

North Yorkshire County Council

Executive

Public minutes of the meeting held at County Hall, Northallerton on Tuesday, 15 August 2017 commencing at 10.30 am.

County Councillor Carl Les in the Chair. County Councillors David Chance, Gareth Dadd, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan (joined the meeting after the Police and Crime Commissioner's Consultation report), Janet Sanderson and Greg White.

Other County Councillors in attendance: John Ennis, Andrew Backhouse (Chairman of the North Yorkshire Fire and Rescue Authority, Bryn Griffiths (Vice Chairman of the Corporate and Partnerships Overview and Scrutiny Committee), Jim Clark, Karin Sedgwick, Janet Jefferson, David Blades, Eric Broadbent, Tony Randerson, Geoff Webber, Caroline Goodrick and Cliff Lunn.

Officers present: Justine Brooksbank, Cathryn Moore and Richard Webb (who were only present for the Scarborough and Ryedale Integrated Prevention, Community Care and Support Service report); Richard Flinton, Gary Fielding and Barry Khan (who joined the meeting after the Scarborough and Ryedale Integrated Prevention, Community Care and Support Service report); Stuart Carlton, David Bowe, Neil Irving, Karen Iveson, Josie O'Dowd and Richard Webb.

Other attendees: Julia Mulligan, Police and Crime Commissioner, Thomas Thorp, PCC Policy and Scrutiny Manager and Michael Porter, PCC Chief Finance Officer.

Copies of all documents considered are in the Minute Book

County Councillor Carl Les welcomed everyone to the meeting and advised of changes to the order of business.

44. Minutes

Resolved –

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

45. Declarations of Interest

For transparency County Councillor Greg White advised that his wife is the Practice Manager at Helmsley and Terrington GP Surgeries.

46. 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	3

47. Questions and Statements from members of the public

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

The following report (originally item 10 on the published agenda) was considered in private and the public have no right of access. Minute 48 is a public summary of business conducted in private.

Commissioner representatives Richard Flinton, Chief Executive, Gary Fielding, Corporate Director - Strategic Resources and Barry Khan, Assistant Chief Executive (Legal and Democratic Services), did not join the meeting until after this item had been considered to comply with the ethical walls requirement. Cathryn Moore, Senior Solicitor (Commercial Contracts and Procurement) was present for this item as a legal representative for the provider side.

48. Scarborough and Ryedale Integrated Prevention, Community Care and Support Service - Draft Outline Business Case

Considered –

A joint report of the Corporate Director - Health and Adult Services and Assistant Director - Strategic Resources.

Resolved –

That the recommendations set out in the report are agreed.

Richard Flinton, Gary Fielding and Barry Khan joined the meeting after the conclusion of this item.

49. The Council's response to the Police and Crime Commissioner's Consultation regarding proposals for changes to the Governance of the Fire and Rescue Service

Considered –

A report of the Assistant Director (Policy and Partnerships) to consider the Police and Crime Commissioner's consultation regarding proposals for changes to the governance of the Fire and Rescue Service; to consider the recommendations of the Corporate and Partnerships Overview and Scrutiny Committee and to consider the issues and agree the Council's response to the Police and Crime Commissioner's consultation.

County Councillor Carl Les asked the non-Executive Members who were present to indicate if they are serving Members of the Fire Authority and County Councillors Robert Windass, Geoff Webber, David Blades, Tony Randerson, Andrew Backhouse did so.

County Councillor Carl Les then invited Julia Mulligan, Police and Crime Commissioner to present her case:

"I embarked on this journey for one reason and one reason alone – to improve support to the public, police and fire services. They deserve, and can have, better frontline services.

It is disappointing therefore that amongst North Yorkshire County Council members in particular, there has been no balanced discussion about the benefits of my business case to the public and to the key public services concerned. Indeed, the report prepared for the overview and scrutiny committee did not contain a single area of questioning to help members understand the potential benefits better. And the Chair opened the meeting with a statement opposing the proposals.

By contrast, in setting out on this journey, I have simply asked for people to approach my proposals with an open mind. Sadly, the evidence to date is that we are for the most part, in 'I just don't like it' territory.

I say this because most of the objections received from elected members to date are focused on the impact of the proposed change on their own roles, responsibilities and powers.

So today, I am asking you to look at the genuine opportunities for the public of North Yorkshire. Or at the very least, to wait and see what the public and staff have to say. Not doing so risks demonstrating scant regard for their views. This risk is potentially underlined by declining my request for face to face meetings with staff, in a forum at their workplace where they can express their views freely.

But let's be clear, these concerns notwithstanding, first and foremost, my proposals themselves are not a criticism of you or how you have done your job. I can understand that you feel you've done a good job, the service is performing and you believe there is no good reason for a change in governance.

However, this is an opportunity to look at how we might move forwards in a different way, to the benefit of the public.

The government has introduced this policy for good reason, plus we have meaningful local factors, which I will outline.

1. The world is changing

Especially since the last major review of North Yorkshire Fire Service in 2013, which led to the model now being rolled out.

Gareth, I am with you – you have described funding cuts as a 'crisis' and have pledged to 'do everything in your power to make sure vulnerable people are not disadvantaged'. You are quite rightly putting vulnerable people first, and with these proposals, I am doing the same.

Carl, in May this year you said: "Our priority will always be to protect the frontline services that benefit all residents of North Yorkshire as much as we can, but in these uncertain times when we will continue to face austerity for many years to come, it is inevitable that the nature of services and the way they are delivered will continue to change."

I agree with you too Carl, change is here, and it is only right we focus on the frontline.

We are all dealing with cuts to and stress on our key public services - especially social care and health, both physical and mental health. It is clear that the health service is seriously challenged, here and in York, with the Yorkshire Ambulance Service also facing real issues, especially in rural areas. And I appreciate that this is putting real pressure on local authorities.

Indeed, the fallout of these problems, combined with cuts to our own services, is affecting all of us, not least the people we serve. We are all, every one of us, very keen indeed to work better with health.

This challenge requires a joined up response, in particular:

- To support vulnerable people – particularly the young and old, but also those affected by issues such as suicide, mental health problems more widely and people with 'chaotic' lives, often marred by alcohol and drug misuse
- To tackle increasing demand – Police and Fire now have to deal predominantly with incidents that are not actual crimes or actual fires – they are mental health crises, road traffic incidents, missing persons, disadvantaged young people, isolated and vulnerable elderly people.

However, in contrast to the Fire Service, the Police have a strong track record of working with health.

We have the Mental Health Crisis Care Concordat which includes myself, North Yorkshire Police, CCGs, YAS, TEWV, amongst others. We have a dedicated Inspector whose full-time role is to work with the NHS, plus a number of programmes including the highly successful and innovative York 'Pathways' programme initiated by the police, which has led to very significant reductions in demand for City of York, A&E, ambulance callouts, substance misuse, calls to 101 and 111; plus a range of real tangible benefits for the citizens involved in the programme – not least hope for a better life. We also have mental health nurses working in the force control room. We have street triage teams working with frontline officers, making a real difference in areas such as Scarborough. And, of course we have a full range of counselling and victim services, including health-

based places of safety and the sexual assault referral centre which is health, not police led.

These are all things upon which we can collectively build.

Yet still 54% of calls into the police have little to do with crime per se, but are calls from people seeking support and help when no one else is available to provide it.

I am sure that we all recognise this picture. The question is, what more can we do about it?

Councillors have said that there is no 'burning platform'. There is no reason for haste.

Well I disagree. We have a perfect storm of increasing demand, combined with a 'crisis' of cuts to our collective services.

2. It is vital that we put the frontline first

In this climate, the type of governance that can get things done quickly, and make sure they are being done for the right reason REALLY matters.

In this crisis, 10% of the Fire Service' budget will be spent on interest and debt charges by 2021, an increase of £800,000 from this year. With a budget of £32 million, they will have loans equalling £29 million. This is compared to Cleveland FRA which will only spend 2% on debt and interest.

A 5% reduction in spend on debt and interest would free up £1.6million to spend on the frontline – approximately 40 firefighters.

In this crisis, the fire service is proposing to increase its spend on buildings by 2% by 2021. It's not buildings that save lives.

In this crisis, two senior promotions have been awarded at a cost of over £60,000, within a year or so of those officers reaching a point when they can retire. And at a time when frontline firefighters have received very modest pay rises indeed.

In this crisis, 30 firefighting roles are being cut. Since 2012, the number of whole time firefighters has reduced by 15%, while support staff have only reduced by 5%.

This is not putting the frontline first.

In your counter-proposal, you state that:

TRVs 'respond to the same types of incident as standard fire engines, but with fewer staff'. Currently this means 3 firefighters, but the medium term financial plan already budgets for this to reduce to 2.

This is may be innovative, but it is also risky.

To enter a building and rescue people you need 3 firefighters - 2 to go in and 1 to look after them outside, monitoring their air usage, the temperature, the hazards inside – understanding what is going on so that actions can be coordinated. That is standard safety practice.

But what happens if that person outside gets distracted by a distraught relative? What happens if they are checking the stats at the critical moment that the smoke changes colour or the wind picks up?

What happens if you move to 2s and there are people inside who need rescuing? Do the firefighters risk everything to go in, or stay outside and wait for backup, wasting those vital minutes that could be the difference between life and death? That is not a dilemma our critical frontline should be put in.

Reducing crews down to 3, and even further down to 2, severely limits the incidents they can respond to in the first instance, effectively and safely.

I have already had one member of the public tell me how he watched his house burn down as firefighters were unable to tackle the blaze due to too few firefighters on the initial response vehicle and back up taking too long.

Particularly in rural areas, that back up can be a long way away. That's assuming there are sufficient firefighters available in any event as resilience in the service is a major and persistent problem, with around 14 fire engines unavailable on many days due to crew shortages.

The Fire Service says the changes are because demand has decreased, and it's not about making savings. But the long and short of it is that they need to save a further £1.3 million by 2021 to balance their budget, and they are doing it by cutting the frontline.

The difference between 3s and 2s is £800,000 – the same as the increase in borrowing costs by 2021. The FRA say they have not approved that change, but it is already factored into their Medium Term Financial Plan, as a report to the FRA in February 2017 clearly states.

I have identified that significant savings can be made by doing things differently.

And here's the crucial point – if the savings are made quickly, we can reverse these cuts – protecting our frontline, putting the public first. I am committing to ensuring a safe response by increasing the number of firefighters on TRVs from 3 to 4.

So, do we proactively do things differently and invest in the public's services, or stay still and cut?

Shouldn't we look to develop a new model, as they've piloted in other areas that has the potential to improve resilience, increase visibility in local communities, get people into the right service more quickly, prevent harm, and save money?

Indeed, these opportunities were acknowledged back in 2013 with the 'Safety Service' pilot. But despite universally positive feedback from the police, fire and public it never got any further than Bedale.

3. The fact is, that for the past 5 years, collaboration has been moving at a snail's pace

If you look beyond business and statutory arrangements, the Fire Service has just 4 meaningful collaborations. Some of which are very recent, or at a pilot stage.

- Transport and logistics hub
- Control room with Devon & Cornwall

- Emergency First Responder (pilot, 3 Retained Stations) with YAS
- Joint Fire Investigation

In reality, the only thing that has galvanised action is the prospect of a PCC 'takeover'.

Let's take Alverton Court. I have been championing sharing HQs formally since my election in May last year. It is such an obvious, common sense way to save money. Money that could go straight into the frontline.

At the last Collaboration Committee meeting it was clear that no meaningful progress had been made. Indeed, it was said that there needed to be a full assessment of what was 'right' for the Fire Service. Well what about the public? What's right for them? It's their money.

What's more, there was confusion about who was doing what and whose 'fault' the lack of progress was.

So, last week officers finally met to have a discussion. This is exactly my point.

With separate governance structures, it is all too easy for the buck to be passed between organisations and for people in each respective organisation who may not want change to block it or at the very least, slow it down.

This is precisely why previous attempts at collaboration have been so challenging and the Collaboration Committee does not solve this fundamental problem.

It can only take decisions for the Fire Service, and to date there has been no proactive collaboration with my office in developing the agendas, a joint plan or proposals going forward.

Instead, joined up governance, i.e. one executive board, will:

- Bring all the senior decision-makers together – there can be no buck-passing
- Remove the need to revert back to separate decision-making processes as it could be done under one roof
- Speed up decision-making as it will no longer be predicted on deadlines for physical, formal meetings or committees and the number of 'actors' in the process is streamlined
- Make it much simpler and clearer for partners to engage.

What's more, the Fire Authority are disguising the fact that under the Representation model, the PCC would only be one voice in 17 on other important matters such as the Fire Cover Review. You have clearly stated why.

"In all respects other than collaboration, the Authority is high performing and has driven forward change."

There is a strong belief that overall governance cannot be improved, that there is no need for the PCC to be involved substantively in anything other than collaboration. So, we are back to my starting point that objections are all about the influence and power of elected members.

But –and I stress this point – I do have a duty to listen to this and take it seriously. As a consequence of your feedback, I have taken the opportunity to reflect on how I've gone about this in the past – in my drive to move things forward, I recognise that at times I need to spend more time taking people with me.

So as part of my response to your feedback, I will be making proposals to ensure the voice and experience of local councillors who represent their local communities, will have a substantive input in the future development of both the police and fire services.

4: How we understand and represent the views of the public is important

Given that you have an Executive every Tuesday, it is disappointing that NYCC is taking its decision before:

- the views of other district and boroughs are known
- the results of the public and workforce surveys are available
- proposals for future councillor input are developed.

You assert that the current structure – 16 councillors – on the FRA is more representative than the PCC model, yet at the same time you are deliberately choosing to ignore the views of the public and the workforce on the proposals.

As you have said yourselves many times, there is no rush. I would therefore question your rush to make a decision before the views of the public are known.

Indeed, one district council has already indicated that they would want to know the views of the public and workforce before they make their final decision.

So, I want now to say a little about the public consultation. Firstly, as you would imagine, I am acutely aware that people will try to question the 'impartiality' of the methodology. So, you will not be surprised to hear that it is extremely robust.

- 1,500 random, statistically representative face-to-face surveys, avoiding the risk of 'self-selecting' bias
- Online 'self-selecting' survey that can be benchmarked against the random survey
- Workforce survey – police and fire
- Stakeholder survey and focus groups
- 8 x public outreach events – 7 complete and 1 more to come (York)

In summary, today I am formally asking that the NYCC Executive delays its decision on this business case until it has all the material evidence to hand. You have clearly stated a desire for an evidence-based process and I believe it is important to ensure:

- The results of the public and workforce surveys are available
- The views of local overview and scrutiny meetings are known – the last meeting being on 20th September (given the voice of locally elected members are clearly so important to your favoured model)
- Proposals for future elected member involvement are developed

And finally, in order for me to respond properly to your concerns, I need to understand the specific objections you have to my proposals, which I ask you to outline clearly today.

Thank you for your time, attention and open mind.”

County Councillor Carl Les invited County Councillor Andrew Backhouse, Chairman of North Yorkshire Fire and Rescue Authority to present the case for the representation model.

County Councillor Andrew Backhouse began by stating that it was not helpful to receive a further document circulated at the start of the meeting, noting that a similar circumstance had arisen on his way to the Overview and Scrutiny Committee, held on 31 July, when he had received notification of a letter to Nigel Hutchinson, Chief Fire Officer and Chief Executive. He stressed the importance of staying focused on the published business case. He welcomed the depth of the challenge from the PCC and he stated that the Fire Authority have not discarded out of hand the question of a move to the governance model, but stated that this is not the right time. He reflected on comments made at the Overview and Scrutiny meeting which had highlighted the absence of a balanced evaluation comparing the two models. He accepted that there are challenges ahead and the need to move forward together, however he cautioned against leaping into a chasm. He advised that the Fire Authority are happy to timeline the collaboration proposals, commenting that these do not need to rule out the governance model option in the longer term. He contended that finance queries are still outstanding given the difference between the proposals is so great, but this is not explained in any detail. County Councillor Andrew Backhouse commented that the PCC figures appear very dramatic and eye catching at first glance and he questioned the justification behind these. He spoke of the leasing of buildings which he recognised is a key factor, and again he stressed that this needs to be considered in a balanced way. He stated that of the 40 PCCs across England and Wales, only ten are proposing adoption of the governance model. He expressed surprise that the PCC is not eager to accept a seat on the North Yorkshire Fire and Rescue Authority, and disappointment at the tabling of further proposals today.

Regarding the staffing of TRVs County Councillor Andrew Backhouse pointed out that Members of the Fire and Rescue Authority had already challenged this and argued the case to retain a staffing of three. On the question of debt charges he stated that the point is accepted, and confirmed that work is already underway to address this. He reiterated that everyone wishes to deliver the best service going forward by whichever model, adding that collaboration could make this happen now but this had been disregarded by the PCC. He said that he was interested to read of future councillor involvement but commented that this was unnecessary as the mechanism already exists as the North Yorkshire Fire and Rescue Authority. He felt that if Julia Mulligan adopted a different approach to collaboration, the outcome would also be different. Concluding County Councillor Andrew Backhouse stated that he is passionate about the Fire Service and about collaboration, but he accepted that if data/evidence over time show that a change from the collaboration approach is needed, then so be it.

Julia Mulligan responded to the question regarding business modelling and she advised that Michael Potter her Chief Finance Officer had worked with both Police and Fire to develop the financial business cases. She commented that partners had the opportunity to object but did not. Michael Potter noted the differing scale of savings for the three models considered, clarifying that they only related to governance changes. He stated that there would be an enduring cost of £100,000 per year if the Fire Authority is retained, whereas under the governance model there is the opportunity to make significant savings via the speedy sharing of buildings. He said that the representation model makes it hard to share senior officer roles, whereas savings are more readily achieved in governance model. He added that most savings would accrue in the single employer model but this is not proposed as it brings other significant risks. Julia Mulligan reiterated that both Police and Fire had provided data for the business case and these details had not been challenged.

County Councillor Carl Les then invited County Councillor Bryn Griffiths to share feedback from the Corporate and Partnerships Overview and Scrutiny Committee held 31 July 2017. County Councillor Bryn Griffiths is the Vice Chairman of the Committee, providing feedback in the absence of the Chairman County Councillor Derek Bastiman.

County Councillor Bryn Griffiths highlighted the draft Minutes of the meeting which had been circulated with the agenda for the Executive, reflecting that it had been a lengthy meeting. He described the format of the meeting which included a presentation from the PCC involving both a PowerPoint presentation and YouTube video, presentation on behalf of the North Yorkshire Fire and Rescue Authority delivered by County Councillor Andrew Backhouse and a number of contributions were taken from Members including at some length from County Councillors Tony Randerson and John Blackie. He advised that after having listened to the submissions, the Committee resolved to recommend to the Executive support of the representation model.

County Councillor Carl Les next invited contributions from non-Executive Members.

County Councillor David Blades spoke as a Member of the North Yorkshire Fire and Rescue Authority, advising that he also sits on their Audit and Performance Review Committee. He took the opportunity to explain what a TRV is, for the benefit of those unfamiliar with this and explained that they are useful in terms of accessing very narrow roads such as certain areas of York. He expressed concern that the PCC's submission strays into such operational matters. He advised that the Fire Cover Review had been operationally led rather than finance driven - reflecting the 30% reduction in calls received. He also advised of the ongoing dispute with the FBU noting that three staff per TRV is the agreed position. He also stated that the Control Room will always send full crews out to house fires and he spoke of the support provided by retained firefighters. He mentioned the report to the North Yorkshire Fire and Rescue Authority in February 2017 which originally proposed a Collaboration Committee of five including the PCC, and he advised that he had personally pressed for equality of voting with one vote for the Fire Authority Chairman and one for the PCC. County Councillor David Blades recorded his appreciation for the PCC's attendance at the Collaboration Committee and he confirmed the intention to meet more regularly in future. He also spoke of the possible involvement of the Ambulance Service in future – to cover all 'blue light' services. He acknowledged his great respect for firefighters on the frontline and acknowledged the ongoing issues. He felt that the PCC has been negative about attending the Collaboration Committee and he stressed that definite decisions have not yet been reached, citing the example of Control Room issues such as the difference between 999 calls and those to 101. He felt that there is a lot of work in progress which is proving successful - he therefore felt the PCC's view of collaboration disappointing.

County Councillor Robert Windass advised that he had served as a firefighter in Leeds for 31 years and on this basis he accepts some of the comments made by the PCC. He observed that following the County Council election some new Members have joined the North Yorkshire Fire and Rescue Authority bringing different views and experience. He acknowledged that the Fire and Rescue Authority have looked at cost savings and he personally felt that a staffing of three or four on TRVs is appropriate and he agreed that there are restrictions on the use of TRVs. Notwithstanding these points of agreement with the PCC, he did not support the proposal to take over the governance of the Fire and Rescue Service. He also commented upon the significant concerns regarding the operation of the 101 telephone line and he concluded stating that the governance model is not right for North Yorkshire.

County Councillor Eric Broadbent advised that he had previously served as a Member of the North Yorkshire Fire and Rescue Authority. He commented that he had witnessed many debates and arguments over the previous ten years of local government cuts and now these are having a massive effect on Fire also. He stated that he has always defended the rights of the FBU and he noted that the North Yorkshire Fire and Rescue Authority has strong backing from the FBU. Regarding the question of TRVs, he personally felt that this should be an extension to the service rather than a replacement for existing arrangements. County Councillor Eric Broadbent also passed comment upon emerging risks relating to white goods combusting. He accepted that circumstances are changing and stated that the worst cuts are those imposed upon emergency services. He was therefore opposed to reductions and would like to see acceptance of the representation model.

County Councillor Caroline Goodrick reiterated critical friend comments she had made at the Overview and Scrutiny meeting on 31 July 2017. She expressed concern regarding the size of the sample for face to face interviews in Ryedale which is 47 out of a population of 52,000 which she felt was a very small sample. Regarding the proposals before Members she expressed support for the present arrangements with 16 Members on the North Yorkshire Fire and Rescue Authority as opposed to power being vested in a single person.

Julia Mulligan thanked Members for voicing their concerns and responded as follows:

- ◆ She reiterated that the cuts in the Fire Service are real and are affecting services which is why she has tabled a sound proposal to mitigate the situation. She stressed that savings need to be made quickly, as post numbers are diminishing now - hence the proposals regarding the governance model which seeks to provide an alternative solution.
- ◆ She confirmed that there is no joint plan at the present time but acknowledged there had been a very positive discussion at the last meeting of the Collaboration Committee. Julia Mulligan urged Members to think about the cuts being made to the service and the potential impact of this. She advised that she has a meeting with Nigel Hutchinson due later this week, adding that she does not make these points lightly citing research undertaken via the Fire College and discussions with frontline staff.
- ◆ Thomas Thorp responded on the survey question, advising that this had been drawn up based on national guidance. He stated that the online survey is self-selecting and therefore individuals can choose to make multiple submissions if they are so inclined. Regarding the face to face interviews he confirmed that 1,500 of these are to be undertaken across North Yorkshire in September, a randomised representative sample. He confirmed that the size of the sample gives a confidence level of 95% plus or minus 2%, noting that this is run by an independent market research organisation which adheres to the standards of the Market Research Society. He acknowledged the comments regarding Ryedale but stressed that the sample size is still a representative proportion. He reiterated that the locations for the face to face interviews are randomised and he illustrated this on a map showing the postcode locations. Thomas Thorp confirmed that the target sample had been determined using the latest census data. Julia Mulligan explained that she has done a lot of research in her former life and stated that a thousand is a minimum threshold for a national survey going below this increases the margin for error. She explained that in choosing to survey 1,500 people this should significantly improve the accuracy. She stressed that the questions posed are very straightforward and she urged everyone to engage and complete this.

She again stressed the importance of hearing the views of the public and the workforce, and once again asked the Executive to defer their decision regarding the response to the consultation.

County Councillor Andrew Backhouse clarified that the Fire Service are not making anyone redundant, but they are seeking to balance the budget and the move to TRVs provides an opportunity to remodel the service. He explained that personnel reductions are being achieved via natural retirement and the impact was therefore on recruitment, it is not a redundancy situation. He stressed that safety first is of paramount importance and that the revised working proposals will not place the public in danger. He spoke of the reported survey responses received to date regarding the representation model and the governance model and County Councillor Bryn Griffiths, Vice-Chair of the Corporate and Partnerships Overview and Scrutiny Committee clarified that 61% were presently supporting the governance model. County Councillor Andrew Backhouse spoke of the collaboration proposals as a pioneer project noting the delegated authority he had been given to act between meetings to progress the issue. He reiterated the importance of the equal voting rights accorded to the PCC and the Chair of the Fire and Rescue Authority. He spoke of the work undertaken previously to look at working with Durham and also Humberside, and the overriding importance of delivering a service fit for the public. He highlighted the acknowledgement by the PCC that she needs to take more time to take others with her regarding future proposals.

County Councillor Carl Les asked who had designed the survey questions and he queried if there is reference to the collaboration proposal.

Responding Julia Mulligan stated that the questions all relate directly to the business case and she took the opportunity to list the questions. (Survey available at: <https://www.northyorkshire-pcc.gov.uk/content/uploads/2016/11/NYP16-0296-Police-and-crime-plan-quick-survey.pdf>) She confirmed that the questions had been devised by MEL Research. She noted that any other ideas and suggestions were also invited at the end of the survey. Thomas Thorp confirmed that there is no specific reference to the collaboration in the survey itself however this is linked to the business case which does reference it.

County Councillor Carl Les then invited contributions from Executive Members.

County Councillor David Chance queried why the expected levels of collaboration have not yet come to fruition. He also wished to know how much the implementation of the governance model would cost and the staffing required to deliver this. Julia Mulligan stated that the reasons for the diminished level of achievement are disputed, with Police and Fire blaming one another. She felt that this illustrates her contention that the governance model is the appropriate way forward to streamline decision-making. Commenting upon the costs associated with the governance model, Michael Porter highlighted the tables displayed at page 84 of the report. He confirmed that increased capacity would be needed to implement the governance model and he flagged section 8.6.1 of the report indicating financial consequences. Julia Mulligan noted that even under the representation model more capacity would be needed in the Office of the PCC to enable her to fulfil her role.

County Councillor Gareth Dadd commented that he was disappointed to see anecdotal information used in the business case stating that this was very emotive. He observed that if the governance model is adopted decision-making would be vested in one person, with no right of redress for elected members, whereas under the representation model Members with the right background are at the table and ready to discuss proposals. He

asked whether the PCC has been involved with or met with the FBU and the outcome of this. Also he speculated whether under the governance model, the Executive Board would become a toothless tiger similar to the Police and Crime Panel? Finally he asked that should the recommendation be that the PCC adopt the representation model, will she take this to the Home Secretary?

Julia Mulligan replied stating that there are ongoing discussions with the FBU - the FBU had an internal process to go through. On the question of possible structures, she noted that there would need to be discussions with Councillors to establish what would work best noting that this could take place between now and the end of the consultation. She confirmed that she is required to formally respond to all the feedback received in her proposals to the Home Secretary. She accepted that the whole process for this is very different and stated that bridges need to be built, everyone needs time to consider which structures will work best. Finally she confirmed that she will approach the Home Secretary with a preferred case and the Home Secretary will then make a determination.

County Councillor Gareth Dadd asked that if the governance model is not approved by the Home Secretary, would the PCC be prepared to accept a seat on the Fire and Rescue Authority. He also asked if Julia Mulligan could also respond to rumours of a possible deal between herself and the FBU.

Responding to the latter point Julia Mulligan indicated the letter which is already in the public domain, proposing a staffing of four on TRVs – commenting that the FBU like that proposal, there is transparency on this point. On the question of the acceptance of the seat on the Fire and Rescue Authority she confirmed that she has already done so.

County Councillor Andrew Lee commented upon the duration of the consultation being ten weeks, noting that good practice indicates that 12 weeks is preferable. He stated that six of these weeks fall over holiday time and again good practice suggests it is helpful to allow for this. He noted that in Essex a 12 weeks consultation had been employed – in this setting all parties accepted that there needed to be a strengthening of the Fire and Rescue Service which is not the case in North Yorkshire.

Julia Mulligan advised of the efforts made to promote the consultation by arranging face to face interviews out and about across the county, rather than expecting participants to come into a central point as is often the case. She stressed it is important to reach out to people to ensure successful engagement. Thomas Thorp clarified the rationale for the duration of the consultation period, stating that this can technically be any duration between two and 12 weeks. The duration period is determined by the novelty or contention of the issue, and in this scenario it was felt to be low – the issue having already been through Parliament. He also noted that the arrangements replicate what had happened regarding the Police Authority transition to the PCC. He stated that such changes would have relatively little impact on the public as services would not be directly affected. He also mentioned the vox pop of 2016 undertaken by the Office of the PCC regarding the proposal regarding Humberside and North Yorkshire, advising that this had demonstrated support for the PCC model for Fire. Julia Mulligan reiterated that extensive legal advice had been taken on this point and stated that it is the detail of the engagement that is key to achieve a good response rate.

County Councillor Michael Harrison commented that he felt confused regarding the County Council's role in the consultation given the model finally to be proposed to the Home Secretary may not be what was originally proposed and therefore the subject of the present consultation. Barry Khan, Assistant Chief Executive (Legal and Democratic Services) was asked to clarify the position. He advised that the final process for Home

Secretary adjudication has yet to be confirmed, and he confirmed that the County Council has to respond to the business case as published by the PCC by 22 September 2017. Julia Mulligan commented that this is a new situation arising out of new legislation and she stated that there had been no choice regarding how to consult with the County Council. She commented that personally she would prefer to respond to the consultation and then come back to the County Council with a full proposal. Barry Khan commented that legal advice differs stating that the present arrangements cannot be overruled and therefore the County Council must respond by 22 September 2017, the closure date of the present consultation. Julia Mulligan stated that there would be an opportunity to share the outcomes of surveys at the end of the consultation period and she felt it would be sensible to wait until that point to avoid the public perception that they are not being listened to.

County Councillor Gareth Dadd stated that the County Council has been asked to respond to the published business case and therefore the Executive has a duty to take a decision as originally requested. He commented that he would also be happy to respond later when all the consultation responses are in. He acknowledged the point made by Thomas Thorp that the proposals do not affect either the service or the public directly, and he asked that if the PCC proposals are agreed, when they will come into force. Thomas Thorp advised that the consultation runs until 22 September and then the PCC has to respond to the consultation and decide whether to submit a business case to the Home Secretary. If the representation model is favoured no business case is needed, however if either the single employer model or the governance model are preferred this has to go to the Home Office for review. If there are objections from a tier one authority, there is an eight week period for the Home Secretary to review the situation. On this basis the earliest implementation of any change would be April 2018. Julia Mulligan confirmed that the Home Office have not yet determined what the review process will be, acknowledging the desire for this to be in the public domain. County Councillor Gareth Dadd stated that he was minded that the decision should be taken today.

County Councillor Greg White said that he would like to see the background to the PCC business case, given it can be hard in practice to deliver the anticipated outcomes, also unexpected costs often arise. He noted the offer made regarding the alternative representation model and he suggested that this could be a gateway for the PCC to achieve her desired outcome in the longer term. He commented that he had not heard anything which would suggest why the gentler approach would not bear fruit.

County Councillor Janet Sanderson advised that she had come to the report with an open mind but with a leaning towards the governance model. She stated that she had been elected by the public to represent them and to take the pain for them in terms of attendance at numerous meetings, for example. She commented that she accepts the early findings of the consultation to date, however she felt the survey covers limited information and as a result of this has less weight. She felt the key issue is that the representation model allows the exploration of joined up working in a stepped way, stating that she would prefer that phased approach to incremental change.

County Councillor Carl Les then invited Julia Mulligan and County Councillor Andrew Backhouse to sum-up their cases.

Julia Mulligan began by reiterating the alternative approach to the achievement of the required savings in the Fire Service - the proposed changes to frontline staffing represent a 15% cut whereas this it is only 5% for the back office services. She stressed the duty to protect the frontline and to do so as quickly as possible. She accepted that whilst no firefighter is being made redundant, there will be 30 less staff on the frontline - noting that Fire Authority Members accept the reasoning for these savings. Julia Mulligan contended

that there are easier and better ways to deliver those savings, commenting that to date collaboration has only delivered the sharing of a garage after five years. She felt that collaboration had been given a chance but significant progress had not been made, whereas elsewhere in the country greater headway has been made. She feels that her proposals are regarded by the public as common sense. She stated that there is no evidence that the representation model will deliver on the issue and fears that the public would then be let down. Julia Mulligan stated that the County Council is wilful in not taking the public's views on board.

County Councillor Gareth Dadd said that as a councillor he is dealing with the public day in day out, stating that he is informed by the public's views but not necessarily led by them.

Concluding Julia Mulligan reiterated the criticism that the public often feel they are not listened to.

County Councillor Andrew Backhouse then summarised the response of the North Yorkshire Fire and Rescue Authority. He reiterated his deep concerns about the late distribution of supplementary information which he felt was open to challenge. Commenting upon the letter to Nigel Hutchinson, he felt this was drafted to court support from the FBU given the references to a staffing of four on TRVs and also the prospect of a pay review. He expressed concern that the consultation is live, however the PCC's business case keeps changing which undermines the validity of the exercise.

County Councillor Andrew Backhouse challenged the view that previous attempts at collaboration had stalled, explaining the situation with Durham - the vast difference in precepts could not be reconciled given North Yorkshire is in the lower quartile in the country. He also raised the question of the different cultures of the Police and Fire Services, where Fire have the right to strike but this is not so for the Police. He observed that since 2010 there are some 20,000 less Police Officers on the streets nationally, where Fire has not been decimated in the same way. He accepted that there are different levels of collaboration however all parties come to the same table. He felt that the collaboration model provides a good base from which to move forward avoiding the cliff edge. He urged the PCC to stop revising the business case and to reflect carefully on her proposals which represent a quantum leap.

County Councillor Carl Les thanked all concerned for their contributions and asked a final question regarding the cost of the consultation.

Julia Mulligan advised that this is to be published in due course, the detail is commercially sensitive at the present time. She advised that the Police Transformation Fund meets the cost of this and County Councillor Carl Les commented that this is still funded from the public purse. He went on to clarify the frequency of meetings for the Executive noting that it is the Cabinet which meets weekly whilst the Executive meetings approximately once a month. He said that the Council listens but leads too, and he cited the example of working with Parish Councils to help them understand the PCC proposals.

Resolved –

- (a) The Executive considered the Police and Crime Commissioner's consultation regarding proposals for the changes to the governance of the Fire and Rescue Service and the alternative proposal set out by the North Yorkshire Fire and Rescue Authority.
- (b) The Executive considered the recommendation of the Corporate and Partnerships Overview and Scrutiny Committee meeting on 31 July 2017.

- (c) The Executive considered the issues and agreed that the County Council's response to the Police and Crime Commissioner's consultation is to support the representation model - as it is a reversible process which maintains the collective input of Members. The County Council urges the North Yorkshire Fire and Rescue Authority and the PCC to work in collaboration as far as possible and if that fails to then look at the governance model.
- (d) The Executive delegates to the Leader of the Council the authority to finalise the wording of the Council's response to the Police and Crime Commissioner's consultation and to reflect the views of the District Councils.

50. 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 report commenting that he had recently asked officers to evolve the approach to strategic planning and performance reporting. The challenge was to identify shorter and sharper ways of presenting both performance indicators and the narrative description which sits around them. As an initial step County Councillor Chance is pleased to say that we have a consistent set of performance reports this quarter in terms of look and feel. In addition to this the performance commentary in Q1 has been structured around the Council Plan ambitions - this ensures that the breadth of services is adequately reflected and that Executive receives assurance that performance meets the ambitions set out in the Council plan. County Councillor Chance was also pleased to say that he had recently met with officers and good progress has been made towards the development of more succinct reporting templates, he will update further on these next quarter.

He summarised the following performance highlights:

Business and Environmental Services:

- ◆ The Capital works programme (on highways) of £32.25m is on target.
- ◆ Continued strategic investments in to our roads including improvements to Junction 47 of the A1(M).
- ◆ Successful winter maintenance programme, with 100% of priority 1&2 gritting routes being completed within agreed timeframes.

Children and Young Peoples Service:

- ◆ The new children and young people's plan – Young and Yorkshire 2 - has been endorsed by Full Council. Members are aware that the ultimate vision for the plan is that all children are happy, healthy and achieving.
- ◆ There have been positive improvements in attainment for Early Years, Key stage 1 and 2. Early year's performance continues to be above national outcomes and whilst there continues to be a gap at Key Stages 1 and 2 to national outcomes, the gap is narrowing across many subjects (Annex C3).

Health and Adult Services:

- ◆ Delayed transfers of care continue to be a big challenge across the country, with the government setting out very challenging expectations for local authorities and hospital trusts. In May, we reported a significant reduction in the number of delayed bed days and work continues to improve local arrangements to ensure swift and effective transfers between health and social care.
- ◆ New Care and Support structure, which has been the workforce become smaller. Vacancies persist in some areas within the new structure but resources are being managed creatively to minimise the financial and operational impact.

Stronger Communities:

A new investment prospectus has been launched with three investment programmes that will strengthen the voluntary and community sector, identify key strategic partners to develop local services and, create the conditions for people to come together to improve their lives and solve issues important in their community; reducing demand on statutory services.

In-depth Analysis on Business and Environmental Services - Winter Maintenance, Highway Maintenance and Waste Management:

County Councillor Don Mackenzie advised that 2016/17 had been a generally benign winter with 6% more of routes treated and 30% fewer contacts from the public regarding winter maintenance. He assured Members that the County Council and Ringway are ready in the event of a severe winter. He confirmed that Priority 1 routes constitutes 28% of the network the County Council treating a greater proportion than many other local authorities. He was also pleased to note that 100% of routes had been treated on time. He also reported that the fleet of gritters has been modernised and although more gritting has been undertaken spending in 2016/17 remains 24% lower than the rolling ten year average spend figure. Regarding customer satisfaction the winter maintenance service is in the bottom quartile of County Councils in the national survey. County Councillor Don Mackenzie reiterated the importance of managing within limited resources. Turning to highways maintenance he advised of the aim to manage, maintain and improve transport networks and services with a clear customer focus and strong performance culture. He noted the importance of this to achieve a well-connected economy. He highlighted two forthcoming initiatives which will have a positive impact on the highways network these being a permitting scheme for statutory utility companies working on the highway which will go live in November. He also advised of the service plan performance score which provides an overall rating for a high quality service, customer focus, efficient working and overall delivery. The poor rating from the public was noted which again comes from the national survey. The tables shown at page 168 of the report were explained and the proposals for targeted investment. The successful bid for LEP funding was noted it was acknowledged that the condition of estate roads is the problem particularly as these are often more heavily trafficked than was initially intended when they were constructed. Also noted was the use of funding from the National Productivity Investment Fund for unprogrammed schemes. County Councillor Don Mackenzie closed commending the achievements of the Highways Team with an excellent staff absence rate at the end of Quarter 1 of 0.88 days per full time equivalent against a target not to exceed 1.33 days per full time equivalent .

County Councillor Andrew Lee introduced the waste management report for Quarter 1 noting that the big issue is the commissioning of Allerton Park stating that line 2 is already operational and line 1 will come on-stream later this week. He advised that future performance reports will need to be adapted to reflect the performance of the facility in future.

Supplementary In-depth Analysis

- Health and Adult Services - Residential and Nursing and Community Based Services

Noted without comment.

- Children and Young People's Service - Safeguarding and Child Protection
- Children and Young People's Service - Looked After Children
- Children and Young People's Service - Attainment and Schools

County Councillor Janet Jefferson commented that the performance data reflects the success of the introduction of screening of children 0-4 years and she acknowledged the excellent work being undertaken by Multi Agency Screening Team (MAST) and VEMT (Vulnerable, Exploited, Missing, Trafficked). She commented that the attainment improvements are welcomed but continued to have concerns regarding closing the gap in areas of deprivation. She noted the increase in exclusions and attendance problems particularly in primary schools. County Councillor Janet Jefferson acknowledged the latest changes to the Ofsted regime commenting that where some schools are rated less than good, this could be a reflection upon the performance of governors during assessments - given more emphasis is now placed upon them. She commented that these demands are greatly increased and suggested that perhaps further support and training for governors could be considered. Regarding the work of the Young People Overview and Scrutiny Committee, she noted that Looked After Children would continue to be a focus and she was also pleased that the Committee had pre-empted the increasing trend of exclusion issue - having highlighted this early.

- Compliments and Complaints

County Councillor Greg White commented upon the Local Government Ombudsman's Annual Report noting that HAS issues have dominated a result of resource issues experienced over the last year. He advised that staffing in the complaints handling team has now been increased and he hoped that the Ombudsman would be reassured by this. He advised that future reporting of customer contacts would be included in the Directorate reports, however there will continue to be a single Local Government Ombudsman annual report.

- Workforce Performance

Noted without comment.

- Human Resources Performance Data

Noted without comment.

Revenue Budget 2017-18

County Councillor Gareth Dadd stated that it is too early for trends to be confirmed at Quarter 1. He noted the overall achievement of projected savings but observed that this can mask issues particularly in CYPS and HAS - this situation is understood and it is therefore closely monitored. Gary Fielding, Corporate Director - Strategic Resources, highlighted the section of the report covering Adult Social Care at paragraph 5.3.

County Councillor Michael Harrison confirmed that this issue had featured at a previous Members' Seminar and he referenced the £2bn set aside by the Chancellor to help address the pressures. He advised that £19m has been allocated on a one off basis over three years, to address Adult Social Care needs and also to support the local care provider market. He advised that priorities have been agreed and whilst these are not recurring, if the strategy works hopefully Government may decide to continue the funding on an ongoing basis. He confirmed that a risk based approach had been adopted, which has identified that £3.4m could be a recurring cost which equates to the final year's allocation. County Councillor Michael Harrison stated that at this point a judgement call will need to be made whether the existing schemes are continued or ceased. Gary Fielding commented that whilst there is an overall £1m underspend, the constituent elements of Corporate Miscellaneous are all one offs or items earmarked for future budgets. He stressed that the savings to be achieved this year of £15.1m render this one of the biggest years of savings during the 2020 programme, which will be both difficult and challenging to deliver.

County Councillor John Ennis commented regarding the non-recurring funding for HAS sought assurance that the money will not be simply pass-ported to the NHS. He also sought assurances around the transfer of care and the differences this will bring and the question of accountability.

County Councillor Michael Harrison confirmed that whilst the money is for the County Council to spend, it has been agreed to spend much of this on schemes supported by NHS partners. He acknowledged that the funding will also help address the underlying budget pressures and he offered assurance that the spending will be undertaken in those areas where maximum benefit will be gained. He acknowledged that the question of care transfers is very complex, particularly given different Trusts work in different ways. He accepted it would be challenging to ensure that funding is correctly allocated.

Richard Flinton, Chief Executive, stated that it will be necessary to work with each hospital noting that the transfer delays may be due to families awaiting the right care placement or it may be a question of capacity in care homes. He reiterated that the additional funding is being used to support Adult Social Care and discharges from hospital - given performance is below the national average presently. He stressed that the care market in North Yorkshire is key and therefore a whole system approach is being adopted.

Capital Plan

Noted without discussion.

Treasury Management

County Councillor Gareth Dadd introduced the report noting that performance is acceptable despite the presently prevailing low rates of return.

Prudential Indicators

Agreed without discussion.

Resolved –

- (a) That the position on performance of the County Council as detailed in paragraphs 1 to 4 of the report is noted.
- (b) That the proposals for the use of the additional Adult Social Care funding recommended by the Health and Wellbeing Board as set out in paragraphs 5.3.1 to 5.3.8 of the report is endorsed and the proposals limit exposure to recurrent financial risk for these schemes to a maximum of £3.4m, which reflects the value of the final year's grant allocation, is noted.
- (c) That the latest position for the County Council 2017/18 Revenue Budget as summarised in paragraph 5.1.2 of the report is noted.
- (d) That the position on the GWB as set out in paragraphs 5.4.1 to 5.4.3 of the report is noted.
- (e) That the position on 'Strategic Capacity - Unallocated' reserve as set out in paragraphs 5.4.4 to 5.4.5 of the report is noted.
- (f) That the updated Capital Plan, summarised at Appendix E of the report which incorporates a number of specific refinements reported in paragraph 6.7 of the report, is approved.
- (g) That no action be taken at this stage to allocate any additional capital resources as set out in paragraph 6.11 of the report is agreed.
- (h) That the position on the County Council's Treasury Management activities during the first quarter of 2017/18 is noted.
- (i) That the section of the report relating to Treasury Management is referred to the Audit Committee for their consideration as part of the overall monitoring arrangements for Treasury Management.
- (j) That it be a recommendation to the County Council that it approves the revised Prudential Indicators for the period 2017/18 to 2019/20 as set out in Appendix A to the report.

51. Investment

Considered –

A report of the Corporate Director - Strategic Resources aiming to agree an approach to identify, assess and implement longer term (five years plus) investment decisions including an element that targets commercial returns (ie net income for the Council; not service improvements and/or policy decisions); establish governance to supplement existing decision-making arrangements and deploy £10m from Balances that has been set-aside for debt reduction with a view to reducing come longer term revenue spending.

County Councillor Gareth Dadd advised that this report relates very well to the Treasury Management aspect of the previous report, in particular prevailing low rates of return. He advised of the work being undertaken to explore ways by which improved returns could be achieved to assist the Council's revenue position. He stated that the Council is prepared to take calculated risks given the present condition of the financial market.

Gary Fielding, Corporate Director - Strategic Resources, advised that repaying debt has a perverse impact on Prudential Indicators, hence these proposals - commenting that an additional recommendation would be proposed to address this. He explained the need to be flexible to make the Council's money work harder. To achieve this it is proposed to delegate to the Corporate Director - Strategic Resources, a sum of up to £1m five times a year to be authorised via the Board if opportunities arise for approval. He commented that £50m is manageable in cash flow terms and this can be increased later if the scheme is proved to work. He said that the framework will be flexible to accommodate the Council's changing needs. He stressed the need for good due diligence to be exercised in light of the nature of this proposal and acknowledged the need for Audit Committee involvement via regular updates on Treasury Management, also a report back to the Audit Committee to consider commercial investment.

County Councillor Patrick Mulligan welcomed the proposals noting that many other local authorities are engaging in similar approaches and he welcomed the involvement of the Audit Committee to ensure transparency. He suggested it might also be beneficial for the Chair of the Audit Committee to be involved in informal meetings to be kept abreast of developments.

County Councillor Gareth Dadd observed that whilst other local authorities are pursuing similar approaches the County Council is not borrowing money to do this, unlike many others.

Resolved –

- (i) That the approach set out in the report is approved.
- (ii) That the investment limits (maximum amounts and durations) as set out in at paragraph 4.2 of the report is approved.
- (iii) That the governance arrangements at Appendix C of the report is approved.
- (iv) That the £10m earmarked for debt reduction be set aside as voluntary Minimum Revenue Provision (MRP) in 2017/18.
- (v) That the Corporate Director - Strategic Resources is authorised to make amendments to Prudential Indicator number one to accommodate the above increase.

52. Appointments to Committees and Other Bodies

Considered –

A report of the Assistant Chief Executive (Legal and Democratic Services) enabling any appointments to outside bodies, which are to be made by the Executive under the County Council's Constitution, to be considered.

Resolved –

That the Executive appoint to the outside bodies specified below, or defer appointments to a later meeting.

NYNet Ltd Board and NYnet 100 Ltd	1 observer	Until May 2021	CC D Hugill
Yorwaste Limited and SJB Recycling Ltd	1 vacancy	Until May 2021	Deferred until further notice.

53. Forward Work Programme

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

Resolved –

The forward work programme is noted.

The meeting concluded at 13.40

JOD/JR