

# North Yorkshire Council

## Executive

Minutes of the meeting held on Tuesday 15th October 2024 commencing at 11.00 am.

Councillor Carl Les in the Chair. Councillors Mark Crane, Gareth Dadd, Keane Duncan, Simon Myers, Heather Phillips, Janet Sanderson, Greg White and Annabel Wilkinson.

Remote attendance: Councillor Michael Harrison

In attendance: Councillors Barbara Brodigan (remote), Felicity Cunliffe-Lister (remote), Kevin Foster, George Jabbour, Rich Maw and David Hugill, Tony Randerson (remote) and Malcolm Taylor (remote),

Officers present: Richard Flinton, Gary Fielding, Karl Battersby, Stuart Carlton, Nic Harne, Barry Khan, Daniel Harry, Elizabeth Jackson, John Burroughs (remote), Kerry Levitt (remote), Barbara Merrygold (remote), Craig Natrass (remote) and Gemma Rio (remote).

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

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### **533 Apologies for Absence**

Apologies for absence were received from Councillor Michael Harrison. Councillor Harrison joined the meeting remotely, and was therefore unable to vote.

### **534 Minutes of the Meeting held on 17 September 2024**

#### **Resolved**

That the public Minutes of the meeting held on 17 September 2024, having been printed and circulated, be taken as read and confirmed by the Chair as a correct record.

### **535 Declarations of Interest**

Councillor Gareth Dadd declared an interest in Minute 535 on the basis that he was the director of a company which owned holiday lets and was making the declaration in the interests of transparency.

Councillor Greg White declared an interest in Minute 535 on the basis that he worked for Flamingoland.

Councillor Felicity Cunliffe-Lister, who was attending in the capacity of observer, declared an interest in Minute 535 on the basis that she owned her own leisure business.

Councillors Carl Les and Gareth Dadd declared an interest in Minute 543 on the basis that they were Members of the York and North Yorkshire Combined Authority.

Barry Khan and Karl Battersby declared an interest in Minute 539, in the interests of transparency, on the basis that they were both a director of Brierley Homes.

### **536 Exclusion of the Public**

It was noted that there was an exempt appendix relating to Minute number 540 – Acquisition of 11 new build properties in Scarborough for use as affordable rented accommodation to take into the Housing Revenue Account. As the contents of the exempt appendix were not discussed there was no requirement to exclude the public from the meeting.

### **537 Public Participation**

There were no public questions or statements.

### **538 North Yorkshire Destination Management Plan**

Considered – A report of the Corporate Director for Community Development presenting the North Yorkshire Destination Management Plan 2024-2034 (the DMP) for adoption. The plan provided the Council and stakeholders across the county with a clear and focussed set of priorities to drive the sector.

The Executive Member for Open to Business, Councillor Mark Crane, introduced the report and advised the plan had been produced following a wide consultation with those involved in the tourism industry. Cllr Crane referred to an email from Ivan Greer, Chairman of the Whitby and District Tourism Association in which he referred to the visitor numbers for Whitby cited in the DMP, which he felt understated the number of visitors. Cllr Crane advised the figures used were the best available. The Council wished to see an increase in the number of visitors, particularly those staying over.

Councillor Richard Maw then addressed the Executive and suggested the seaside should be a foundation of the new tourism offer. He referred to consultation comments in relation to the number of events and festivals and suggested increasing promotion of seaside resorts. Councillor Crane responded that the seaside was important as were other areas. The Council had supported significant events in Scarborough, Whitby and Craven, leading to increased visitor numbers and the Communications team worked to promote the county.

Councillor Felicity Cunliffe-Lister then addressed the Executive and asked a number of questions which the Head of Tourism (HoT), Gemma Rio, responded to. The HoT advised that the full report on the website contained more detailed data, and the DMP before Members presented the headline figures. More energy was put into attracting visitors who stayed overnight as they spent more money and the DMP focussed on sustainable tourism, not just that to honeypot locations. Market towns were featured throughout the DMP, rather than having a specific section of their own.

In response to a question from Councillor Greg White on the importance of caravan sites and holiday lettings, Councillor Crane advised that it was difficult to capture data on self-catering and Airbnb accommodation.

Councillor Paul Haslam addressed the Executive and referred to the importance of sustainable growth and the importance of sustainable growth, and suggested tourism be included in the Local Plan and Local Transport Plan.

**Resolved (unanimously) – that:**

- i) the Destination Management Plan be adopted

- ii) the Destination Management Plan and associated action plans will be reviewed annually to reflect the prevailing economic conditions and wider opportunities that may arise.

### **Reasons for decision**

Adoption of the Destination Management Plan is recommended in order to support the sustainable growth of North Yorkshire's visitor economy – a key economic driver for the county.

By providing a clear strategic framework, it will not only support decision making among important stakeholders in relation to the county's visitor economy but will also place North Yorkshire in a stronger position to influence investment decisions of the Mayoral Combined Authority and other potential funding bodies.

As the Council plays a lead role in the development of North Yorkshire's visitor economy through its Visit North Yorkshire service, this Plan will also provide the foundation upon which this new service can develop.

### **Alternative options considered**

***Do nothing.*** The lack of a clear adopted plan would potentially reduce the success of funding bids as the Council would not be able to easily demonstrate a coherent co-ordinated approach to investment in tourism growth.

***Utilise former district and borough strategies.*** This would result in a disjointed approach as pre-existing strategies were developed at different times and focused on smaller subsets of the county. With the recent turbulence in the economy from pandemic, war in Europe, and the cost of living and doing business crises, relying on older work may result in not targeting available resources and new investment in the most effective manner.

***Rely on Mayoral Combined Authority, Protected Landscapes and national strategies.*** This approach would not be reflective of or encompass wider North Yorkshire's local strengths, opportunities, challenges, and distinctiveness.

## **539 Broomfields Farm Eco-Homes Development**

Considered – A report of the Corporate Director for Community Development advising on changes to the Whitby Town Deal Project in relation to the Broomfield's Farm net zero village, now renamed Broomfield's Farm Eco-Homes Development. The report also sought approval for entering into a grant agreement with Brierley Homes in respect of the Whitby Towns Fund grant of £2.6m to deliver the Broomfield's Farm Eco-Homes Development.

The Executive Member for Open to Business, Councillor Mark Crane, introduced the report and reported that the project would see 49 affordable homes provided in Whitby. The original developer had proposed 60 homes, however that developer had pulled out and officers had worked to enable Brierley Homes to take over the project with the number of homes reduced to 49 in line with pre-planning advice. Whitby residents were supportive of the scheme.

Councillor Simon Myers advised that the homes would use 90% less carbon than the average home and be cheaper to run.

### **Resolved (unanimously)**

That the Council enter into a Grant Agreement with Brierley Homes for £2,600,000 to deliver the Broomfield's Farm Eco-Homes Development subject to satisfying Subsidy Control Regulations.

### **Reasons for decision**

To allow the successful delivery of 49 100% affordable homes in Whitby through the Broomfield's Farm Eco-Homes Development project as part of the Whitby Town Deal programme and secure the £2.6m investment from the Towns Fund.

### **Alternative options considered**

The Council explored a few options for the delivery of the Broomfield's Farm project including:

#### ***Competitively procured contract***

1. This option would see the Council undertake a tender exercise to the open market to competitively procure a Housing Developer and Registered Provider (RP) partnership to deliver the project.
2. Because the total value of the procurement would have been above WTO thresholds, the Council would be required to follow the 'above threshold process' set out in the Procurement and Contract Procedure Rules within the Constitution. This process would require a minimum of 6 months to complete.
3. The housing developer and registered provider would receive the £2.6m grant from the Towns Fund via the Council as accountable body through a third party grant agreement. The housing developer or registered provider would be responsible for purchasing the land from Keyland.
4. Until the tenders had been returned, the Council would not know what proposals the housing developer or RP would put forward for the provision of any interventions within the homes to achieve net zero standards.
5. Due to the length of time to go through a procurement process, which may yield zero returns, this option would not meet Keyland's requirements for the land sale to complete by the 31st March 2025.

#### ***Partner delivery utilising a local registered provider***

1. This option would see the Council utilise the £2.6m grant to purchase the land from Keyland and act as the developer and landowner. The Council would procure a Registered Provider to both build and manage the homes on completion.
2. The Council would be the project sponsor and responsible for ensuring the project was delivered and the outputs for MHCLG met.
3. Again, the Council would have to go through a lengthy procurement process to appoint a Registered Provider which may yield zero returns. Officers held initial conversations with Sanctuary Housing (the previously involved RP) and Together Group, both providers indicated concerns and believed the current timescales rendered it undeliverable due to the procurement process and uncertainties with

the planning process.

4. There would also be an additional Council approval process to go through in order to secure authority to purchase the land.
5. Both these processes would take several months to complete and therefore would be not meet Keyland's timescale of completing the land purchase by 31 March 2025.
6. Because the Council would be the landowner and developer, it would maintain a high level of control over the project and its outputs but it would require a higher amount of internal resources to deliver and keeps most of the risk of the project and development with the Council.

***Purchase of the land and sell onto a third party for delivery***

1. This option would see the Council utilise the £2.6m Towns Fund grant, subject to approval from MHCLG to purchase the land from Keyland, currently valued at £1,815,340 and then market the land itself for sale to a developer. Council approval would be required in order to undertake a land purchase.
2. There is no guarantee that the Council would be able to sell on the land to a developer leaving it at considerable financial risk in the event MHCLG clawed back the funding due to non-delivery of the project.
3. The Council would also not be able to guarantee the provision of a 100% low carbon affordable homes development on the site by 31<sup>st</sup> March 2029 because it would lose any control over the project delivery.

None of the above options would have given the Council, or Government, assurance that a low carbon 100% affordable housing scheme would have been delivered on the site within the timescales of the Towns Fund programme and therefore were discounted as viable options to secure delivery of the site.

**540 Acquisition of 11 new build properties in Scarborough for use as affordable rented accommodation to take into the Housing Revenue Account**

Considered – A report of the Corporate Director for Community Development seeking approval to acquire 11 new build properties from a developer to use as affordable rented accommodation. The homes would be taken into the Housing Revenue Account and rented out to local households in housing need, who are homeless or at risk of becoming homeless.

The Executive Member for Culture, Arts and Housing, Councillor Simon Myers, introduced the report which was before Members following approval by Executive on 18 June 2024 of a business case for the provision of accommodation for up to 90 homeless households in North Yorkshire to enable the Council to fulfil its statutory duty in this regard.

Councillors Tony Randerson and Rich Maw addressed the Executive in support of the scheme and spoke of the importance of increasing the amount of council house and social housing stock.

**Resolved (unanimously)**

Approval be given for the acquisition of 11 new build properties from Keepmoat Homes in Scarborough for use as affordable rented accommodation, which will be taken into the

Housing Revenue Account for use as temporary accommodation for homeless households as and when required on terms to be agreed in accordance with this report and as agreed by the Corporate Director for Resources.

### **Reasons for decision**

The reason for the first recommendation is to provide 11 properties of temporary accommodation for homeless households in Scarborough in line with the requirements of the Temporary Accommodation business case for the development of 90 new units of temporary accommodation across North Yorkshire.

In order to ensure the Council can proceed at speed to take up similar opportunities in the future, the Constitution Working Party will be asked to review the Constitution to enable a streamlined process for purchasing properties for the HRA that are in line with the Housing Revenue Account 30-year Business Plan and the approved Temporary Accommodation Business Case.

### **Alternative options considered**

The acquisition of “off the shelf” properties from developers forms an important part of the Councils plans for developing and/or acquiring 90 units of temporary accommodation. The acquisition of these properties forms a quick win for the Council, and there were no other viable options for acquisition of new properties available to the Council at the present time.

## **541 Recommendations from Consultation on the de-registration of Children Centres**

Considered – A report of the Corporate Director Children and Young People’s Service which provided a summary of the consultation response on the de-registration of the remaining Children’s Centres in North Yorkshire and requested approval for re-registration.

The Executive Member for Children and Families, Councillor Janet Sanderson, introduced the report and confirmed:

- Statutory guidance from the Department for Education stated that any building currently registered as a designated Children’s Centre will need to be de-registered with the DfE following the Sure Start Children’s Centre Statutory Guidance.
- The guidance recommended consultation with stakeholders prior to any change.
- Of the 224 respondents to the consultation, only 20% used the Centres regularly and 60% hadn’t used them in the past year. 54% supported the proposed de-registration, and 34% were opposed to the proposal.
- Comments had been received from a small number of schools and early years providers raising safeguarding concerns in relation to the future use of the buildings. Discussions would be held with such schools where future use was being explored.
- The DfE could request financial clawback, but this was considered unlikely.
- The de-registration of Children’s Centres would not reduce the current service available to children and their families.

In response to a question from Councillor Rich Maw, the Corporate Director advised that Sure Start had not existed for 10 years, however the statutory guidance was still in place and should be adhered to. Any decisions on future use of the buildings would consider

services available in the locality including statutorily arranged childcare.

### **Resolved (unanimously)**

The 18 designated Children centres be de-registered.

### **Reasons for decision**

The majority of respondents were in favour of the de-registration of the children's centres and rationalisation of building providing potential opportunities for alternative use of the buildings which included opportunities for an increase in early years provision, transferring the premises to schools, greater use by communities and opportunities for the development of community hubs.

The de-registration of the designated children's centres will not reduce the current services delivered to children and their families.

### **Alternative options considered**

None

## **542 Report and Recommendations of the Independent Remuneration Panel for Member Allowances for 2025/2026**

Considered – A report of the Assistant Chief Executive Legal and Democratic Services presenting the report of the Independent Remuneration Panel (IRP) for Member Allowances for 2025-26 and making recommendations to the meeting of Council to be held on 13 November 2024.

Councillor Carl Les thanked the IRP for its work and there followed a discussion with a number of members present seeking clarification on elements of the report and recommendations.

### **Resolved**

That the Executive accept the report of the Independent Remuneration Panel for Member Allowances regarding the recommended Basic Allowance and Special Responsibility Allowances for 2025-26, and recommend the report to Council on 13 November 2024, subject to any questions or comments that Members may have at that meeting.

## **543 Granting consent for Regulations to allow the Mayoral Combined Authority to have extended borrowing powers**

Considered – A report of the Assistant Chief Executive Legal and Democratic Services (ACELDS) in which consent was sought to the making of regulations by Central Government to provide the York and North Yorkshire Combined Authority (YNYCA) with borrowing powers in line with the Devolution Deal and Scheme which were subject to public consultation.

Barry Khan, the ACELDS, introduced the report and advised that on its creation the YNYCA was granted borrowing powers in relation to transport and Police, Fire and Crime Commissioner functions. Borrowing powers for other functions would be dealt with by separate regulations, which required the consent of the three constituent authorities: North Yorkshire Council, City of York Council and the YNYCA.

### **Resolved (unanimously)**

That the Chief Executive Officer, in consultation with the Leader of the Council, give consent to the making of regulations by Central Government to provide the York and North Yorkshire Mayoral Combined Authority with borrowing powers.

### **Reasons for decision**

It is recommended to grant approval to give consent to Government to be able to make the relevant Regulations to extend the borrowing powers for all functions to the Mayoral Combined Authority. It will be for the Government to make the final decision as to whether the borrowing powers will actually be granted to the MCA.

### **Alternative options considered**

The Council could refuse to give its consent and therefore the Government would not be able to confer borrowing powers to the MCA for functions outside transport and Police, Fire and Crime Commissioner functions. Alternatively the Council could give consent only to specific powers of the MCA and not all of them. However both of these alternative options may limit the ambition for regeneration and growth within the region and therefore it is recommended for consent to be granted.

## **544 Annual Review of Member Champions**

Considered – A report of the Assistant Chief Executive Legal and Democratic Services to enable the Executive to consider whether the Member Champion role and remit remained in line with the Council's priorities and challenges. The report set out the current champions, five of which at set out at paragraph 2.1, were Executive appointments and did not attract a Special Responsibility Allowance (SRA). Three appointments, the Older People's, Young People and Climate Change Champions, were made by full Council and attracted an SRA. At Executive on 18 July 2023 it was agreed that an annual review of Member Champion roles take place.

The Leader, Councillor Carl Les confirmed that the Flooding Champion was currently Councillor David Jeffels.

Councillor Paul Haslam addressed the Executive and suggested Member Champions submit regular reports to enable follow up of work undertaken, and also suggested consideration be given to the creation of an air quality champion.

### **Resolved**

That the report be noted and it be confirmed that the Member Champion roles remained appropriate and in line with the Council's priorities/challenges.

### **Reasons for recommendation**

The report is brought to the Executive to consider as part of an established process for an annual review of the role and remit of the Member Champions.

### **Alternative options considered**

None

**545 Appointment to Outside Body - Humber Strategy Forum**

Considered – A report of the Assistant Chief Executive Legal and Democratic Services in relation to an outside body appointment to the Humber Strategy Forum. It was noted that the relevant portfolio holder should be appointed to the role, which in this case was the Executive Member for Highways and Transportation.

**Resolved**

That the Executive Member for Highways and Transportation, Councillor Keane Duncan, be appointed to the Humber Strategy Forum.

**Reason for decision**

The agreed governance structure for the tidal flood risk management strategy for the Humber Estuary includes an Elected Members Forum as the top tier of decision making. The Elected Members Forum comprises of the flood risk management portfolio holders for each authority.

**Alternative options considered**

No alternative options were considered.

**546 Forward Plan**

Considered – The Forward Plan for the period 7 October 2024 to 31 October 2024 was presented.

**Resolved**

That the Forward Plan be noted.

**547 Date of Next Meeting - 5 November 2024 at the Town Hall, Skipton**

The meeting concluded at 12.12 pm.