

# North Yorkshire County Council

## Executive

Minutes of the meeting held at County Hall, Northallerton on Tuesday, 20 February 2018 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, Janet Sanderson and Greg White.

Also in attendance: County Councillors John Blackie, Jim Clark, Keane Duncan, John Ennis, Janet Jefferson and Geoff Webber.

Officers present: Justine Brooksbank, Stuart Carlton, Steve Evans, Gary Fielding, Richard Flinton, Daniel Harry, Barry Khan, Michael Leah, Steve Loach and Richard Webb.

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

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### **119. Minutes**

#### **Resolved –**

That the Minutes of the meeting held on 30 January 2018, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

### **120. Declarations of Interest**

There were no declarations of interest to note.

### **121. Questions and Statements from members of the public**

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

### **122. 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 noting it was the second quarterly report to be provided in the revised format, which focused on the County Council's ambitions, and provided an in-depth focus on a specific issue each quarter with an update on the remaining ambitions.

### Every child has the best start to life

This ambition was the subject of in-depth consideration for this quarter and the following performance highlights were outlined:-

- ◆ The demand on the Children and Families Service continued to rise, with referrals to Children's Social Care up by 25% compared to the quarterly average.
- ◆ Assessments completed remained significantly higher than national or statistical neighbour performance (above 94%).
- ◆ 256 children and young people had an Education Health Care (EHC) plan or Statement of Special Educational Needs (SEN).
- ◆ 7724 children are receiving SEN support.
- ◆ The number of children with a Statement of SEN or EHC Plan had increased by a third since 2014.
- ◆ New EHC Plans were produced at a better rate than both the national and regional rate.
- ◆ North Yorkshire was one of the most effective authorities in transferring children to the new EHC Plan provision.
- ◆ Over 27,000 pupils had been assessed through early years to Key Stage 5 in the last academic year with results improving in every key stage.
- ◆ Performance had been particularly strong at Key Stage 4 and 5 levels, however, despite improvements, Key Stage 2 remained a challenge which was being addressed appropriately.

County Councillor Janet Sanderson welcomed the report and outlined the following in relation to it:-

- ◆ There had been a substantial increase in the number of children and young people with Education Health Care plans or Statement of Special Educational Needs - up by one third since January 2014 and 14% over the previous year. She noted that this in itself was a positive move as there was a greater awareness of SEND, which was leading to the greater number of children receiving support at an earlier stage.
- ◆ She noted that North Yorkshire County Council was categorised as eighth out of 152 local authorities in terms of transferring children from the old SEN Statement to the new EHC Plan provision. She noted that the deadline for the transfer to EHC Plans was expected to be met.
- ◆ The Service had responded well to the increase of around 25% in referrals to Children's Social Care in the previous quarter with assessments being completed in time remaining at 94% or above. She noted that the Service did not clear the referrals from their system until evidence was provided that progress was being made.

- ◆ The rate of re-referrals to Children's Social Care was significantly below national and statistical neighbours which evidenced the progress being made through the work with these families.
- ◆ The latest figures also showed a continuing decrease in the number of first time entrants to the Youth Justice Service (40% in the 15 months ending 30 June 2017).
- ◆ It was expected that Ofsted would shortly be inspecting the Authority's Children's Services under the ILACS framework. It was noted that the new framework had more reliance on self-assessment and details in relation to that had been submitted accordingly. Corporate Director, Stuart Carlton, stated that the inspection could take place any time in the following year.

County Councillor Patrick Mulligan provided the following details in relation to the report:-

- ◆ The education offered to children and young people in North Yorkshire continued to be predominantly good or outstanding.
- ◆ Key Stages 4 and 5 continued to perform well and deliver excellent results, with A Level results being the highest in comparison to the Council's statistical neighbours.
- ◆ He acknowledged that improvements were required at Key Stage 2 and measures were being undertaken to address the quality of teaching and learning at that level, with a particular focus on maths. It was expected that national funding would be obtained to assist this.
- ◆ He noted that there had been some concerns regarding school provision in some areas of the east coast, however, those issues were being addressed effectively and it was expected that the offer to children would be significantly improved, going forward.

Following the initial presentation of the report, the following issues and points were raised:-

- ◆ County Councillor Janet Jefferson acknowledged the concerns regarding Key Stage 2 children and welcomed the move to identify additional funding to assist that position. She considered that other possible measures should be investigated in terms of providing improvements at that level.
- ◆ County Councillor Jefferson welcomed the details in relation to the Education Health Care plans and Statements of Special Educational Needs, noting that early intervention would assist in addressing issues around increases in fixed term exclusions, many of which related to behavioural issues. She emphasised that early intervention would assist in preventing problems for those young people later in life.
- ◆ Councillor Jefferson noted the recent consultations that had taken place regarding special and high needs educational transport. She stated that, at one event, it had been suggested that parents, who were in a position to do so, were willing to pay towards the transport provided and she suggested that more consideration should be given to this.

County Councillor Sanderson acknowledged the issue raised and noted that other consultation events had also been undertaken. Consideration was being given to how to develop the position regarding the provision of this transport and all issues would be taken into account when developing that. County Councillor Dadd noted that transport provision for Special Educational Needs and high needs children would be retained and the consultation related to how best to maintain that provision.

- ◆ County Councillor Jefferson considered that assisting school governors to develop their skills, particularly in relation to safeguarding, would be of benefit in relation to moving schools to good and outstanding.
- ◆ County Councillor Jefferson highlighted the recent events that she had attended in relation to the possibility of schools moving into Multi Academy Trusts (MAT). Much of the information provided concentrated on the benefits of entering a MAT, but other important details were given less emphasis.

#### Every adult has a longer, healthier and independent life

County Councillor David Chance provided the following performance highlights:-

- ◆ There had been an increase in the rate of total bed days for delayed patients.
- ◆ Social care delays were down year on year reflecting the increased activity which focused on monitoring and challenging delays at acute hospitals.
- ◆ The Living Well Service continued to return high levels of customer satisfaction with over 90% of respondents indicating that the support provided had been effective.

The following issues and points were raised in relation to the report:-

- ◆ County Councillor Jim Clark noted the impending announcement that the four CCGs in the area were to enter into special measures and he wondered what impact that would have on community-based social care. In response County Councillor Michael Harrison emphasised that, currently, the CCGs had not entered into special measures and impacts could only be measured when that had taken place. He emphasised that monitoring of the situation would continue. County Councillor Clark considered that a special review of the situation was required, noting the precarious position of each of the CCGs, and highlighting the increased deficit being encountered by Harrogate CCG over the last two years. He considered that an urgent meeting was required to determine the possible impacts of this position. County Councillor Harrison emphasised that it was difficult to convene a special meeting at this stage as only the one CCG that was in special measures could participate. He emphasised that he was willing to facilitate such a meeting, with County Councillor Clark as chair, and determine the current position of the CCGs, but emphasised that, currently, the majority were not in special measures. County Councillor Clark considered there was a need for a formal independent review of NHS services in North Yorkshire as, in line with what he had predicted previously, the system in place was not working effectively for North Yorkshire. He noted that he had not suggested that there would be a need for a merger of the five CCGs, but emphasised that it had to be ensured that there

were no cuts in frontline services, during a period of special measures. This was why he suggested a review was required.

- ◆ County Councillor John Ennis welcomed the customer satisfaction levels in relation to Living Well. He emphasised the need to maintain that position and the need to ensure that the pilot project work being undertaken with Harrogate and Rural District CCG, which sought to extend the benefits of the Living Well approach, in view of the issues raised earlier in respect of the deficit. County Councillor Harrison emphasised that monitoring across all services would continue to determine whether projects, including the pilot, were being delivered accordingly.

North Yorkshire is a place with a strong economy and a commitment to sustainable growth that enables our citizens to fulfil their ambitions and aspirations

County Councillor David Chance outlined the following:-

- ◆ Satisfaction rates for a range of services relating to highways, transport and accessibility.
- ◆ The development of a bespoke housing deal with the Homes England Agency.
- ◆ A survey in relation to road conditions vs public satisfaction.

We are a modern Council which puts our customers at the heart of what we do

County Councillor David Chance outlined the following in relation to the report:-

- ◆ A 98% customer satisfaction rating in 2017 for the Registration Service.
- ◆ The ease and effectiveness of access to services via an internet connection, from any location.
- ◆ The development of the parish portal for Parish Councils, which had seen 320 Parish Councils registered and a total of 329 service requests.

Following the initial report issues were raised as follows:-

- ◆ County Councillor Keane Duncan referred to the parish portal and considered that the number of requests submitted via that process appeared low when compared to the number of Parish Councils that had signed up. He asked how the use of this could be encouraged. He also considered that, through utilising this system, processes should be developed to enable elected Members to take some of the pressure off Highways Officers in terms of the reporting of highways matters at Parish Council meetings.

In response County Councillor Greg White emphasised that every effort was being made to encourage Parish Councils to use the portal and suggested that an effective method was for County Councillors to deliver that message at Parish Council meetings. In terms of County Councillors assisting Highways Officers he noted that a version of the portal was being developed specifically for elected Members and would be considered at a forthcoming event. It was expected that this would enable Members to obtain relevant information and submit relevant details prior to meeting with Parish Councils. County Councillor Duncan welcomed

the approach re the portal for County Councillors, noting that he had been added to the system for his local parish portal enabling him to gain the necessary information to provide details at Parish Council meetings. County Councillor White emphasised that the aim was not for County Councillors to become overburdened with the work of Town Councils/Parish Councils as their own portal would assist in the development of appropriate processes for addressing highways issues. It was noted that there had been a good take-up of the use of the portal between December 2017-February 2018 and it was expected the usage figures of the portal would rise accordingly.

- ◆ County Councillor Mulligan highlighted the complimentary feedback he had received at recent Parish Council meetings in relation to the condition of roads in North Yorkshire in comparison to those of neighbouring Councils. The feedback was welcomed and it was noted that the road condition versus public satisfaction graph outlined in the “growth” report indicated a straight line correlation between investment and user satisfaction in terms of road condition.

### Revenue

County Councillor Gareth Dadd stated that there was little to add to the details provided within the report noting that there had been no significant movements in budgetary terms in comparison to those reported at Q2. He highlighted the better than projected outturn of the budget which was currently £361,155k.

He noted the lower demand for concessionary fares and expected that to become a recurring saving of around £1m for future years.

Overall there was a projected net saving of £5.1m against operational budgets for 2017/18.

The Corporate Director, Gary Fielding, stated that the focus would remain on the savings positions as outlined in paragraphs 2.1, 2.2 and 2.3 of the report.

The update reports on Treasury Management and the Capital Plan were also considered by the Executive.

### **Resolved –**

- (a) That it be noted that the County Council continues to perform well and demonstrate improvements in its services;
- (b) That the latest position for the County Council’s 2017/18 Revenue Budget, as summarised in paragraph 2.1.2, be noted;
- (c) That the position on the General Working Balance (GWB), paragraphs 2.4.1 to 2.4.3, be noted;
- (d) That the position on ‘Strategic Capacity – Unallocated’ reserve, paragraphs 2.4.4 to 2.4.6., be noted;
- (e) That the position on the County Council’s Treasury Management activities during the third quarter of 2017/18 be noted;

- (f) That the Treasury Management report be referred to the Audit Committee for their consideration as part of the overall monitoring arrangements for Treasury Management; and
- (g) That the updated Q3 2017/18 Capital Plan be noted.

**123. Response to Motion to County Council on 8 November 2017 on Mental Health Services**

Considered –

The report of the Democratic Services and Scrutiny Manager detailing the response of the Scrutiny of Health Committee and the Area Committees for Harrogate, Hambleton and Richmondshire to the Notice of Motion on mental health in-patient services that was put before County Council on 8 November 2017.

The Notice of Motion was put before County Council on 8 November 2017 by County Councillor John Blackie and supported by County Councillor Geoff Webber. The County Council decided that the motion would be considered by the Scrutiny of Health Committee and the Area Committees directly affected. The Scrutiny of Health Committee met on 15 December 2017 and discussed the Notice of Motion taking into account the views of the Area Committees and a statement by Councillor Geoff Webber.

County Councillor Jim Clark, Chairman of Scrutiny of Health, noted that the issue had been discussed at the meeting of that body on 15 December 2017. He noted that the matter was still ongoing as the consultation in relation to the provision of in-patient mental health services at the Friarage Hospital, Northallerton was ongoing. He considered that the main issues of concern were whether community mental health services were developed or these were provided onsite at the Friarage.

He stated that there was no evidence to suggest that the consultation had not taken place appropriately on the various options and, therefore, there were no grounds, currently, to refer the matter to the Secretary of State. It was still to be determined what impact the proposed solution would have on people in the area, however, the determination of whether further action should be undertaken could not be considered until those details were in place.

County Councillor Blackie, who was present at the meeting, highlighted the following in relation to his concerns:-

- ◆ He noted that he had been informed that the Scrutiny of Health Committee meeting had taken account of a number of concerns he had raised by email, during their consideration of this item, however, subsequently, he had been informed that his email had not been taken account of. He therefore re-submitted this for consideration by the Executive and this was circulated.
- ◆ He highlighted the disappointing numbers that had taken part in the consultation events, and although this showed a majority in favour of the CCG's recommendations in terms of mental health service provision at the Friarage, it was only a very small proportion of the total population of the area that had taken part. He considered that a number that had led the discussions in the consultation process had been representatives/supporters of the CCG and that the format for

the consultation events had been conducive to a positive response to the recommendations.

- ◆ In terms of the recommendations he noted that the suggestion of mental health care being provided at hospitals much further away than the Friarage, and out of area, were unacceptable to many of the residents that lived in his Electoral Division. He highlighted the additional travelling time both for patients and visitors in relation to this.
- ◆ He considered that the initial reduction of mental health in-patient services at the Friarage to 20, had been untenable, therefore, the move to remove this provision altogether was totally unacceptable.
- ◆ He raised concerns regarding the effectiveness of Scrutiny of Health Committees in terms of the influence they could have on the provision of NHS services. He considered that local people's perception of the influence of Scrutiny of Health Committees was also diminishing and confidence in their ability to assist on health matters was falling significantly.
- ◆ He noted that, recently, a high level event, attended by the Leader of the County Council, had taken place in relation to the Strategy Transformation Plans for the NHS hospital provision in the area. He considered this had generated an appropriate amount of influence resulting in issues being addressed effectively. He considered that a similar event was required in relation to mental health issues, with a similar level of participation and participants, in view of his concerns in respect of the influence of the Scrutiny of Health Committee.

The following issues and points were raised in relation to County Councillor Blackie's presentation to the meeting:-

- ◆ County Councillor Gareth Dadd stated that the proposal was for Scrutiny of Health to investigate the matter and then report back to the County Council, therefore, he could not understand why the issue was being considered by the Executive.
- ◆ County Councillor Jim Clark emphasised that the matter was still ongoing, therefore, a report back to County Council had yet to be made and emphasised that if need be then the matter would be referred to the Secretary of State. County Councillor Blackie stated that the motion requested that the Clinical Commissioning Group and Tees, Esk and Wear Valley Mental Health Trust be asked to reconsider their position to relocate in-patient mental health provision away from the Friarage Hospital, rather than the matter being referred to the Secretary of State. He emphasised that a report back to the County Council would be satisfactory if measures had not started to be implemented, but this was not the case. He suggested that waiting for a report back from the Scrutiny of Health Committee could see the introduction of proposals unacceptable to local communities, which was why he was asking for a high level meeting to determine an appropriate provision in terms of mental health services for everyone involved.
- ◆ In relation to this County Councillor Jim Clark noted that proposals were unlikely to be implemented in the short term as Tees, Esk and Wear Valley Mental Health Trust were dealing with other priority matters at this time. He also noted that the



Community Unit work should be proceeded with and that this would be developed in the Friarage Hospital.

County Councillor Geoff Webber outlined his concerns in relation to the motion put to County Council, highlighting the following:-

- ◆ There had been a consensus of opinions that the Briary Wing at Harrogate Hospital was unable to provide a modern standard of care for patients.
- ◆ In view of this position Tees, Esk and Wear Valley Mental Health Trust had purchased an alternative site in the Harrogate area for the provision of those services.
- ◆ The site had been through the appropriate planning processes and was in a position to be developed accordingly when the issue of the finances of the CCG had arisen.
- ◆ Subsequently the development had been put on hold and an engagement process had been undertaken.
- ◆ As a result of this there had been a suggestion that the services provided in Harrogate be moved to York. This would be unacceptable to residents from Harrogate and district, which covered a vast area, and public transport connections made the journey extremely difficult.
- ◆ He did not consider the proposal to be supportable.
- ◆ He considered that while the Scrutiny of Health Committee was considering its response to this matter, other Authorities were making decisions, and it could be too late in terms of the provision for Harrogate.
- ◆ In view of these issues he was requesting a statement of concern to be made by the County Council regarding the moving the facilities out of Harrogate.

Following County Councillor Webber's presentation the following issues and points were raised:-

- ◆ County Councillor Jim Clark, the Chairman of Scrutiny of Health, provided details in respect of the issues outlined. He noted that proposals had been developed in relation to the provision of new facilities in Harrogate and between Northallerton and Thirsk, to replace existing mental health provision.
- ◆ In terms of Harrogate there had been some difficulty in identifying an appropriate site, however, eventually, this had been delivered, through a change of use of land from employment to health use. Public meetings had been held in that area to address the concerns of local residents and planning permission had subsequently been obtained. The issue of the affordability had arisen since then, however, he emphasised that planning permission was in place to provide state of the art mental health facilities in the Harrogate area. Issues relating to highways had also been addressed, to ensure that the facilities could be developed. In conjunction with that, permission was also in place for a 64 bed care home and 85 extra care

units to be developed nearby. He noted that no planning permission for the development of any facilities had been provided in York. He suggested, therefore, that it was still favourable to the Tees, Esk and Wear Valley Mental Health Trust for the facilities in Harrogate to be developed. He noted that the next engagement events in relation to the provision were taking place in early March and considered it appropriate that these facilities continue to be promoted as the most appropriate way of addressing the matter. County Councillor Webber stated that he supported the proposals and was requesting that the County Council outline their support, publically, for these, detailing the positive impact that would be provided, so as to prevent proposals for a move to York being accelerated.

- ◆ Referring to the motion put to County Council, County Councillor Michael Harrison suggested that the main focus should be the development of community health facilities that would be of benefit to local areas throughout North Yorkshire, including those highlighted by County Councillor Blackie. He considered that these were more important as a preventative measure, at this stage, than the location of the in-patient facilities. In response County Councillor Blackie stated that he was representing the views of residents in the Upper Dales who wished to see the continuation of the mental health facilities at the Friarage Hospital. He stressed that it mattered to those people where these facilities were provided otherwise they faced difficult journeys to access these. County Councillor Harrison re-iterated the need for community mental health services in all areas, including the area County Councillor Blackie represented, which he considered to be major concern.
- ◆ County Councillor Don Mackenzie acknowledged the issues raised by County Councillor Webber noting that many local residents in Harrogate welcomed the initial proposals. The delay to their implementation, and the subsequent engagement events, had led to a great deal of disappointment. He asked that the situation be clarified with Tees, Esk and Wear Valley Mental Health Trust to determine how these facilities would be provided in the future.
- ◆ The Leader emphasised that the report was to determine whether the Scrutiny of Health continued to lead on the issues raised by the motion, or whether they should be referred elsewhere. In respect of this County Councillor Gareth Dadd considered that the Scrutiny of Health Committee was the most appropriate body within the County Council to deal with this matter. He suggested that, should there be the need for an urgent report back, prior to the next scheduled meeting of the County Council, then this could be brought to a meeting of the Executive. County Councillor Jim Clark stated that the Scrutiny of Health Committee would wish to continue with the work on this matter and report back to County Council appropriately. He did not envisage any action being undertaken in the short term, with the consultation in relation to the Friarage and engagement in relation to the issues in Harrogate, still continuing.

#### **Resolved –**

That the Scrutiny of Health Committee continues to lead the scrutiny of proposals for changes to mental health services in the county and reports back to Council as appropriate, unless the need arises for an urgent report back on developing issues, whereby a report would be submitted to the Executive.

## **124 Appointments to Committees and Other Bodies**

Considered –

The report of the Assistant Chief Executive (Legal and Democratic Services) enabling any appointments to Committees and/or outside bodies which were to be made by the Executive under the County Council's Constitution to be considered and for those appointments to be recommended for approval by County Council on 21 February 2018.

**Resolved –**

- (i) That two of the participatory observer members of the Looked After Children's Member Group, the Chair of the Young Peoples Overview and Scrutiny Committee, County Councillor Janet Jefferson and the Young People's Champion, County Councillor Keane Duncan, become full members of the group; and
- (ii) That any proposals for the re-allocation of seats, if necessary to achieve political proportionality, or for changes to memberships or substitute memberships of committees, or other bodies to which the Council makes appointments, put forward by the relevant political group, prior to or at the meeting of the County Council, are agreed.

## **125. Forward Work Programme**

The Forward Plan for period February 2018 to February 2019 was presented.

**Resolved –**

The forward work programme be noted.

The meeting concluded at 12.25 pm

SL/JR