consequent revised Housing Strategy 2024 to 2029 be considered; and
- ii) a report be taken to Full Council recommending the adoption of the North Yorkshire Housing Strategy 2024 to 2029.

420 Network North: Phase 3 Bus Service Improvement Plan Funding Proposal

Considered – A report of the Corporate Director – Environment providing information on the Network North Bus Service Improvement Plan 3 (BSIP3) funding for 2024/25 and seeking approval to submit scheme proposals and accept the one-year funding.

Councillor Keane Duncan introduced the report, noting that bus passenger numbers had increased over the past two years and bus routes had been protected. BSIP funding of £3.5m had been allocated by the Government which would enable 20 more bus routes to be supported for one year. It was proposed that the Council would work with operators to fund more frequent services, extra customer services staff, marketing and a £1 fare cap for under 19's. This was a 1 year pilot and these services would need to be supported to enable them to continue beyond the pilot.

Councillors Gareth Dadd and Carl Les welcomed this funding and emphasised the importance of the public supporting these bus services as the Government would not continue to provide financial support if they were not used.

In moving the recommendation Councillor Duncan advised that progress was dependent on close working with the operators who believed that the selected routes had commercial

prospects with this initial support.

Resolved – That:

- i) the submission of BSIP3 proposals to the Department for Transport by 28 March 2024 be approved; and
- ii) the Corporate Director - Environment, in conjunction with the Corporate Director - Resources, be authorised to accept the BSIP3 grant from Department for Transport subject to agreeing appropriate terms.

421 Delivering Better Value in SEND – Acceptance of Grant Allocation from the Department for Education

Considered – A report of the Corporate Director – Children and Young People’s Service requesting approval to accept an offer of grant funding for £1,000,000 from the Department for Education’s (DfE) ‘Delivering Better Value in SEND Programme’.

In the absence of Councillor Janet Sanderson, Councillor Annabel Wilkinson introduced the report and explained that the Council had been invited to take part in the programme as one of 55 local authorities. The report requested the Executive accept the offer of grant funding of £1m to support three key areas of the SEND programme as described in section 4 of the report.

Resolved – That:

- i) the acceptance for grant funding of £1,000,000 be authorised; and
- ii) the authorisation of the grant Memorandum of Understanding should be delegated to the Corporate Director, Resources in conjunction with the Assistant Chief Executive, Legal and Democratic Services.

422 Department for Education (DfE) Grant - Financial Support for Local Authorities Supporting Maintained Schools in Financial Difficulty

Considered – A report of the Corporate Director – Children and Young People’s Service which provided the Executive with an overview of the additional grant funding received by the Council from the Department for Education (DfE) in 2023-24 to support maintained schools in financial difficulty.

Councillor Annabel Wilkinson introduced the report and advised that the grant was for £972,188. Approval was sought for additional funding for maintained schools currently in financial deficit and which met the proposed eligibility criteria based on the methodology set out in the resolution below.

In response to a question from Councillor Wilkinson, Howard Emmett, the Assistant Director Resources, advised that the grant was primarily intended to contribute to the elimination of existing deficits, rather than to be allocated to schools currently in surplus but which might be predicted to be in deficit in the future.

On a show of hands it was

Resolved (unanimously) – That:

- a. the contents of the report be noted;

- b. the local authority accept the Department for Education Grant funding of £972,188 in respect of Financial Support for Local Authorities Supporting Maintained Schools in Financial Difficulty;
- c. the distribution of the additional funding support be approved to maintained schools currently in a financial deficit, that meet the proposed eligibility criteria, based on the following methodology (Option 1):

Maintained Nursery Schools	£25,000 per school
Primary Schools (under 200 pupils)*	£25,000 per school
Primary Schools (200 pupils and over)	£50,000 per school
Secondary Schools	£100,000 per school
Special Schools	£50,000 per school

*Primary schools under 200 pupils, with a forecast deficit balance of £100k or more as at 31 March 2024 to receive an additional funding allocation of £25,000.

- d. a condition of acceptance of additional funding by any school will require a school resource management review to be undertaken where a review has not been completed since April 2021.

423 Boroughbridge High School, Boroughbridge – Proposal to remove Sixth Form Provision

Considered – A report of the Corporate Director – Children and Young People’s Service which detailed the outcome of the public consultation carried out by the Council on the proposal to change the age range at Boroughbridge High School by ceasing the Sixth Form provision from 31 August 2024. The Executive were requested to authorise the publication of statutory proposals and notices and schedule taking a final decision on the proposal on 18 June 2024.

Councillor Annabel Wilkinson introduced the report and advised that the federated Governing Board of Boroughbridge High School and King James’s School, Knaresborough resolved to ask the Council to consult on the permanent closure of the Sixth Form at Boroughbridge High School, which had been temporarily suspended since September 2022. This was in response to falling numbers of Sixth Form pupils due to the demographics of the area and the falling numbers on the roll making it difficult to maintain viable class sizes at post-16 in terms of quality of experience, subject breadth and subject viability.

On a vote being taken it was

Resolved (unanimously) – That:

- i) Statutory proposals and notices be published on 4 April 2024 proposing to change the age range of Boroughbridge High School, by ceasing sixth form provision, with effect from 31 August 2024; and
- ii) The Executive (or the Executive Member for Education, Learning and Skills if there are no objections during the representation period) schedule taking a final decision on these proposals on 18 June 2024.

424 Fountains Earth, Lofthouse CE Endowed Primary School – School Closure Proposal

Considered – A report of the Corporate Director – Children and Young People’s Service providing information upon which to determine the proposal to cease to maintain

Fountains Earth, Lofthouse CE Endowed Primary School with effect from 31 March 2024, together with the future arrangements for the school's current catchment area.

Councillor Annabel Wilkinson introduced the report and advised that on 23 January the Executive had approved proposals to close the school with effect from 31 March 2024 following consideration of responses to a consultation carried out by the Children's and Young People's Service. Statutory proposals had been published on 1 February 2024 giving four weeks until 29 February for representations to be made. A petition had been presented to the Skipton and Ripon Area Constituency Committee on 7 March.

The school currently had no children on roll and there had been no highest preference applications to join the school in September 2024. As there was no realistic prospect of the school having any pupils the school would receive no pupil led funding for the next academic year and the local authority was not able to approve any additional funding. For these reasons it was recommended that the Council proceed with the closure process.

Councillor Andrew Murday, division member for Pateley Bridge and Upper Nidderdale, attended the meeting and made a statement to the Executive. He reported that when he was first elected in May 2022 the school received a good Ofsted report, however two months later there was an application from the governors to close the school. Over the subsequent months a number of discussions took place within the community, parents and the parish council and this included two public meetings. Councillor Murday felt there were issues of communication between the community, the governors of the Upper Nidderdale federation and staff; and it was his view that if the issues of governance were resolved children would return to the school. He referred to the petition taken to the ACC which requested an assessment of the governance of the federation by Overview and Scrutiny and requested that any decision to close the school be deferred until after an investigation had taken place.

The Assistant Chief Executive Legal and Democratic Services (ACELDS) referred to the request that the Overview and Scrutiny Committee investigate the governance of the school federation and advised that school leadership was delegated to school governors and that local authorities had limited powers with regards to governing bodies. The Overview and Scrutiny Committee did not have the power to start investigating individual decisions, though it could look at wider issues in relation to governance matters. The ACELDS advised that the Executive needed to consider whether it had sufficient information to make a decision at this meeting.

In response to a question from Councillor Gareth Dadd on what the financial implications would be of deferring a decision, the Assistant Director Resources advised that a school would not get any funding if it had no pupils. Keeping the school open would require funds for running the building and staffing, which would need to come from reserves which would require Schools Forum support.

The Assistant Director Education and Skills (ADES) referred to previous difficulties recruiting teachers to the school, and advised that funding a teacher at the school would divert resource away from the other schools in the federation. The ADES reported on the declining numbers of children in the school catchment area and provided further information on the issues within schools with very small numbers of children.

In moving the motion Councillor Annabel Wilkinson advised that the challenges faced by such small schools were continually being reviewed, and closing a small school was a difficult decision.

Resolved (unanimously) – That:

- (a) having undertaken the required preliminary checks, the Executive resolve that the issues listed above in section 9 have been satisfied and there can be a determination

of the proposals.

(b) the following proposal be determined:

- i) To cease to maintain Fountains Earth, Lofthouse CE Endowed Primary School with effect from 31 March 2024.
- ii) To extend the catchment area of St Cuthbert's Church of England Primary School, Pateley Bridge with effect from 1 April 2024 to include the area currently served by Fountains Earth, Lofthouse CE Endowed Primary School.

425 Provision of Internal Audit, Counter Fraud and Related Governance Services

Considered – A report of the Corporate Director Resources which sought approval to enter into a new 3 year contract with Veritau for Internal Audit and related assurance services from Veritau Ltd with effect from 1 April 2024. Veritau was a local authority-controlled company set up in 2009 by North Yorkshire County Council and City of York Council to operate a shared audit, counter fraud and information governance service. The current contract was due to expire on 31 March 2024 and was for an initial term of ten years with two optional extensions of three and two years respectively. The procurement approach was to undertake a direct award to Veritau.

Resolved (unanimously) – That:

The Executive approve a 3 year contract with Veritau with effect from 1 April 2024.

426 Forward Plan

Considered –

The Forward Plan for the period 11 March 2024 to 31 March 2025 was presented.

Resolved - That the Forward Plan be noted.

427 Date of Next Meeting - 16 April 2024

The meeting concluded at 11.56 am.