

# Public Document Pack

## North Yorkshire County Council

### Executive

Minutes of the remote meeting held on Tuesday, 16th February, 2021 commencing at 11.00 am.

County Councillor Carl Les in the Chair. plus County Councillors Gareth Dadd, David Chance, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

In attendance: County Councillors Paul Haslam.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Daniel Harry, Anton Hodge, Howard Emmett and Amanda Newbold.

Other Attendees: .

Apologies: . .

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

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#### 54 Introductions

8

Members of the Executive and Corporate Management Team introduced themselves, and County Councillor Carl Les welcomed other Councillors and officers present at the meeting.

#### 54 Minutes of the Meeting held on 26 January 2021

9

##### Resolved –

That the public Minutes of the meeting held on 26 January 2021, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

#### 55 Declarations of Interest

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County Councillors Carl Les and Janet Sanderson both declared a non-pecuniary interest in Agenda item 10, as Chair and Member of the Trustee Board of North Yorkshire Youth respectively.

#### 55 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:-

1

##### Resolved –

That the Committee would not need to go into private session for Agenda item 11, as there were no substantive questions or debate required in relation to the content of the report.

**55 Public Questions and Statements**  
2

County Councillor Carl Les confirmed that a number of written statements had been submitted by members of the public and other County Councillors concerning Agenda Item 10 – Review of Traded Services in Education & Skills due to Covid-19. He confirmed that those statements would be heard when the Executive reached that item on the Agenda.

**55 Area Constituency Committee Feedback Report**  
3

Considered –

A report of the Assistant Chief Executive (Legal & Democratic Services) providing an overview of the key issues considered at recent meetings of the Area Constituency Committees.

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

**55 Special Schools Budget 2021-2022**  
4

Considered –

A report of the Corporate Director for Children & Young People's Services seeking Executive approval for a number of recommendations relating to school funding for 2021-22.

County Councillor Patrick Mulligan presented the report highlighting the recommendations had been broadly supported by the special schools community during a county wide consultation exercise that took place in late 2020. He also noted that the report's recommendations had also been discussed positively by the North Yorkshire Schools Forum, and drew attention to those recommendations at paragraph 7 of the report.

Members had no questions and voted in favour of the recommendations, and therefore it was

**Resolved** – That:

- i. A Minimum Funding Guarantee (MFG) of 0% be applied in the calculation of special schc budgets for the 2021/22 financial year.
- ii. The revised methodology for calculating the contextual funding component of the formu allocation for special school budgets be used.

**55 Lowering the Age Range of Stillington County Primary School to 3-11**  
5

This item was withdrawn from the agenda on the basis that no objections to the proposals for Stillington Community Primary School had been received. It was confirmed the decision had therefore been delegated to the Executive Member for Education and Skills.

**55 Winding-up of SJB Recycling Ltd**  
6

Considered –

A report of the Corporate Director for Business and Environmental Services providing an overview of SJB Recycling Ltd, its creation, changes to its business model and subsequent cessation of its operations in March 2020.

County Councillor Andrew Lee introduced the report detailing the history of the company and changes in the Environment Agency's guidelines which had led to a move from 'co-composting' to the processing of green waste. It was noted that this had resulted in a substantial increase in costs, which customers were not willing to meet once their contracts had ended.

Members noted the actions that would be put in place before beginning the process of dissolution, and that the expected remaining balance was to be distributed to the Company's shareholders in the form of a final dividend, as detailed in the report.

There were no questions, and all member voted in favour of the recommendations. It was therefore

Resolved – That:

- i. SJB Recycling Ltd be wound up;
- ii. The Chief Executive (as Shareholder Representative) be authorised to approve the final dividend and sign the relevant shareholder resolutions in relation to the final dividend; and
- iii. The Assistant Chief Executive (Legal and Democratic Services) be authorised to prepare the necessary shareholder resolutions and any action necessary to wind-up the company.

## **55 Review of Traded Services in Education and Skills due to Covid-19**

**7**

The Chairman informed members that County Councillor Stanley Lumley has submitted a statement in response to item 10 on the agenda and in his absence invited the clerk to read it out on his behalf as follows:

"I do appreciate the difficult circumstances and none-budgeted cost that the pandemic has impacted on outdoor education at the two sites we have in North Yorkshire, but I do fear for the future of BPC if we were to mothball the facility and its services.

BPC is a much loved and valued facility in my Division, our County and beyond, tens of thousands of children have passed through the centre over many years and they have all gained invaluable education and life experience from their visits. Very often, the two-week residential visit is the first time a young person has spent time away from parents and guardians, something that is character building and in my opinion is an invaluable part of a child's education. There are hundreds of anecdotal stories of people returning to Nidderdale for holidays and in some cases to live because of their past experience. All the social media sights with a local interest are constantly broadcasting stories from people of all ages with fond memories of their time here; these are all evidence of the great benefit our facility provides.

I have lived next to the park all my life and I have seen the great benefit to children, many from disadvantaged families over the past sixty years. I can include myself in that category, as an infant I walked every week from Glasshouses, West Riding County Primary School to BPC, summer and winter for swimming lessons in the outdoor pool, in fact my little school won a prestigious award (The Dolphin Trophy) back in the 1960's for the high attainment of swimming medals and certification.

As well as the educational impact, and the loss of social life skills experience any closure will have a significant financial and economic impact to the local economy especially for the small market town of Pateley Bridge and to a lesser extent to wider Nidderdale. A regular site in town is the long line of children in high viz vests queuing at the fish shop, butchers, shops etc. There is also the employment impact, most of the staff live and work here, many of whom have long service at Bewerley and any closure will affect the many families who rely on the employment from a very limited employment market in Nidderdale. Mothballing will inevitably involve redundancy of staff, reduction in maintenance and investment that would in my belief, be very difficult to recover from and may ultimately lead to permanent closure.

I ask that the Executive do not to rush into a decision that would threaten the future of BPC. It is my understanding that Government are currently supporting with staff costs and it may extend its continued support, this must be the biggest financial burden to the council so it should give us time. I ask that you seek further consultation with the two Parishes of Bewerley and Pateley Bridge before you take an important decision, and I ask you keep me involved as the elected Member to ensure you make a fully informed decision. I also believe that in the midst of LGR it is even more important for you to make the right decision for the new Council, and the future of out-door education.”

County Councillor Carl Les then welcomed the four public participants to the meeting and invited each of them to address the Executive.

Mr Adam Pritchard-Jenkins, Headteacher of two North Yorkshire Primary schools made the following statement:

“I am a North Yorkshire resident who has a unique and privileged perspective on the benefits, the business and the importance of our Outdoor Learning Service. As a parent my own children have benefited greatly from attending outdoor residential adventure experiences at our NYOLS centres. Now, as adults, these experiences still stand out for them as highlights of their Primary and Secondary school careers.

As a headteacher of two North Yorkshire Primary schools, I saw first-hand the impact that NYOLS high quality outdoor adventurous residential experiences had on students. I also had that direct liaison with families to see their level of appreciation and commitment to maintaining the long tradition of these visits, which have been a key feature over many generations of families growing up in North Yorkshire. Attending Bewerley Park and East Barnby, to take part in the increasingly unique high quality adventures personal development opportunities has become a rite of passage, one that should make Council members incredibly proud. These experiences are to be cherished and promoted as a key response to promoting the wellbeing and health of our children, also promoting their personal development of resilience, positive life-long interests and a commitment to our environment. The values and learning NYOLS promotes contributes directly to Council objectives to make North Yorkshire a safe and fantastic place in which to grow up.

From January 2016 - December 2019 I was Head of the North Yorkshire Outdoor Service undertaking the operational and strategic lead, overseeing the work of Bewerley Park and East Barnby. This afforded me an even closer view of the high quality delivery of learning through the uniquely talented and knowledgeable staff team, that has been built over decades. I also worked directly with service users, seeing the high value they attach to the service and style of high quality adventurous activities and guided learning on offer. The outcomes are not just from being there – it is through the talents and skills of the staff who facilitate learning personal development.

On taking up my post in 2016 NYOLS was in receipt of significant DSG funding in the region of 400k year. NYOLS reserves of over 300K were transferred into Smart Solutions in 15/16. The NYOLS implemented a business plan to become independent

of council funding making significant year on year progress towards self-sufficiency. This subsidy was halved in 2 years and by 19/20 the NYOLS would have broken even if Covid had not closed the centres early.

I welcome a review of the service to ensure a positive way forward to safeguard the benefits and contributions NYOLS make to the young people of North Yorkshire which the service and the council are ambitious to deliver. There is need for investment in buildings and infrastructure, but also investment to continue the employment of high quality staff to deliver the learning service users expect. I would be very happy to contribute to this review in any way.”

County Councillor Patrick Mulligan thanked Mr Pritchard-Jenkins for his comments and noted that through his various roles, he correctly recognised the history of the service and the positive impact visits to the outdoor learning centres had on many young people over several generations.

He confirmed that although in recent years the service had not relied on council subsidies, the covid-19 pandemic had created a significant financial shortfall, amounting to almost £1m in 2020-21.

He also noted the importance of Mr Pritchard-Jenkins comments about the need for investment in the building. He confirmed that although the current operating model (pre-covid) should have allowed for a break-even position, the income generated did not allow for the required level of investment into the buildings and infrastructure that were required to take the service into the future. Therefore, the proposed review was essential so the County Council could fully appraise the different service models for the future, which as stated before would involve engaging stakeholders across the county to gather views, which he was welcome to participate in.

As a follow up, Mr Pritchard Jenkins queried whether the Council would acknowledge the uniqueness of their asset within the staff team and consider using the NYOLs team to aid in North Yorkshire’s covid recovery for children, school staff and the wider council staff.

In response County Councillor Carl Les confirmed that would form part of the Executive’s debate later on.

Mr David Skinner then read out his statement, as follows:

“Good morning, my name is Dave Skinner and I am one of the of the c.100,000 young people who has become a better person since their first involvement with NYCC ‘s Outdoor Learning Service since the year 2000 and one of the 10,000 people to sign a petition showing support for the OLS. Thank you for the opportunity to make a statement in regards to the proposals for East Barnby and Bewerley Park.

In May, The Office for National Statistics stated that 42% of Young People have reported that the pandemic has negatively affected their mental health (this is significantly higher than adults) and 46% are concerned that their education quality is suffering greatly. Since the report, the UK has had two additional lockdowns that have had a continued negative effect on young people and their mental health.

The OLS focuses on and is expert in delivering outdoor education. The type of education that develops character, a sense of self, an appreciation for the natural environment and builds resilience - the ability to withstand adversity and the strength to recover from set backs. Now more than ever this education is vital to our young people.

There will come a time when the pandemic is over and we will dealing with the Covid generation. A group of young people who have been inside for months, forgotten what adventure is, become less curious with the outside world and have been taught the way

of dealing with problems is to shut our doors and stay at home to protect lives. This is when the OLS will be a critical part of our recovery from the pandemic.

The proposal has highlighted a number of risks for consideration in the future. If the current proposals are followed, the loss of specialist staff would be catastrophic. Many of the staff in the OLS have a background in teaching. This ethos of education permeates the OLS and is what sets the OLS apart from other providers in the industry. This would not be easily replaced in the future.

I would ask that further work is done to look into ways to adapt the current OLS offer to fit the Covid world, utilising outreach and remote learning, with an aim to retain current specialist staff. Preparing for when the young people of North Yorkshire will need the OLS most. Offering the same opportunities that me, you and those you care for have had with the OLS.

Thank you for your time.”

County Councillor Patrick Mulligan thanked Mr Skinner for his comments and on behalf of North Yorkshire County Council acknowledged the reports relating to the impact of the pandemic on young people’s mental health and wellbeing. He also recognised the value of outdoor education on young people’s social and emotional health and their resilience.

He confirmed that with that in mind, the County Council intended to undertake a review of the outdoor learning service so that a solution for the future of outdoor education in North Yorkshire was understood and could be a part of the longer-term recovery from the pandemic.

He recognised the risks in the short term but through the review, hoped to achieve a service that was sustainable for a long time into the future. He noted this would require a review of all aspects of the service, including, but not limited to, staffing. He confirmed the review, would bring all stakeholders together, to evaluate the benefits of the service, taking into account and making comparisons with the wider outdoor education market. The resulting business case would aim to provide a sustainable operating model balancing staffing, property and infrastructure costs.

This was followed by a statement from Mr Ian Bloor - Lead Teacher for Enrichment at Eskdale School in Whitby:

“Good morning and thank you for giving me the opportunity to speak at this meeting. My name is Ian Bloor and I am a teacher at Eskdale School in Whitby with a responsibility for enrichment. I appreciate there are some difficult decisions to be made about the future of the Outdoor Education Service in North Yorkshire, but as someone who believes that Outdoor Education should be at the heart of our education service, and who also has a deep sense of pride in the service that North Yorkshire currently offers, I would like to make a heartfelt plea that any decisions made about the future of the service are made in the full knowledge of just how valuable and valued this service is.

When I started teaching at Eskdale almost 20 years ago, I had had no previous experience of Outdoor Education. However, my eyes were opened to the huge benefits that Outdoor Ed offers to young people on my first residential trip to Bewerley Park with a group of pupils in 2003. Despite the trip taking place in a bitterly cold week in January, I was an instant fan. Since then I have accompanied hundreds of our pupils to both Bewerley Park and East Barnby and firmly believe that these two institutions are the Jewel in the Crown of the North Yorkshire Education Service.

For me, this is what education is all about: inspiration, challenge, improving mental and physical well-being and instilling a sense of wonder in and respect for the natural world. The two centres offer a vast array of outdoor activities that most young people would

otherwise have neither the opportunity nor financial means to experience. But, it is the way in which the staff at the centres use these experiences to help young people build their confidence, improve their teamwork and communication skills, encourage independence and resilience and open their eyes to the world around them which is truly impossible to put a price on.

Whether it is on weeklong residential visits, one day activity sessions or a programme of weekly interventions for pupils with specific needs and issues, the immediate impact of young people visiting our outdoor centres never ceases to amaze me. For many it has been life-changing and we often see a child develop more in a day or a week than we would normally see over a whole school year. And the experience doesn't end when they go home. Parents frequently comment on the child who comes home "a different person" and in school we are able to use those shared experiences to build positive relationships and learn together much more effectively.

So many local authorities have closed their outdoor education centres over the last few decades. North Yorkshire still has something really special and I hope that a way can be found to not just save East Barnby and Bewerley but to nurture them and let them grow and develop, just as the two centres have nurtured generations of our young people."

County Councillor Patrick Mulligan thanked Mr Bloor for his contribution and confirmed the Authority shared the concerns being raised by the public participants. He stressed that the Authority was in no way looking to close the two centres and drew attention to that misconception. Instead, he re-confirmed the intention of the proposed review was to make them more sustainable.

Next, Ms Erica Caswell, ex Head of Centre for Bewerley Park Centre for Outdoor Education made the following statement:

"I am an ex Head of Centre for Bewerley Park Centre for Outdoor Education. I retired in February 2018 and worked at the centre for a total of over 31 years. I am still actively involved in the outdoor education industry as I am now an Inspector for the Adventure Activities Licensing Authority and for the Association of Heads of Outdoor Education Centres.

I am very concerned about any plans that would threaten the provision of outdoor education by North Yorkshire Children and Young Peoples Services for the young people of North Yorkshire. NYCC has a long history of recognising the value of high quality outdoor education and supporting the NY Outdoor Learning Service. It would be a terrible loss to the young people if this was no longer the case.

In light of the fact that the government have just extended the compensation scheme for local authority traded services to 21<sup>st</sup> July 2021, I would like to make the case that it would make better financial sense not to 'mothball' the outdoor centres but to keep them running at say 50% staffing/capacity. The cost of mothballing is significant and doing so sends out a negative message to the general public and potential clients. In the summer term the centres can be providing day visits, staycations, alternative curriculum provision for children excluded from mainstream education, respite care for families with special needs etc. The centres have already been planning for this. This would generate income to offset staffing costs etc. I know from my interaction with the outdoor sector that this is viable, what other centres are doing and that there is a huge demand. In the autumn term, school's will be ready and eager to undertake residential again and will have the ability and confidence to do so if the centres have remained open. The centres are currently already 'shut down' and have been cared for by facilities staff working part time, as we come into the summer the need for 'mothballing' becomes obsolete. If the council genuinely wants to support the provision of Outdoor Learning for North Yorkshire children, they need to keep the centres open, initially with

reduced staffing and allow the centres to generate income and build business back up as covid restrictions lift. The Outdoor Learning Service has already proved capable of moving from a large subsidy to becoming self-sufficient. The Authority needs to build a business plan to work towards a sustainable future for outdoor education in North Yorkshire.

The council has been voracious in its support of the Outdoor Learning Service and the incredibly important impact it has on children's wellbeing in the past, now, of all times, is not the time to 'let it go'. Both centres lend themselves really well to a modular approach to building renewal whilst keeping the centres open, to create revenue, provide essential services, and retain critical staff."

County Councillor Patrick Mulligan thanked Ms Caswell for her comments regarding the future of the Outdoor Learning Service and gave assurance that the item was being discussed at the meeting because the council was committed to trying to preserve the future of outdoor education for future generations. To do so, he confirmed the County Council must ensure a modern and sustainable operating model was in place.

He noted the cost of mothballing the service was reported to be £36,000 - a fraction of the usual running costs for the service. He suggested that by doing that, the County Council would be reducing expenditure in the short term whilst allowing the longer-term review to be carried out. However, he also accepted the message of "mothballing" was negative and therefore confirmed the intention to alter that recommendation and to make sensible provision, such as CCTV, to keep the assets as secure as possible while they were not being used by visitors.

He confirmed that whilst operating at a reduced staffing model, offering day visits and a modified offer for the summer would demonstrate that the service was open for business, it would rely on greater subsidies from the council to do so. He noted the current service was not designed to deliver day-only visits and so the income generated would be unlikely to cover staffing costs.

He also confirmed the income compensation scheme did cover some of the losses to date, but by no means all of them. He confirmed the scheme finishes in June 2020 and the County Council had to look forwards to the potential impact of reduced income with significant losses that do not have a budget against

Furthermore, he drew attention to the current government advice against any education visits taking place at this time (day or residential). (Last DfE update was 5 Feb). Without getting into discussions about future changes to government guidance, any resumption of visits were likely to require covid secure practices, which were likely to mean smaller groups attending, limited activities taking place, and a relative drop in expected income, including when residential visits were re-introduced.

He re-stated the County Council's intention to review the service to ensure it was fit for purpose for the future, taking into account staffing, property and infrastructure so that the offer was relevant, modern and sustainable for the long-term future. The proposal was to bring back a business plan later in the year, setting this out in full.

Ms Caswell asked members to carefully consider how other centres outside of North Yorkshire were planning to deliver some provision across the summer once things started to open up, and to note the demand from schools and family groups for day provision, as it would be a good way to recoup some costs.

The Chairman thanked the participants for all of the contributions, and Executive moved to consideration of the report of the Corporate Director for Children and Young People's Service, which sought approval to:

- Implement immediate short-term solutions to address the financial shortfall facing the Outdoor Learning Service due to the impact of the Coronavirus pandemic, and;
- Carry out a strategic review of the service with the ambition to ensure a long-term sustainable operating model is developed and established.

County Councillor Patrick Mulligan introduced the report, confirming the context for both the short and long-term proposals, as detailed in the report. He also addressed again the unfortunate misconception of the public about what the Authority intentions were, and drew attention to the financial challenges associated with the centres and the main purpose of the report i.e. to carry out a long-term strategic review of the service.

County Councillor Gareth Dadd requested details of the financial context behind the proposals. Gary Fielding, Corporate Director for Strategic Resources provided an overview of the losses over the last five years (approx. £50k), which were reasonably low due to the lack of any investment in the properties during that time. In regard to this financial year, he confirmed the total forecast outturn as shown at paragraph 5.2 of the report, and the sales, fees and charges income of £814k for the current financial year, resulting in a financial loss of £219k.

He noted that the sales fees and charges income stream would conclude at the end of June 2020 and that the £478k of furlough income which the Service had benefited from, would conclude at the end of April 2020, and that it was highly unlikely either would be extended. Overall he estimated the financial position in 2021/22 could be a loss of up to £1.6m.

Looking ahead at the perennial issue of the fabric of the buildings and their sustainability, Gary Fielding confirmed the Authority faced the challenge of whether it would have the ability to attract the necessary funding make good the buildings and ensure they were fit for purpose, particularly in light of the limited capital funding made available for statutory education provision.

Attention was also drawn to a question raised by the Chair of Young People's Overview and Scrutiny Committee, County Councillor Janet Jefferson about whether the Government's Income Support Scheme had been fully investigated to lower any deficits to the Council during Covid-19, and it was confirmed it had.

Members acknowledged the value of the service to North Yorkshire families and the benefits that extra-curricular activities provided. It was also acknowledged that many services offered by Council's operated at a loss, and that there was a balance to be reached between service investment and the value derived from those services. Members also considered that under the current circumstances, having the opportunity to take a step back and carry out a thorough review to ensure the service was fit for the future was the right approach and timely, and would likely result in a better service.

In light of all the information provided, it was agreed the proposed review and the safeguarding of the properties in the meantime, was the right way forward. The Executive therefore all voted in favour of the recommendations, and it was

Resolved – That:

- i) Both sites be protected as soon as possible.
- ii) A consultation be commenced with regard to reducing the staff levels, including through redeployment wherever possible and as soon as possible, with the aim of retaining sufficient expertise in the area but reduce the financial burden on the service.
- iii) Recommendations resulting from the strategic review be presented to the Executive later in the year.

**55** **Potential Purchase of Land within the County**  
**8**

Considered:

The report of the Corporate Director, Strategic Resources regarding the potential acquisition of a property in the county.

County Councillor Don Mackenzie introduced the report confirming it was unnecessary to go into private session as all Executive members were happy to note the report and there were no questions arising.

Executive Members all voted in favour of the recommendations in the report and it was therefore

Resolved – That:

- i) It be noted that negotiations for the acquisition had ceased, for the reasons set out in Section 4 of the report;
- ii) It was no longer considered appropriate to purchase the property;

**55** **Forward Plan**  
**9**

Members considered an Executive extract from the Forward Plan for the period from 29 January 2021 to 31 January 2022.

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

The meeting concluded at 12.15 pm.