

# North Yorkshire County Council

## Executive

Minutes of the meeting held at County Hall, Northallerton on Tuesday, 13 June 2017 commencing at 11.00 am.

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

Also in attendance: County Councillors Jim Clark, Janet Jefferson and Mike Jordan.

Officers present: Richard Flinton, David Bowe, Andrew Dixon, Pete Dwyer, Steve Evans, Gary Fielding, Daniel Harry, Barry Khan, Paula Maclean, Josie O'Dowd and Richard Webb.

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

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#### 8. Minutes

##### Resolved –

That the Minutes of the meeting held on 23 May 2017, having been printed and circulated, are taken as read and are confirmed and signed by the Chairman as a correct record.

#### 9. Exclusion of the Public

##### Resolved –

That the public be excluded from the meeting during consideration of each of the items of business listed in column 1 of the following table on the grounds that each involves the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local government (Access to Information)(Variation) Order 2006 as defined in column 2.

Item on the Agenda	Paragraph No
10- Appendices B and C only	3
11	3

#### 10. Questions and Statements from members of the public

There were no questions or statements from members of the public.

## 11. Quarterly Performance and Budget Monitoring Report

Considered –

A joint report of the Chief Executive and Corporate Director - Strategic Resources bringing together key aspects of the County Council's performance on a quarterly basis.

County Councillor David Chance introduced the performance report highlighting the key performance issues set out in paragraphs 1.1 to 1.4; overall the Council continues to perform well. Officers have been asked to review the approach to the performance report, seeking more concise and sharper ways of presenting information. This may involve a dashboard style showing progress against targets. A more consistent presentation of financial information is also sought and this will be developed on an incremental basis over time. Recognition was given to the two Workforce awards which had been achieved during Quarter 4. The successful transfer of 21 further community libraries from 1 April was also highlighted, noting that there are now over 2,500 volunteers helping to deliver the service. It was also acknowledged that the winter pressures experienced in Health and Adult Services are now easing slightly, whilst the NHS continue to report concerns. Regarding the Children and Young People's Service, the high performance of Children and Family Centres was acknowledged, this being in the top quartile. For Business and Environmental Services the rebuild of Tadcaster Bridge running just one week over programme was noted - this taking half the time normally allowed for projects of this scale. The construction of Allerton Park is on target and waste will be accepted from February 2018. Congratulations were also recorded for the Director of Public Health for the strong performance of the service and for winning the Association of Directors of Public Health competition for the best Annual Report.

County Councillor Greg White reiterated the challenge of maintaining the community libraries in the longer term and he felt that the previous experience of officers would stand the service in good stead.

County Councillor Patrick Mulligan acknowledged the impact of the MAST multi-agency team which is having a beneficial effect on performance. He also acknowledged the attainment levels of disadvantaged children many of whom were achieving well.

### In-depth Analysis - Public Health

County Councillor Caroline Dickinson introduced the report explaining that since the service had moved to the County Council in 2013, all the services had been re-commissioned and many big issues have been tackled. She advised that the Public Health profile of the county is generally stable, whilst noting that the greatest number of red indicators (significantly worse than the England average) occur in Scarborough and Selby which is an ongoing source of concern. She highlighted the following issues:

- ◆ Road deaths and injuries;
- ◆ Smoking in pregnancy particularly for women delivering at Scarborough Hospital;
- ◆ Obesity in adults.

Dr Lincoln Sargeant the Director of Public Health explained that the performance report reflects system-wide issues which are the subject of collaborative work with partners including the NHS and District Councils. In terms of the overall North Yorkshire profile, whilst this is generally very healthy, he advised that this can mask difficulties in particular areas such as Scarborough and Selby. He explained that the profile of these geographic

areas is more like that of South Yorkshire, where the other parts of North Yorkshire are more akin to the South of England, such as Somerset. He stressed that Public Health need to look at far more than just the average across the county area, it is important to look at specific geographic issues as well as particular groups. He went on to highlight issues around:

- ◆ Life expectancy at birth;
- ◆ School readiness;
- ◆ Working age population;
- ◆ The greater proportion of small and micro businesses in North Yorkshire.

He explained that in general health and social care costs start increasing most markedly around retirement age and he stressed the importance of embedding healthy practice before this through workplace channels. The snapshot of commissioned services, shown at pages 28 and 29, was highlighted - including Living Well and Stronger Communities. In terms of overall performance, Lincoln Sargeant was pleased to report that high quality public health services are delivering some of the best outcomes in the country, whilst the cost per capita is one of the lowest. He referred to the substance misuse service (North Yorkshire Horizons) where this performance has been validated via external CQC inspections, highlighting the good practice employed. The budget position was outlined noting the important investment in services for children. Also acknowledged were other key commitments including substance misuse and sexual health.

County Councillor Jim Clark recorded his congratulations to the Public Health team and he commented upon the step change which has been evident since the service transferred to the County Council. Responding to points raised, Lincoln Sargeant advised that to seek to close the inequality gap, considerable efforts are being made to give children a healthy start in life. He cited the Scarborough Pledge and noted the key role of health visitors to promote early interventions for the under 5s to improve school readiness. He spoke of initiatives to close the skills gap as a means to promoting economic wellbeing, and the work with Business and Environmental Services on this. Also noted was the ongoing work with the NHS to prevent poor health, particularly the identification and early intervention regarding heart disease and cancer. In terms of the proposed end of ring fencing of funding after April 2019, Lincoln Sargeant acknowledged the proposals around retention of business rates and he urged steps to ensure a sustainable approach to the provision of public health services working within the current grant allocation of c£23m envelope. On the question of STPs he advised that a “watchful, waiting approach” is being adopted, advising that there has been engagement with the 3 STPs across North Yorkshire and the proposal is to continue to deliver preventative services on a local basis whilst looking for opportunities where delivery across a wider footprint would be beneficial.

County Councillor Mike Jordan acknowledged that problems had been identified in 2009 relating to Scarborough and Selby and he questioned the pace of improvement.

Lincoln Sargeant explained that although the public health profile for these districts still reflected significant gaps when compared to the England average there was improvement over time. He illustrated this by noting the statistics of those killed and injured on North Yorkshire roads, and whilst this remains a concern, the level is decreasing each year. He stated that despite the downward trend there is a wide gap to bridge to match the national average which has also been decreasing.

### In-depth Analysis - Highway Condition

County Councillor Don Mackenzie introduced the report outlining the highway and footway condition results for 2016/17. He noted the marked improvement in categories 4a and 4b roads, where four years ago 25% of those roads were in need of maintenance. Targeted expenditure had resulted in the 7% improvement in the standard of categories 4a and 4b. He noted that the other categories of roads were generally in good condition, with only small percentages in need of attention. He also acknowledged the perverse situation whereby despite considerable additional funding from the National Pothole Scheme, the Local Enterprise Partnership, and North Yorkshire County Council's own funding, the public perception of standards is now showing less satisfaction compared to that for other County Councils. He felt it was important to remember the context of 6,000 km of highway and the low tax base. He described the challenge of maintaining urban estate roads in accordance with the public's sometimes inflated expectations, compared to the standards accepted for rural roads. He acknowledged that many estate roads are now carrying far more traffic than they were designed for and also the increase in drivers using estate roads as rat runs. The problem is acknowledged and he stated that over time the continued additional spending will address these issues.

David Bowe, Corporate Director - Business and Environmental Services, spoke further of the urban and rural differential, noting that the damage reported by the public was not necessarily structural but was often aesthetic. He accepted that the additional funding is showing benefits, but he cautioned that considerable sums of money could not justifiably be allocated to address primarily aesthetic concerns, it is a question of the right balance being struck. The impact of surface dressing and the hazard presented by loose chippings to cyclists was also discussed, noting the growth in complaints which has accompanied the growth in the popularity of cycling. David Bowe accepted the difficulty of achieving the right balance between additional sweeping and advisory signage; accepting that it is not possible to ensure perfect conditions for cyclists when the priority has to be keeping roads in good order. County Councillor Janet Jefferson took the opportunity to record her thanks for the delivery of the Scarborough precinct works which she acknowledged had proved a very difficult project but one with a very positive outcome.

### In-depth Analysis – Local Enterprise Partnership (LEP)

David Bowe, Corporate Director - Business and Environmental Services advised that the LEP is delivering across a range of sectors, and it is performing well in comparison to others in the country. He acknowledged the mutually beneficial relationship established between the County Council and the LEP, providing significant gains for both. Responding to County Councillor Gareth Dadd, David Bowe advised of the LEP secretariat arrangements. He explained that at the inception of the LEP the County Council had made a significant contribution to the secretariat role, but this is now much less so as it has become a shared responsibility with the District Councils - officers being seconded in as needed across authorities. It was noted that James Farrar continues to lead this at Assistant Director-level. County Councillor Janet Sanderson spoke very positively of the work experience project delivered by the LEP in Scarborough addressing skills and careers. County Councillor Patrick Mulligan wished to know what would happen when the UK leaves the European Union and David Bowe acknowledged that this is an unknown quantity, offering assurances that officers are working with all available funding streams and monitoring the situation very closely.

### In-depth Analysis - Workforce Performance

County Councillor Gareth Dadd noted that the full-time equivalent establishment is decreasing in accordance with the shrinking budget. The impact of present uncertainties in Westminster were also acknowledged.

### In-depth Analysis - Compliments and Complaints

The report was noted without comment.

### Supplementary In-depth Analysis - Residential and Nursing and Community Based Services

The report was noted without comment.

### Supplementary In-depth Analysis - Highway Maintenance and Waste Management

The report was noted without comment.

### Supplementary In-depth Analysis - Pupil Attainment and Schools, Looked after Children and Safeguarding and Child Protection

County Councillor Janet Jefferson commented that:

- ◆ MAST is working very well.
- ◆ Queried why the target for Looked after Children is 400?
- ◆ Stressed that early intervention and school readiness measures are very important.
- ◆ Flagged the links between pupil attainment and exclusions and attendance problems - noting the increase in secondary and primary schools, with behavioural issues often at the core. She queried the impact of autism across all these issues. She also noted the incidents of leadership and governance issues arising out of Ofsted inspections.

She advised that the Young People Overview and Scrutiny Committee would be addressing all of these issues. Pete Dwyer, Corporate Director - Children and Young People's Service, welcomed the supportive challenge. He stated that capacity is supported across the Council to address these issues. Regarding Looked after Children he advised that the level achieved in the county is one of the lowest in the country and he was keen to maintain this where it is safe to do so. He stressed the importance of diagnosing and addressing autism, and he acknowledged the importance of challenging the way negative behaviour is handled and the links with attainment. He confirmed the Service would be working with the Young People Overview and Scrutiny Committee on these issues.

### Revenue Budget 2016-17/Capital/Treasury Management

County Councillor Gareth Dadd introduced the outturn report for 2016/17 confirming that this was as expected, there were no changes as a result of external factors.

Gary Fielding, Corporate Director - Strategic Resources, advised that the headlines of the report are very similar to the previous Quarter 3 report, however the bottom line is different due to the £5m voluntary contribution to the Minimum Revenue Provision which will realise

a recurring saving in 2017/18 and subsequent years. He highlighted the table at paragraph 4.3.2 noting that the figure of +416 is slightly behind schedule and progress will therefore be closely monitored. The Health and Adult Social Care contingency of £2m year on year was noted. A typographical error in paragraph 4.3.2 was corrected - the year quoted in the last sentence should be "2017/18". The funding for the graduate scheme was clarified - this had been the subject of additional information circulated prior to the meeting. Regarding SmartSolutions, it was noted that the outturn report at page 93 was only part of the picture, with a further £2m reflected elsewhere in the budget.

County Councillor Gareth Dadd commented that previous prudence helps mitigate slippage but he urged for a continued robust stance to achieve breakeven by 2020. He also referenced the £5m contributed to the Minimum Revenue Provision which had enabled the paying off internal debts achieving a £200,000 revenue saving per year. He was highly supportive of the graduate scheme proposals.

#### Capital expenditure outturn and Finance 2016/17

Gary Fielding, Corporate Director - Strategic Resources, advised of the slippage evident on the Capital Plan as set out in paragraph 5.7(a). He also highlighted the longer term requirement for additional school places and he outlined the new internal borrowing set out at paragraph 5.12, particularly noting the circumstances regarding NYnet. Finally he highlighted the £5.8m capital resource which is not being committed presently, but which may be used to fund additional school places later. He also advised that the policy regarding county farms is being reviewed to try and improve the benefits to the Council.

#### Annual Treasury Management and Prudential Indicators 2016/17

County Councillor Gareth Dadd commented that overall debt levels are reducing which he hopes that this will continue. The report detailed loans to County Council companies and others. He highlighted the £250k earmarked for the Legal Services company, £2.75m for the Housing Development company, and £500k for the Property Service. He also advised that interest rates on deposits are very low at 0.6% which is expected to reduce further.

#### **Resolved -**

- (a) That the position on performance of the County Council as detailed in paragraphs 1 to 3 of the report is noted.
- (b) That the latest position for the County Council's 2016/17 Revenue Budget as summarised in paragraph 4.2.2 of the report is noted.
- (c) That the position on the GWB following the application of the simplified approach (paragraphs 4.5.1 to 4.5.3 of the report) is noted.
- (d) That the position on 'Strategic Capacity – Unallocated' reserve (paragraphs 4.5.4 to 4.5.6 of the report) is noted.
- (e) That the voluntary contribution of £5m to the Minimum Revenue Provision outlined at 4.3.3 of the report is endorsed.
- (f) That the funding of £360k from Strategic Capacity Unallocated reserve in 2017/18 (paragraph 4.5.7 of the report) is approved.

- (g) That the the position on capital outturn as detailed in Annex I Appendices A to E of the report is noted.
- (h) That it be a recommendation to the County Council, the proposed carry forward to 2017/18 of the net capital underspend totalling £1.4m as set out in paragraph 5.10 of the report is noted.
- (i) That financing of capital expenditure as detailed in paragraph 5.12 and Appendix F of the report is noted.
- (j) That the performance of the Treasury Management operation during 2016/17 and the outturn position on Prudential Indicators is noted.

**12. Proposal to close Rathmall CE VA Primary School**

This item was withdrawn, as no objections had been received the decision may therefore be taken by the Executive Member.

**13. Great Ouseburn Community Primary School - Lowering of Age Range to include 3 year old provision**

Considered –

A report of the Corporate Director - Children and Young People's Service reporting on the outcome of informal consultation carried out by the Governors of Great Ouseburn Community Primary School, seeking approval for the publication of proposals and statutory notices to lower the age range of Great Ouseburn Community Primary School and asking the Executive to schedule taking a final decision on the proposal at the Executive meeting on 25 July 2017.

County Councillor Patrick Mulligan introduced the report which seeks to lower the age range in response to the withdrawal of other local provision.

**Resolved –**

- (a) That proposals and statutory notices be published to lower the school age range of Great Ouseburn Community Primary School to 3-11 from 1 September 2017.
- (b) That the taking of a final decision by the Executive on these proposals be scheduled for 25 July 2017.

**14. Joint Working with Health in Scarborough and Ryedale**

Considered –

A joint report of the Corporate Director - Health and Adult Services and the Assistant Chief Executive (Legal and Democratic Services) to enter into a partnership agreement between the County Council and NHS Scarborough and Ryedale Clinical Commissioning Group.

County Councillor Michael Harrison introduced the report explaining that the report comes forward following the end of the recent consultation period. He advised that the Section 75 Agreement will see closer working between the County Council and the CCG, although the budgets of the organisations will continue to be separate. He explained the benefits of transparency - the ability to have sight of each other's position. He noted that budgets

could be amalgamated further down the line if this were deemed to be beneficial. Responding to County Councillor Mike Jordan he advised that the arrangement should not create unnecessary work, that the benefits should outweigh effort required. He reiterated that separate financial accounting will ensure the integrity of arrangements. He also acknowledged the potential for similar arrangements elsewhere in the county to be explored.

County Councillor Jim Clark welcomed the arrangement but articulated certain concerns:

- ◆ Scarborough and Ryedale are in a fragile financial situation, as are all the CCGs.
- ◆ Certain financial practices which have been adopted by them in the previous year would not be acceptable to the County Council.
- ◆ He wished to see the Council's Auditors to exercise due diligence and monitor the situation.
- ◆ He stressed the importance of appropriate governance arrangements.

Barry Khan, Assistant Chief Executive (Legal and Democratic Services) advised that the Section 75 Agreement provides the governance framework through which to oversee the £90-£100m budget. Each organisation will have their own financial arrangement but the agreement facilitates the joint discussion. He also made reference to the Innovation Fund of £50,000 which is a pooled sum to be managed by the County Council. The Commissioner will take responsibility for any overspend. Gary Fielding, Corporate Director - Strategic Resources, confirmed that the Council's Auditors will play a role and review arrangements at the appropriate time.

**Resolved –**

That the entering into the Section 75 Partnership Agreement with Scarborough and Ryedale CCG is agreed and delegation be given to the Assistant Chief Executive (Legal and Democratic Services) of all necessary powers to give effect to this decision including amending and signing the final Partnership Agreement in consultation with the relevant Executive Member.

**15. Appointments to Committees and Other Bodies**

Considered –

A report of the Assistant Chief Executive (Legal and Democratic Services) inviting the Executive to make appointments to any remaining outside bodies which fall to be made by the Executive under the County Council's Constitution.

**Resolved –**

- (a) That the appointments to the bodies below are deferred to a future meeting.

NYNet Ltd Board and NYnet 100 Ltd	1 Vacancy 1 Observer 1 Substitute
Rural Action Yorkshire	1 Vacancy



Veritau Ltd (shared Internal Audit Service) Board of Directors 1 substitute

Yorwaste Limited and SJB Recycling Ltd 1 Vacancy

(b) That County Councillor Keane Duncan be appointed the Young People's Champion. That County Councillor Karin Sedgwick be appointed the Older People's Champion.

(c) That membership of the Members' Looked After Children Group is confirmed as follows:-

County Councillor Joe Plant  
County Councillor Cliff Lunn  
County Councillor Caroline Patmore  
County Councillor Gillian Quinn  
County Councillor Andy Solloway  
County Councillor Annabel Wilkinson  
David Sharpe - North Yorkshire Youth

(d) That membership of the Members' Working Group on the Constitution is confirmed as follows:

County Councillor Helen Swiers (Ex-Officio Chairman)

Conservative: County Councillor David Chance  
County Councillor Gareth Dadd  
County Councillor Don Mackenzie  
County Councillor Zoe Metcalfe  
County Councillor Gillian Quinn  
County Councillor Karin Sedgwick  
County Councillor Peter Sowray  
County Councillor Robert Windass

NY Independent x 1 – nominee to be advised  
Labour x 1 – nominee to be advised  
Liberal Democrat x 1 – nominee to be advised

## 16. Forward Work Programme

The Forward Plan for period 1 May 2017 to 31 May 2018 was presented.

### Resolved –

The forward work programme is noted.

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**Appendices B and C to the following report were considered in private and the public have no right of access.**

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**17. Children and Young People's Service Schools Capital Maintenance Programme**

Considered –

A report of the Corporate Director - Children and Young People's Service seeking approval for the Schools Condition Capital Programme 2017/18.

County Councillor Patrick Mulligan introduced the report explaining the indicative allocations for 2017/18, the details appertaining to each school were contained in the exempt Appendices. Andrew Dixon, Strategic Planning Officer, explained the rationale for prioritisation based upon requirements for support and compliance.

**Resolved –**

- (a) That the proposed schools capital programme for 2017/18 as summarised in Appendix A to the report is approved.
- (b) That the approach for dealing with any schools which convert following the approval of the programme as set out in paragraph 3.3 of the report is agreed.

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**Item 11 on the agenda was considered in private and the public have no right of access.**

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**18. Private Minutes**

**Resolved –**

That the Private Minutes of the meeting held on 25 April 2017, having been printed and circulated, are taken as read and are confirmed and signed by the Chairman as a correct record.

The meeting concluded at 12.20 pm

JOD/JR