

North Yorkshire County Council

Executive

Minutes of the meeting held at County Hall, Northallerton on Tuesday, 27 March 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 Councillor John Blackie

Officers present: David Bowe, Stuart Carlton, Gary Fielding, Anton Hodge, Barry Khan and Steve Loach.

There was a representative of the press present.

Copies of all documents considered are in the Minute Book

138. Minutes

Resolved –

That the Minutes of the meeting held on 13 March 2018, having been printed and circulated, were taken as read and be confirmed and signed by the Chairman as a correct record.

139. Declarations of Interest

There were no declarations of interest to note.

140. Exclusion of the Public and Press

Resolved –

That the public and press be excluded from the meeting during consideration of Minute No. 146 on the grounds that this would involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government (Access to Information)(Variation) Order 2006.

141. Questions and Statements from members of the public

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

142. Feedback from Area Committees

Considered –

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

- ◆ Ryedale Area Committee - 14 February 2018
- ◆ Hambleton Area Committee - 5 March 2018

Resolved –

That the report be noted.

143. Local Government and Social Care Ombudsman Reports

Considered -

The report of the Corporate Director - Health and Adult Services informing Members of three Public Reports from the Local Government and Social Care Ombudsman in respect of adult social care, and the actions taken to address the recommendations.

County Councillor Michael Harrison presented the report stating that three complaints, submitted to the Local Government and Social Care Ombudsman (LGSCO), had been upheld, after fault was found with some of the County Council's processes, and details of the findings in relation to those faults were provided for Members to consider.

The report was generated in response to the 1974 Local Government Act whereby, in circumstances where the LGSCO concluded that a complainant had suffered injustice as a result of fault, a report had to be made to either full Council, Cabinet or another Committee with delegated authority.

Councillor Harrison stated that all three cases had been the subject of recommendations from the Ombudsman which were set out in the report. He noted that the County Council accepted the recommendations and acknowledged the need for improvements to be made in some of their practices and processes undertaken. He emphasised that the cases also highlighted the national challenges relating to who pays for adult social care and raised the important issues about how much the state and, therefore, taxpayers should pay for social care collectively and how much cost should continue to fall to individuals and their families.

He noted that action had been taken in response to the recommendations, with changes to processes either implemented or being developed for implementation.

Resolved -

- (a) That the findings and recommendations of the Local Government and Social Care Ombudsman public reports, in respect of adult social care, be noted; and
- (b) That the actions being taken by Health and Adult Services in consultation with the Executive Member for Adult Social Care and Health Integration, to address and monitor progress in meeting the recommendations, be agreed.

144. Proposed Changes to the Constitution for recommendation to the Executive and County Council

Considered -

The report of the Assistant Chief Executive (Legal and Democratic Services) presenting to Members, for their consideration for recommendation to full Council for approval, proposed changes to the Constitution.

County Councillor David Chance presented the report outlining the following:-

- ◆ The proposals started from a desire to strengthen local democracy governance by creating a platform for greater local decision-making.
- ◆ The Leader had stated that he wished to give more powers to local councillors which had been demonstrated by the creation of Locality Budgets and the introduction of new Environmental Budgets.
- ◆ The Executive was keen to delegate greater decision-making locally, to deliver true devolution. A delegation of powers would be incremental to enable committees to demonstrate that they were committed and using the powers effectively. When councillors got together in their locality it was envisaged that their role in holding public services to account would be increased.
- ◆ Appendix 2 of the report indicated that currently there was no uniformity in the existing Area Committees. There were two Area Committees with six Members and then a Committee with 7, 10, 11, 14 and 18. The committees represented a differing range of people, from 52,000 to 157,000 residents. The current arrangements, whilst recognising district boundaries, did not represent MP constituency boundaries.
- ◆ After reviewing the existing arrangements, therefore, it was proposed to redraw the Area Committees' boundaries to mirror the six Parliamentary Constituencies, bringing the following advantages:-
 - a more uniformed population which each Area Committee would serve, with all committees representing 96,000 to 108,000 individuals
 - the number of councillors on each committee would be similar ranging from 12 to 14.
- ◆ It was believed that the new structure would encourage MPs to attend and informal feedback on this had been encouraging.
- ◆ It was noted that four councillors would sit on two committees. The Constitution Working Group had considered that this may give those councillors the ability to vote twice on the same issue, however, reassurance was provided that the frequency of such an issue would be so low as to not be a significant concern. The Monitoring Officer had been instructed to draft a voluntary protocol to ask those Members to vote only once in one committee for those rare occasions. The protocol would be agreed by Area Chairs.
- ◆ Following the redrawing of the boundaries Area Committees would be given the following incremental powers:-

- (a) provide meaningful scrutiny of local health issues within their area, complementing the strategic work undertaken by the Scrutiny of Health Committee;
 - (b) provide meaningful scrutiny of local transport issues within their area, complementing the strategic work undertaken by the Transport, Economy and Environment Overview and Scrutiny Committee;
 - (c) act as consultees in major decisions affecting their area;
 - (d) receive reports and be consulted on major educational issues affecting their locality; and
 - (e) shortlist innovation funding decisions referred by the Stronger Communities Team (the final decision being taken by the relevant individual Executive Member on the recommendations made by a meeting of the Area Chairs and Vice Chairs).
- ◆ Additional changes to the administration of Area Committees were also outlined within the report.

County Councillor John Blackie stated that he had submitted an e-mail to the Leader of the Council in response to the proposed arrangements, which had been circulated at the meeting. He addressed the Committee as follows:-

- ◆ He felt strongly about the proposals, to which he objected, which was why he had submitted the e-mail, circulated, to the Leader.
- ◆ He considered that the diversity of North Yorkshire was lost in the new proposals and that communities did not divide evenly into the six Parliamentary Constituencies within the county.
- ◆ He considered that the Area Committees had assisted in promoting North Yorkshire's diversity and that the new arrangements would take away local focus and objectives.
- ◆ He suggested that the "one size fits all" approach would not work. Basing arrangements on the population numbers alone did not enhance diversity, whereas the nature of local communities did and he felt that North Yorkshire should be proud of that.
- ◆ He stated that he was proud to be a North Yorkshire County Councillor and represent a deeply rural community, as an independent member.
- ◆ He considered that Area Committees delivered for local communities on a wide range of matters. Whereas other Authorities and organisations had decided to hold their meetings at a central location, the Area Committees had taken democracy out to the various communities, on a rotating basis. He noted that, at the recent meeting of the Members' Working Group on the Constitution it had been made clear that this would no longer be the case, with central locations found for the constituency meetings, and locations in the Upper Dales no longer thought to be appropriate for hosting such meetings.

- ◆ He emphasised that he took every opportunity to promote the County Council and was proud of being a County Councillor, highlighting occasions when he had provided support on reputational issues and reviews. He noted that Area Committees had always been able to conduct business, without a political slant, to ensure delivery for local communities.
- ◆ He stated that when a bid had been made for North Yorkshire unitary status this had been built on thirty two key centres and the retention of the seven Area Committees. He had also complimented the County Council's administration in the way it had addressed the present Government, on a number of issues, despite the possibility of political repercussions.
- ◆ He outlined the diverse communities that made up Richmondshire, how they were connected through the workings of the Area Committee and how initiatives, such as the Little White Bus, had been created through this. He highlighted the development of community libraries and community facilities throughout Richmondshire, supported by the Area Committee and welcomed the Stronger Communities initiative, which continued to receive support from the Area Committees. He felt that the new proposals would lose the sense of community encapsulated in the current Area Committees due to the geographical spread of the constituencies.
- ◆ He stated that the move from Area Committees to the Constituency Committees felt like a political move as these reflected the Conservative held Parliamentary Constituencies within North Yorkshire. The areas, in his opinion, did not have a sense of natural community and did not have a distinct base for the arrangements.
- ◆ He stated that he would have liked to have seen the existing Area Committees provided with additional and strengthened powers, noting that, over the years since their introduction, the powers and responsibilities of Area Committees had become diluted.
- ◆ He suggested that there were numerous meetings and opportunities for Members to consider strategy and scrutiny, organised through the County Council, and that the Area Committees represented a unique opportunity to openly discuss issues pertinent to that particular area.
- ◆ He considered that Area Committees had done very well for their areas and had not required the assistance of local MPs. He did not envisage that the local MPs would attend the newly created Constituency Committees unless there was an issue that they wished to promote or an election was about to take place.
- ◆ He noted that, as Group Leader for the North Yorkshire Independents, he was representing their view, and all were in agreement, which had not happened previously, that they were opposed to the new arrangements for Area Committees.
- ◆ He emphasised that he was opposed to the proposals in relation to his own Electoral Division, from his own personal point of view and as a spokesperson for the North Yorkshire Independent Members.

The Leader welcomed County Councillor Blackie's opinions on the proposals and asked that, whatever the decision, County Councillor Blackie continued to attend, and contribute, to the local area meetings, whatever their format.

County Councillor Gareth Dadd noted, in response to County Councillor Blackie, that North Yorkshire Independents had previously had a unanimous view in relation to the setting of the Council Tax recently, he also noted that at the Area Chairs meeting, where the proposals had been considered, a North Yorkshire Independent Member had indicated their support for the proposals.

In terms of the issue relating to the potential for the Members who would sit on two committees being able to vote twice on an issue County Councillor Dadd asked for more clarity to be provided. He wondered whether it would be possible to develop a protocol that enabled those members to vote on an issue in the area where the majority of their constituents were situated. The Assistant Chief Executive (Legal and Democratic Services), Barry Khan, emphasised that legislation clearly stated that 'One Member - One Vote should prevail. He agreed that local protocols would be developed, to clarify the situation for the four Members that were affected by this position and sat on the two committees. He noted that compliance with the protocol would be for Group Leaders to oversee. Should the appropriate protocol not be followed then Group Leaders would be able to take action in relation to that.

County Councillor Dadd emphasised that the proposal to alter Area Committees was not driven by politics but by devolving more responsibility to local areas through the area arrangements.

County Councillor Dadd suggested that issues relating to social care, children's social care, youth justice and related matters, should be added to the first of the incremental powers for the Area Constituency Committees.

County Councillor Dadd stated that the aim of the proposals was to provide a higher level of democratic engagement, locally, as part of the devolution process.

In respect of the issue raised regarding the dilution of powers held by Area Committees, County Councillor Dadd noted that highways issues, including Traffic Regulation Orders, included the local elected representative in the decision-making process, which should be of more benefit to the local communities represented, as their views and concerns could be better delivered.

County Councillor David Chance also emphasised that the proposals were not politically motivated and were in response to devolving decisions to local areas. He highlighted the Locality Budgets and Environmental Budgets as further evidence of that. He emphasised local Members would be able to continue to deal with local issues within their own communities. He noted how Area Committees had previously discussed health matters but had not had the powers to take issues to the next level, whereas the new arrangements would enable them to pursue those matters accordingly. In respect of the venue and location for meetings he envisaged that, where important community issues were to be considered, that the meeting would be arranged to take place in that specific locality.

County Councillor Blackie responded to the comments stating that he was disappointed with some of the remarks. He noted the issues relating to North Yorkshire Independent Members stance on Council Tax setting and the views expressed at the Area Chairs meeting but considered that these deflected from the issues raised. He noted that the

Chairman of his local Area Committee did not support the proposals for Area Constituency Committees, whatever view was expressed at the Area Chairs' meeting.

He emphasised that his concerns were genuine and highlighted the development of the Executive arrangements, around 20 years ago, which had introduced arrangements that encouraged strong community leaders. He stated that he had taken that on face value and expected that to continue.

Councillor Blackie noted the community enterprise that continued to be developed in his own Electoral division, which provided substantial community services, had over sixty volunteers and generated around £5m of business. He had promoted the support that had been received from the County Council in respect of the development of this enterprise, which had been built on the foundations of the local community.

Councillor Blackie acknowledged what had been said by both Councillors Dadd and Chance but continued to have reservations in terms of the size of the Constituency Committees and how they could be representative of local views. He gave an example of Stokesley and Hawes being in the same Constituency Committee with one community having a hospital 15 minutes away whereas the other area would need to travel 90 minutes. He considered that the impact for local discussions on issues such as that would be very different.

Councillor Blackie again outlined his disappointment in the proposed arrangements, however, he emphasised that should he see some merit in the work being undertaken through these, then he would attend, but should these become a platform for the administration, then he would prefer to remain in his local community and carry out work there.

County Councillor Andrew Lee considered the proposals to be a step forward having felt that the Area Committees had no real purpose. He suggested that the additional powers would give the committees more meaning. He considered that the arrangements for Area Committees did not make sense in terms of numbers and that this provided an opportunity to standardise the arrangements, engage local MPs and provide a more worthwhile, strategic approach. He also suggested that increasing the size of some of the committees enabled a larger platform to be addressed in terms of promoting views. He felt that there would be more scope to deliver results through a strategic role and this would embolden the Area Committees, going forward.

Councillor Dadd emphasised that the Constituency Committees would not prevent local Members from delivering a service to their local communities. He noted that Councillor Blackie had chaired the Scrutiny of Health Committee previously and that this had worked effectively for all communities in North Yorkshire to deliver results.

Councillor Dadd outlined his support for the recommendations, with the inclusion of the additional issues within the first of the incremental powers relating to social care, children's social care, youth justice and related matters.

The Leader clarified that the new arrangements would allow for variable venues dependent upon the issues to be discussed.

Resolved -

- (i) That the proposed refocusing of the Area Committees, as set out in paragraphs 4.0-4.12 of the report, subject to the addition to paragraph 4.10 of the

ability to provide meaningful scrutiny of social care, children's social care, youth justice and related issues, within their area, complementing the strategic work undertaken by the relevant Scrutiny Committees, be proposed to full Council for approval, including:

- (a) that Area Committees be renamed "Area Constituency Committees";
 - (b) that the proposed amendments to the Area Committees Terms of Reference as set out by way of track changes on the version attached as Appendix 4 be approved;
 - (c) that the proposed amendments to Article 10 (Area Committees) as set out by way of track changes on the version attached as Appendix 5 be approved; and
 - (d) that the Monitoring Officer make further consequential amendments throughout the Constitution to reflect the agreed amendments and proposals.
- (ii) That, the proposed changes to the Constitution set out in the amendments chart in Appendix 6 be recommended to full Council for approval.

145. Forward Work Programme

Considered -

The Forward Plan for the period 14 March 2018 to 31 March 2019 was presented.

County Councillor Gareth Dadd suggested that a standing item, in respect of commercial investment opportunities, be placed in the Forward Plan to forewarn of potential discussions on such matters.

Resolved -

- (i) That the Forward Work Programme be noted; and
- (ii) That a standing item, relating to commercial investment opportunities, be placed within the Forward Work Programme in future.

146. Private Minutes of the meeting held on 13 March 2018

Resolved -

That the Private Minutes of the meeting held on 13 March 2018, having been printed and circulated, be taken as read and are confirmed and signed by the Chairman as a correct record.

The meeting concluded at 11.50 am.

SL/JR