

North Yorkshire County Council

Executive

Minutes of the meeting held at Hambleton District Council Offices, Northallerton on Tuesday, 13 March 2018, commencing at 11.00 am.

County Councillor Carl Les in the Chair. County Councillors David Chance, Gareth Dadd, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Officers present: David Bowe, Andrew Dixon, Gary Fielding, Anton Hodge, Barry Khan, Beth Latimer, John Lee, Steve Loach and Jane le Sage.

There were two members of the public present.

Apologies were received from County Councillors Caroline Dickinson and Michael Harrison.

Copies of all documents considered are in the Minute Book

126. Minutes

Resolved –

That the Minutes of the meeting held on 20 February 2018, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

127. Declarations of Interest

There were no declarations of interest to note.

128. Exclusion of the Public and Press

Resolved –

That the public and press be excluded from the meeting during consideration of minute 136, (appendix 1, annex A and annex B) and minute 137, on the grounds that they each involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.

129. Questions and Statements from members of the public

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

130. Feedback from Area Committees

Considered –

A report of the Assistant Chief Executive (Legal and Democratic Services) relating to the following meeting:-

- Craven Area Committee – 8 February 2018

In respect of the recommendation from Craven Area Committee relating to Kildwick level crossing, County Councillor Don Mackenzie stated that both he and the Corporate Director, Business and Environmental Services, were aware of the issues raised. He noted that better signalisation would assist in the barriers not being closed for such lengthy periods, however, as things stood, the barriers had to be closed well in advance of the trains arriving, for safety reasons. He noted that the Corporate Director, Business and Environmental Services, had met with the local member, County Councillor Barrett, and a discussion had taken place in relation to the options available. County Councillor Mackenzie emphasised that moving the traffic from that location would merely transfer the problem to other areas. He stated that full consideration of the matter would follow, and proposals of how to address would be developed, going forward.

Resolved –

That the report be noted and further consideration be given to addressing the situation at Kildwick level crossing, as detailed.

131. Proposal for Consolidation of Overnight Short Break Provision for Families with Disabled Children and Young People

Considered –

The report of the Corporate Director, Children and Young People's Service, providing details of proposals to consolidate the provision of overnight short breaks for families with disabled children and young people across North Yorkshire and to secure the remainder of the savings target in accordance with the current strategy to support families of disabled children and young people adopted by the council in 2015.

County Council Janet Sanderson introduced the report highlighting that following:-

- The proposals were not merely aimed at reaching savings targets, but had been created through consultation with parents and carers with a view to enhancing the quality of the service on offer, giving choice and flexibility, to create an outstanding level of service.
- Consultation had been taking place with parents and carers for over a year and the proposals reflected the views obtained and evidence provided by service users.
- She noted that during the previous year various pilots had taken place, including holiday and weekend clubs, outreach and short breaks away.
- The pilot programmes had been evaluated and it was evident that the services provided families with more flexible short breaks and a wider range of positive experiences.

- Some families would need to travel further in terms of accessing the existing facilities, however, the need to amalgamate the provision to benefit all users in the Craven area would assist in ensuring that the service provision was sustainable, available to all and of the highest quality. Outreach facilities would also be available within the Craven district.
- The proposal would release around £327,500 of capital money into the capital programme and would result in an approximate £400k revenue saving per annum.
- The proposals had no impact on the local authority fulfilling its statutory duties.
- County Councillor Sanderson emphasised the need to develop an outstanding service for the most vulnerable children and young people in North Yorkshire and to provide appropriate, sustainable support for their care.

County Councillor Chance supported the proposals emphasising that these allowed a broader provision base to be developed going forward, which was key to the sustainability of the service. County Councillor Sanderson agreed, stating that the development of the broadest provision across the whole of North Yorkshire was the aim.

Jane le Sage, Assistant Director, Inclusion, reiterated that there would still be the offer of short breaks within the Craven district, but the proposals would allow for the improvements at the Nidderdale CRC to be undertaken and provide an outstanding service. She noted that further discussions would be taking place with the families affected to ensure that their needs continued to be fully met.

Resolved –

That the progression to public consultation, on the proposals detailed below, be approved:-

- To create three high quality Children’s Resource Centre Hubs across North Yorkshire providing a range of services including day and overnight care, supporting the community, holiday programmes and services available to assist carers in the evenings and weekends;
- To progress with the closure of the Ghyll Children’s Resource Centre (CRC) in Skipton and to extend provision of short breaks for families in the Skipton and Craven area from Nidderdale CRC in Harrogate;
- To provide an Outreach Support Service to manage the day care needs for families within Skipton which would also enable to the needs of families in distant areas of Craven to be met (eg Bentham);
- On completion of the redevelopment of the Nidderdale site, young people using Beck House would receive their service from the newly modernised Nidderdale CRC, resulting in the closure of Beck House.

132. Proposals to Implement Plans for Special Provision Capital

Considered –

The report of the Corporate Director, Children and Young People’s Services, informing members of the outcome of consultation on the proposals for the use of the Special Provision Capital Fund (SPCF) and, to present, for members consideration, and to seek approval for, the proposals for the use of the SPCF.

County Councillor Patrick Mulligan presented the report, highlighting the following:-

- The DfE have committed £215m as a Special Provision Capital Fund (SPCF) to improve facilities for children with Special Educational Needs and/or Disabilities (SEND) who have Education, Health and Care Plans (EHCPs).
- North Yorkshire have been allocated a total of £500k over three years from 2018/19 to 2020/21.
- The proposals for 2018/19 were set out in the report and would utilise £163k of the available funding.
- A formal consultation had been undertaken (details in appendix 1 to the report) with 69 people responding.
- The majority of respondents (55%) strongly agreed or agreed with the proposals.
- Further consultation on years two and three proposals for the SPCF would take place as part of the formal consultation on the overarching strategic plan for SEND provision.

County Councillor Sanderson supported the proposals noting the majority of respondents to the consultation had agreed with the proposals. She noted that a number of those who had disagreed were aiming to obtain funding for schemes that were ineligible for the SPCF.

Resolved –

That the proposals for the use of the SPCF be approved and be implemented.

133. Proposal to Cease to Maintain Burnt Yates Church of England Voluntary Aided Primary School

Considered –

The report of the Corporate Director, Children and Young People's Services, detailing the outcome of the public consultation carried out on a proposal to close Burnt Yates Church of England (CE) Voluntary Aided (VA) Primary School from 31 August 2018, asking the Executive to consider the responses to the consultation, to authorise the publication of statutory proposals and to schedule taking a final decision on 22 May 2018.

County Councillor Patrick Mulligan presented the report, outlining the following:-

- He emphasised that it was not an easy decision in terms of recommending the closure of a school that had served the local community for 250 years.
- Should members approve the recommendation, statutory proposals would be published to close the school from 31 August 2018.
- Following an Ofsted inspection that took place in December 2016 the school was placed in special measures. As a result the Regional Schools Commissioner (RSC), issued a Directive Academy Order under the Education and Inspections Act 2006.
- County Council Officers provided information in the form of a viability assessment in April 2017 concluding that the total pupil roll could fall into the high teens and, if so, the school would not be viable.
- By August 2017 no potential sponsor academy trust had been identified but there was a possibility of amalgamation with another local school. In view of this a revocation of the direct academy order was requested.
- In response to that the RSC considered that the school was unviable, in view of the falling roll and financial position, and revoked the Academy Order with an

expectation that the Local Authority would take steps to close the school, undergoing the statutory process to close a maintained rural school.

- This allowed the County Council to consult on closing the school in order to either amalgamate or close the school outright.
- Extensive work was carried out by the County Council and the Diocese to explore the possibility of amalgamating with Ripley Endowed CE Primary School.
- Following this extensive work alongside Ripley Endowed CE Primary School and Burnt CE VA Primary School it was concluded that an amalgamation proposal would not be viable.
- As a result the County Council had consulted publicly on a proposal to close Burnt Yates CE VA Primary School from 31 August 2018 the results of which were included in the report.

County Councillor Mulligan considered that the current process, under the Education and Inspections Act, was proving very difficult for rural schools, and, in many cases, was leading to their closure. He suggested there was a need to approach the local MP, Julian Smith, and the RSC emphasising that this process was not working for rural schools. He suggested that local authorities required more time in these situations to determine a viable future for the schools and currently that was unavailable through the prescribed process. In terms of the pupils from Burnt Yates School he noted there were nine other primary schools within five miles with places available. Details of how the children could be accommodated at nearby schools was provided within the report.

County Councillor Janet Sanderson supported the proposals and also emphasised the need to consult with local MP, Julian Smith, and the Regional Schools Commissioner on the issue of the current process for schools entering into special measures and the impact that had on rural schools.

Andrew Dixon, Strategic Planning Officer, welcomed the proposal to seek additional consideration of how the process could be altered so as not to unfairly affect rural schools. He noted that, on this occasion, there were sufficient available local primary schools to accommodate the pupils from Burt Yates School, but that may not be the case for future cases.

County Councillor David Chance recognised this as being a potential problem for the County Council in future.

Andrew Dixon noted that, in the case of Burt Yates School, the circumstances had been financially challenging for a number of years with numbers dropping from 50 in 2010 to 30 in 2014. At the time of the Ofsted inspection there were 28 children on roll and, as anticipated, numbers fell when academisation/closure orders were imposed. He noted that a core group of parents had been determined to ensure that their children remained at the school, which had provided an opportunity to consider amalgamation. He noted that a number of pupils still remained at the school and highlighted the challenges faced by their parents in terms of the admissions policy of the County Council and parents being unable to hold places at their chosen nearby school for two terms, whilst the consultation and the closure was taking place. Members noted the position in relation to this.

Resolved –

- i. That the statutory proposals and notices be published on 22 March 2018 proposing to cease to maintain Burnt Yates CE VA Primary School with effect from 31 August 2018; and proposing that the catchment areas of Ripley Endowed (Church of

- England) (VC) Primary School and Bishop Thornton Church of England (VC) Primary School shall be expanded with effect from 1 September 2018 to jointly serve the area currently served by Burnt Yates CE VA Primary School;
- ii. That the Executive schedule taking a final decision on these proposals on 22 May 2018; and
 - iii. That local MP, Julian Smith, and the Regional Schools Commissioner be contacted in relation to the current process that requires schools with an inadequate Ofsted judgement to convert to academy status and the extra difficulties faced by rural schools when this was implemented.

134. Re-provision of services at Woodfield House, Harrogate

Considered –

The report of the Corporate Director, Health and Adult Services, seeking permission to re-provide services currently offered at Woodfield House Elderly Persons Home via the Cuttings Extra Care Scheme and to cease all services at Woodfield House, declaring the building surplus to operational requirements.

The Assistant Director, Strategic Resources, Anton Hodge, presented the report, outlining the following: -

- The proposal supported the County Council's policy of developing Extra Care accommodation, enabling people to be safe and live independently with a clear focus, reducing the need for traditional residential provision.
- Woodfield House Elderly Persons Home provided services for older and vulnerable people, but was no longer fit for purpose to deliver the required standard of care facilities expected today. It currently provided 28 beds for long and short stay use including respite. Five beds were also provided for people with dementia. The scheme currently operated with eight permanent residents and the dementia unit was not in use due to difficulties in recruiting staff.
- There were some limited day services and respite placements for up to nine people.
- The building was not in good condition and, as such, it was not possible to provide greater independence and choice for users.
- The Cuttings Extra Care Scheme was currently under construction at Starbeck, Harrogate and would consist of 55 units of accommodation for rent with a mix of studio, one and two bedroom apartments. There would be a number of communal facilities available on the site. The expected completion date for the scheme was June 2018 with residents available to transfer by the end of July 2018.
- The proposals had been the subject of a consultation with service users and staff, the details and results of which were outlined in the report;
- The re-provision offered an opportunity to provide better facilities for less money.

County Councillor David Chance expressed his support for the proposal, noting that the current facilities at Woodfield House were not fit for purpose and would be replaced with much more appropriate facilities at the Cuttings Extra Care Scheme.

County Councillor Gareth Dadd also outlined his total support for the scheme. He noted that a similar scenario had arisen in Selby/Thirsk, involving the replacement of existing facilities with an extra care scheme, and, despite initial concerns, the overall result had been highly satisfactory. He considered the proposal to be a "win – win" situation.

Resolved –

That the proposal, as set out in section 5 of the report, to re-provide services currently delivered from Woodfield House, Harrogate through the Cuttings Extra Care Scheme be approved.

135. Forward Work Programme

The forward plan for period 2 March 2018 to 28 February 2019 was presented.

Resolved –

That the forward work programme be noted.

Appendix 1 and Annex A and B to the report were considered in private and the public have no right of access to this section of minute number 136.

136. Land development programme of Brierley Homes

Considered –

The report of the Corporate Director, Business and Environmental Services, seeking Members approval on a number of issues in relation to the continued development programme of Brierley Homes.

County Councillor Andrew Lee presented the report outlining the following:-

- The report outlined the progress on the proof of concept proposal for Brierley Homes, which would operate as a housing company to progress and implement new schemes.
- Planning consent for a pilot site at Thorpe Willoughby, Selby had been granted and planning consent was being sought for a site at Marton-cum-Grafton.
- The grant of a loan of up to £25m was being sought, on commercial terms, with the County Council charging interest on the balance at base rate plus 4% initially.
- The proposals were in line with the County Council's commercial strategy and it was expected that further reports would be submitted as the programme developed, going forward.

Corporate Directors Gary Fielding and David Bowe outlined their need to declare their positions as Directors of the Board of Brierley Homes.

Gary Fielding stated that recommendation (c) required the inclusion of "in consultation with the Executive Member for Finance" after "subject to review by the Section 151 Officer". He stated that this was to ensure that the position of Section 151 Officer and Director for Brierley Homes were clearly defined within the process and to ensure that there was no conflict of actions in respect of that.

County Councillor Gareth Dadd stated that it would be ensured that the appropriate checks and balances were in place in respect of the issues set out by the Corporate Director.

Resolved –

- (a) That the progress on the proof of concept proposal for Brierley Homes be noted and agreement be given to the company now operating as a housing company to progress and implement new schemes;
 - (b) That approval be given to Brierley Homes applying for planning permission on the identified portfolio of surplus land and buildings owned by the County Council, whilst noting it does not need permission to make planning application for other land;
 - (c) That a loan of up to £25m be granted to the company, which could be drawn down subject to review by the Section 151 Officer (or a representative nominated by the Section 151 Officer), in consultation with the Executive Member – Finance, for this purpose, on request of the Brierley Homes Board; and
 - (d) That it be noted that should the County Council wish to transfer land to Brierley Homes it would comply with the County Council's property procedure rules.
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The following report was considered in private and the public have no right of access.

Minute number 137 is a public summary of business conducted in private.

**137. Potential acquisition of property/land – commercial investment opportunity
Considered –**

The report of the Corporate Director, Strategic Resources.

Resolved –

That the submission of a bid for the alternative investment, as set out in the commercially confidential appendix 1, and on the terms as set out in section 8, be approved.

The meeting concluded at 11.30am