

# North Yorkshire Council

## Executive

Minutes of the meeting held on Tuesday 5th November 2024 commencing at 11.00 am.

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

Remote attendance: Councillor Janet Sanderson

In attendance: Councillors Kevin Foster (remote), Paul Haslam (remote), George Jabbour and Richard Foster.

Officers present: Richard Flinton, Karl Battersby, Stuart Carlton, Nic Harne, Richard Webb, Barry Khan, Elizabeth Jackson, Louise Wallace, Danielle Daglan, Jn Holden (remote), Joe Varga (remote), Jo Ireland (remote), Matt Lishman (remote), Hannah Heinemann (remote) and Faiza Afzaal.

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

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#### 548 Apologies for Absence

There were no apologies for absence. It was noted that Councillor Janet Sanderson would be attending the meeting remotely.

#### 549 Minutes of the Meeting held on 15 October 2024

##### Resolved –

That the Minutes of the meeting held on 15 October 2024, having been printed and circulated, be taken as read and confirmed by the Chair as a correct record.

#### 550 Declarations of Interest

Councillor Gareth Dadd declared an interest in Minute 558 – Community Housing Fund Framework, on the basis that he was a Director of a company with holiday cottages. He remained in the meeting for the item as he had previously been granted a dispensation.

Nic Harne, Corporate Director of Community, declared an interest in Minute 560 – Closure of Brimhams Active Limited, as he was Chair of the Brimhams Active Board. He remained in the meeting for the item as the position was not remunerated.

#### 551 Exclusion of the Public

It was noted that there were exempt appendices relating to the following items:

- Minute 554 – Catterick Town Centre Regeneration – Levelling Up Fund Project – Appendix A
- Minute 558 – Community Housing Fund Framework – Appendix C

As the contents of the appendices were not discussed there was no requirement to exclude the public from the meeting.

## **552 Public Participation**

There were no public questions or statements.

## **553 Director of Public Health Annual Report 2024**

Considered – A report of the Director of Public Health (the DPH) introducing the Director of Public Health Annual Report 2023-24 'Live, Age, Engage: healthy ageing in North Yorkshire'.

Councillor Michael Harrison, Executive Member for Health and Adult Services, introduced the report which was a legal requirement. Louise Wallace, the DPH, referred to the title of the report, which focussed on older people in North Yorkshire. The report explored healthy ageing and what that looked like in North Yorkshire in response to the projected increase in the older population and the opportunities and challenges this brought.

The report focussed on four healthy aging priorities for North Yorkshire and provided recommendations for each of the priorities, which were:

- Health and reducing inequalities
- Housing
- Financial security and employment
- Making North Yorkshire an age-friendly place

In response to a question, the DPH acknowledged that coastal communities faced particular challenges in relation to the ageing population and advised that bespoke considerations were required. The Public Health team was happy to visit such locations to discuss the issues further.

Members welcomed the report, and it was

**Resolved (unanimously) - that**

- 1) the Director of Public Health Annual Report 2023-2024 be noted
- 2) consideration be given to the recommendations made within the report and how these relate to the whole local authority.

### **Reason for Recommendations**

The recommendations are made on the basis that the report provides important recommendations for the health of the North Yorkshire population, and that publication of the report will meet the local authority's legal duties to so publish.

## **554 Catterick Town Centre Regeneration – Levelling Up Fund Project**

Considered – A report of the Corporate Director Community Development in which approval was sought to enter into the construction contract to carry out the Catterick Town Centre Regeneration Project on the terms principally contained in this report and to delegate to the Corporate Director of Resources in consultation with the Corporate Director of Community Development and Assistant Chief Executive Legal and Democratic Services to agree the final terms of the construction contract within the established budget.

Mark Crane, the Executive Member for Open to Business, introduced the report and set out the details of the project which included works to Shute Road to make it more attractive with the creation of a new town square and the rejuvenation of Coronation Park.

Councillors Carl Les and Kevin Foster welcomed the improvements to the centre of the garrison, for which there was strong local support.

**Resolved (unanimously) – that**

- (1) enter into the construction contract to carry out the Catterick Garrison Town Centre Regeneration Project on the terms principally contained in this report; and
- (2) delegate to the Corporate Director of Resources in consultation with the Corporate Director of Community Development and Assistant Chief Executive Legal and Democratic Services to agree the final terms of the construction contract, within the established budget.

### **Reasons for Recommendations**

To allow the Council to enter into the construction contract to facilitate the delivery of the LUF Catterick Garrison Town Centre Regeneration Project.

### **Alternative Options Considered**

The Authority does not hold the required capabilities in-house to be able to construct the project on site and NY Highways are not able to deliver the build.

## **555 Neighbourhood Planning – Making of the Pannal and Burn Bridge Neighbourhood Development Plan**

Considered – A report of the Corporate Director Community Development presenting the results of the Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035 referendum and the requirements of North Yorkshire Council as the local Planning Authority to formally ‘make’, or adopt, the Neighbourhood Plan. The report also presented the Regulation 19 Decision Statement, included at Appendix A to this report, which sets out the Local Planning Authority’s decision in terms of ‘making’, or adopting, the Neighbourhood Plan and the reasons for that decision.

Councillor Mark Crane, Executive Member for Open to Business, presented the report and reported that at the referendum 95.7% of those voting voted ‘Yes’ when asked if they wanted the Neighbourhood plan to be used by NYC to help it decide planning applications in the designated area.

Nic Harne, Corporate Director Community Development, advised of typographical amendments to paragraph 3.11 of the report where the words “Ryedale Plan 2012-2027” should be replaced with the words “Harrogate District Local Plan 2024 – 2035 (the Local Plan)”, and the words “Malton and Norton on Derwent parishes” should be replaced with “Pannal and Burn Bridge parish”.

### **Resolved**

That the Executive recommend that Full Council:

- 1) ‘make’ (adopt) the Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035 at its meeting on 13 November 2024

- 2) approve the Regulation 19 Decision Statement included at Appendix A to this report

### **Reasons for Recommendations**

In order to meet the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended), following the positive result at referendum, North Yorkshire Council, as the Local Planning Authority, is required to make a decision relating to the 'making' (adopting) of the Neighbourhood Plan and publish a Regulation 19 Decision Statement setting out its decision and the reasons for that decision. The following recommendations relate to these legal requirements.

### **Alternative Options Considered**

No other options considered. The report sets out the steps the Council is required to take to comply with its legal duties under the Town and Country Planning Act to make a decision on 'making' (adopting) a neighbourhood development plan following a positive result at referendum.

## **556 Neighbourhood Planning – Making of the Malton and Norton Neighbourhood Development Plan**

Considered – A report of the Corporate Director of Community Development presenting the results of the Malton and Norton on Derwent Neighbourhood Development Plan 2020-2027 referendum and the requirements of North Yorkshire Council as the local Planning Authority to formally 'make', or adopt, the Neighbourhood Plan. The report also presented the Regulation 19 Decision Statement, included at Appendix A to this report, which sets out the Local Planning Authority's decision in terms of 'making', or adopting, the Neighbourhood Plan and the reasons for that decision.

Councillor Mark Crane, Executive Member for Open to Business, presented the report and reported that at the referendum 83.13% of those voting voted 'Yes' when asked if they wanted the Neighbourhood plan to be used by NYC to help it decide planning applications in the designated area.

Nic Harne, the Corporate Director Community Development, reported that additional wording should be included in the decision statement at Appendix A. Paragraph 2.5 should read as follows:

- 2.5 Following this outcome, on the 5th November 2024, the Executive of North Yorkshire Council agreed to recommend to Full Council that the Malton and Norton on Derwent Neighbourhood Plan 2020-2027 is formally made on or before 29 November 2024 and that this Decision Statement is approved for publication. At a meeting on the 13th November 2024, Full Council agreed the Executive's recommendations.

### **Resolved**

That the Executive recommend that Full Council:

- 3) 'make' (adopt) the Malton and Norton on Derwent Neighbourhood Development Plan 2020-2027 at its meeting on 13 November 2024
- 4) approve the Regulation 19 Decision Statement included at Appendix A to this report

## **Reasons for Recommendation**

In order to meet the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended), following the positive result at referendum, North Yorkshire Council, as the Local Planning Authority, is required to make a decision relating to the 'making' (adopting) of the Neighbourhood Plan and publish a Regulation 19 Decision Statement setting out its decision and the reasons for that decision. The following recommendations relate to these legal requirements.

## **Alternative Options Considered**

No other options considered. The report sets out the steps the Council is required to take to comply with its legal duties under the Town and Country Planning Act to make a decision on 'making' (adopting) a neighbourhood development plan following a positive result at referendum.

## **557 North Yorkshire Cultural Strategy**

Considered – A report of the Corporate Director Community Development in which approval was sought for the adoption of the North Yorkshire Cultural Strategy which had been developed by the Culture and Archives Service in collaboration with community and sector partners.

Simon Myers, Executive Member for Culture, Arts and Housing introduced the Strategy which had been developed in collaboration with community and sector partners. The Strategy would underpin cultural work by the Council and its partners and support bids for external funding.

Danielle Daglan, Head of Culture and Archives, added that over 800 members of the community and cultural sector had taken part in an extensive consultation and the Strategy would meet the needs of communities.

Councillor Mark Crane added that the Strategy supported the recently approved Tourism Strategy and would have a positive impact on residents.

## **Resolved –**

That Executive recommend to Council that the North Yorkshire Cultural Strategy is adopted, including the shared objectives relating to collaborative working with City of York and the Mayoral Combined Authority.

## **Reasons for Recommendation**

To provide a structured approach to cultural service delivery and wider cultural development in North Yorkshire, to maximise the value and benefit of cultural participation.

## **Alternative Options Considered**

Alternative options considered were to have no cultural strategy. Having no strategic focus would significantly reduce the efficiency of realising ambitions for our communities and sector, making it harder to identify partnerships and apply for external funding. No strategic framework would increase risks around duplication and lack of focus. Lack of strategic focus would also significantly reduce our ability to link to the Mayoral Combined Authority and maximise the benefits from devolution.

## **558 Community Housing Fund Framework**

Considered – A report of the Corporate Director Community Development which provided an update on the Community Housing Fund position and sought approval to use £1m from the Council Tax Premium on second homes to further support the work of the Community Housing Fund in North Yorkshire from April 2025.

Approval was also sought for a consolidated North Yorkshire Community Housing Fund Framework to cover allocation of legacy Community Housing Fund resources and any future projects funded from Council Tax premium from April 2025. Delegated authority was requested for the Corporate Director of Community Development to approve allocations from the Community Housing Fund in line with the Community housing Fund Framework.

Simon Myers, Executive Member for Culture, Arts and Housing, introduced the report and advised that North Yorkshire Council was the only council in England which spent all of its second homes council tax premium on housing related issues. There were 120 homes currently in the pipeline for this funding, which focussed on affordable homes on smaller sites and were led by local communities. The funding would assist with processes such as planning permission, provision of advice for such projects and seed funding.

**Resolved (unanimously) – that**

- 1) the North Yorkshire Community Housing Fund Framework as set out at Appendix A be approved
- 2) the use of £1m annually from the Council Tax premium on second homes be approved, subject to availability, to further support the work of the Community Housing Fund in North Yorkshire for a period of three years initially.
- 3) Authority be delegated to the Corporate Director Community Development to approve allocations from the Community Housing Fund in line with the North Yorkshire Community Housing Fund Framework.

### **Reasons for Recommendations**

Community Housing Fund resources need to be allocated in a fair and transparent way to support the delivery of Community Led Housing projects across North Yorkshire in line with the council's strategic housing priorities as set out within the Housing Strategy 2024 to 2029.

### **Alternative Options Considered**

Community Housing Fund resources need to be allocated in a fair and transparent way to support the delivery of Community Led Housing projects across North Yorkshire in line with the council's strategic housing priorities as set out within the Housing Strategy 2024 to 2029.

## **559 Proposal to increase pupil numbers at Springwater Community Special School**

Considered – A report of the Corporate Director Children and Young People's Service detailing the outcome of the public consultation carried out by the Council on the proposal to permanently increase pupil numbers at Springwater School, Starbeck from 1 September 2025, and requesting Executive (or the Executive Member for Education, Learning and Skills if there are no representations during the representation period) to authorise the publication of proposals and statutory notices, and to schedule taking a final decision on the proposal on 7 January 2025.

Councillor Annabel Wilkinson, Executive Member for Education, Learning and Skills, introduced the report and stated that Springfield School served children from 2 – 19 years. It was proposed to increase the number of school places from 112 to 157 from September 2025 due to an increase in Educational Health and Care Plans (EHCPs) by 95% since 2018. Whilst the majority of those with EHCPs had their needs met in mainstream schools, the demand for special school places was increasing.

**Resolved (Unanimously) – that**

- 1) Statutory proposals and notices be published on 14 November 2024 proposing to permanently increase the number of places Springfield School, Starbeck can offer to pupils from 122 to 157, with effect from 1 September 2025.
- 2) 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 7 January 2025.

## **560 Closure of Brimham's Active Limited**

Considered – A report of the Assistant Director, Culture, Leisure, Archives and Libraries requesting approval to dissolve Brimham's Active Limited, being a wholly owned Council company that would cease to trade on 1 December 2024 when its operations were brought in-house.

Councillor Simon Myers, Executive Member for Culture, Arts and Housing, introduced the report and referred to the previous decision to transfer the delivery of leisure services to a single in-house model. Brimhams Active was a company set up by Harrogate Borough Council which would cease to trade after 1 December 2024 and a legal process was now required to wind up the company.

**Resolved (unanimously) – that**

- 1) an application be made to strike off and dissolve Brimhams Active Limited;
- 2) the Company's directors be authorised to apply to Companies House for the voluntary strike-off of the Company;
- 3) any decisions relating to the financial implications of the dissolution of the Company be delegated to the Corporate Director (Resources); and
- 4) the Assistant Chief Executive (Legal and Democratic Services) be authorised to take all necessary steps to facilitate the strike-off of the Company.

### **Reasons for Recommendations**

To enable the dissolution of Brimham's Active as a company to support the enactment, in an efficient way, of the wider decision to create a single in-house leisure service (Active North Yorkshire).

### **Alternative Options Considered**

The voluntary strike off procedure is not the only way a company may be struck off and dissolved. The other options are:

- Do nothing and await involuntary strike off. The registrar has the power to strike off

a company that it has reasonable cause to believe is not carrying on business or in operation (also known as a defunct company.) There is no certain period within which Companies House will decide to take such action. By making a voluntary application the uncertainty is removed.

- Put the company into liquidation. This is the most costly of the procedures for terminating a company.

#### **561 Area Committee Feedback Report**

Considered – A report of the Assistant Chief Executive Legal and Democratic Services providing an overview of the key issues considered at recent meetings of the six Area Committees.

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

#### **562 Appointments to Committees and Outside Bodies**

Considered – A report of the Assistant Chief Executive Legal and Democratic Services in relation to changes to appointments to outside bodies.

Following the changes to Executive Member appointments for Corporate Services and Open to Business at the Council meeting held on 15 May 2024 replacement appointments were required to be made to the Local Government Association.

Following the resignation of Councillor Bridget Fortune from the Council on 17 July 2023, vacancies remained on two of the outside bodies to which she had been appointed which were Breckenbrough School Limited and Foster Panel (West). Councillor Annabel Wilkinson and Councillor Janet Sanderson respectively agreed to give consideration to nominations for the vacancies.

**Resolved** –

That the following appointments be made to the Local Government Association:

- Councillor Heather Phillips – Executive Member for Corporate Services
- Councillor Mark Crane – Executive Member for Open to Business

#### **563 Forward Plan**

Considered –

The Forward Plan for the period 28 October 2024 to 31 October 2025 was presented.

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

#### **564 Date of Next Meeting - 19 November 2024 (Performance Monitoring) - County Hall, Northallerton**

The meeting concluded at 12.00 pm.