

North Yorkshire County Council

Executive

Minutes of the meeting held at County Hall, Northallerton on Tuesday, 4 September 2018 commencing at 11.00 am.

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

Also in attendance: County Councillor Paul Haslam.

Officers present: Richard Flinton, Stuart Carlton, David Bowe, Gary Fielding, Ian Fielding, Daniel Harry, Jane le Sage, Barry Khan and Richard Webb.

Apologies were received from County Councillor Michael Harrison.

Stuart Minting local democracy reporter attended the meeting.

Copies of all documents considered are in the Minute Book

County Councillor Carl Les welcomed Stuart Minting and County Councillor Paul Haslam to the meeting.

196. Minutes

Resolved –

That the Minutes of the meeting held on 14 August 2018, having been printed and circulated, are taken as read and are confirmed and signed by the Chairman as a correct record.

197. Declarations of Interest

There were no declarations of interest to note.

198. 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 number on the agenda | Paragraph Number |
|---------------------------|------------------|
| Appendix 2a to Item 5 | 1 |
| Appendix A to Item 10 | 3 |

199. Questions and Statements from members of the public

County Councillor Carl Les said that a public question has been received from Mr Davis. Unfortunately Mr Davis was not able to attend the Executive meeting. County Councillor Carl Les said that in his absence County Councillor Andrew Lee would read out the questions that had been submitted and then after the meeting follow up with a detailed written response.

County Councillor Andrew Lee said that Mr Davis had requested that his first question be withdrawn and replaced with the following:

'Has the meeting requested in the joint letter and offered in the response from Claire Perry Energy Minister taken place as yet?'

Note full text for all of the questions submitted is included below.

David R Davis:

"Following what we all thought was the final public hearing day of the Examination in Public of the Minerals and Waste Joint Plan on 13 April 2018 you are aware of the Governments move to impose their will on the communities of England in relation to Shale Gas after they published the Written Ministerial Statement on 17 May 2018 which has the potential to destroy 5 years work on all sides (except the oil and gas fraternity) in relation to the North Yorkshire Minerals and Waste Joint Plan. The Statement was made just 5 weeks after the examination closed with the planning inspector Elizabeth Ord stating at the time that the plan was 'generally sound' in her view. I have seen a copy of the joint letter (Carl Les and Kevin Hollinrake) sent to the Prime Minister and relevant Secretaries of State on 24 May 2018.

The Ministerial Statement also referred to 2 consultations in the summer of 2018 relating to

- making exploratory drilling 'permitted development'
- and applying to frack part of the 'Nationally Significant Infrastructure Project Regime'

These consultations will remove any local decision making for this type of development. Both consultations are poorly worded and structured, and both are put out by a minority Government on the basis it was 'in their manifesto'. This means (as the Government's own attitudes survey show) that the majority of people do not want any fracking in England and the Government can not claim to have a majority of people in favour of it.

I understand that the Local Government Association have asked all councils to respond to the consultations to assert that this is an assault on determining planning applications locally and striking at the very heart of 'Localism', ie the right of communities to have a say in decisions that affect them and their locality.

So I am writing to ask you to

1. I have not seen any response to the joint letter of 24 May 2018 although I assume there has been one. It would be of great public interest at this time if the reply could be seen, would the Council be prepared to publish the reply?
2. Do all you can to ensure North Yorkshire County Council respond appropriately to both consultations, the closing date for these is the 25 October 2018. I anticipate you will already have this task in hand.
3. Consider asking all NYCC Councillors to be signatories to an open letter (from elected representatives) to the Energy Minister Claire Perry by filling in the form from the following link <https://gofossilfree.org/uk/let-communities-decide-letter/>. I am sure greater weight will be attached to elected representatives as signatories than just members of the public, and the more that sign the greater that weight.
4. Ensure there is appropriate debate in the relevant committees of the County Council
5. Let me know if there is anything else I can do to assist.

Please come back to me and let me know what you propose in relation to points 1-4, and if there is anything I can do to assist please do not hesitate to contact me”.

County Councillor Carl Les said that The Right Honourable Kevin Hollinrake MP was organising a meeting with Claire Perry, Energy Minister, at which he would be attending. In attending, County Councillor Carl Les said that he would be representing the views of all County Councillors.

Appendix 2a to Minute No. 200 was considered in private and the public have no right of access to this section of the Minutes

200. The North Yorkshire Strategic Plan for Special Educational Needs and/or Disability Education Provision 2018-2023

Considered –

A report of the Corporate Director - Children and Young People’s Service presenting the outcome from the six week formal public consultation on the Strategic Plan for Special Educational Needs and/or Disability (SEND) Education Provision 2018-2023 (the Strategic Plan) and recommending that Executive approve the implementation of the Plan.

County Councillor Patrick Mulligan introduced the item and summarised the key points of the report as follows:

- The county has seen a rise of 13.5% in the number of children and young people supported at SEN support between January 2017 and January 2018.
- There are 2,600 children and young people with education, health and care plans and this is predicted to rise by around 30% by 2022.
- The increase in children and young people identified as having SEND is increasing pressure on services.

- There has also been an increase in the number of children and young people with SEND who are assessed as having high levels of need.
- The proposal is outlined in Appendix 3 and the responses to the consultation are provided in Appendices 1 and 2.
- Very positive feedback was received during the consultation and amendments were made to the Strategic Plan in response to the feedback received.
- The Young People Overview and Scrutiny Committee reviewed the final consultation documents at their meeting on 15 May 2018 and gave formal approval to the proposals being consulted on.

County Councillor Patrick Mulligan said that the aim of the Strategic Plan was to ensure more local provision of services, reduce the amount of out of county placements, to help ensure that needs are met, and to enable long term financial sustainability.

County Councillor Patrick Mulligan formally thanked Jane Harvey, Chris Reynolds and Jane le Sage for all of their hard work over the past year in developing the Strategic Plan and taking it through public consultation.

At this point County Councillor Carl Les invited Jane le Sage to comment.

Jane le Sage said it is important to note that a key aspect of the Strategic Plan is building capacity in mainstream schools. It is anticipated that the Plan will have a positive impact upon meeting the level of SEN need in the county whilst also tackling a key element of the children and young people service's budget pressures.

County Councillor Carl Les asked all present whether they wished to refer to Appendix 2a to the report when asking any follow up questions. If they did, then the meeting would need to go into private session as Appendix 2a was exempt. All present confirmed that they did not wish to refer to Appendix 2a. As such, the discussion was held in public.

County Councillor David Chance noted his support for the Strategic Plan and praised officers for all the work they have done in its development.

County Councillor Janet Sanderson paid credit to the officers involved for the clarity of the report and consultation documents, especially the plan on a page. The report recognises that the status quo is not an option and that it is better to transform services, enabling them to meet identified need, rather than leave them as they are and being forced to reduce funding to them.

County Councillor Gareth Dadd echoed the compliments to the officers and said that this has been a complex and sensitive area of work to progress. He said that there needed to be further financial detail including projections of spend and how the service would be provided within budget over the next three to five years.

Jane le Sage said that detailed financial modelling is underway and that this could be brought back to a future meeting of the Executive for consideration.

County Councillor Patrick Mulligan said that better management of costs and keeping within budget was implicit within the Strategic Plan. County Councillor Patrick Mulligan

moved the recommendations. County Councillor Janet Sanderson seconded the recommendations. There was a show of hands and the recommendations were passed unanimously.

Resolved –

That the implementation of the Strategic Plan for SEND Education Provision 2018-2023 from September 2018 be approved.

201. Item 6 has been removed from the revised agenda

County Councillor Carl Les said that this item had been deferred to Executive meeting on 25 September 2018.

202. Green Garden Waste

Considered –

A report of the Corporate Director - Business and Environmental Services informing of the outcome of recent consultation in relation to the payment of recycling credits to district and borough councils for the composting of green garden waste and seeking approval to changes in the arrangements for dealing with green garden waste that will reduce costs to NYCC through a preferred approach based on voluntary agreements with district and borough councils to replace recycling credits for green garden waste with a lower value Green Waste Incentive and only relying on statutory powers to direct an outcome as a contingency in the event that agreements cannot be reached.

County Councillor Carl Les welcomed Ian Fielding to the meeting. He noted that following the end of the consultation, a further letter had been received from Selby District Council. This letter was received after the reports had been published for today's meeting and so the matters addressed in the letter will be dealt with by County Councillor Andrew Lee under this item.

County Councillor Carl Les asked that a copy of the letter from Selby District Council be appended to the Minutes of this meeting.

County Councillor Andrew Lee introduced the item and summarised the key points of the report as follows:

- The County Council currently pays recycling credits to district and borough councils of £50 per tonne.
- The disposal costs incurred by the district and borough councils typically amount to £23 per tonne.
- An option would have been to remove recycling credit payments completely.
- All the district and borough councils except for Selby District Council charge customers for the collection of green waste.
- All of the district and borough councils supported Option 2 in the consultation, which was a reduced payment of £30.18 per tonne based on 2018/19 prices, with the exception of Selby District Council and Richmondshire District Council.

Richmondshire District Council were happy to support Option 1 and Selby District Council was prepared to support Option 2 only following further negotiation.

County Councillor Andrew Lee said that the letter that had recently been received from Selby District Council suggested that they should be treated preferentially. This was because of the special status that had apparently been given to Craven District Council and also the fact that Selby District Council and North Yorkshire County Council are working more closely together under the Better Together Programme.

County Councillor Andrew Lee said that the point remained that all of the district and borough councils except for Selby District Council charge customers for the kerbside collection of green waste. It was up to them to decide what they wanted to do in their council area. The County Council, however, had to take a strategic view of the totality of the Council's finances and the cost pressures that were being experienced by Health and Adult Services and Children and Young People's Service.

County Councillor Andrew Lee explained to Members that Craven District Council incur higher costs as there are no waste disposal sites in their Council area.

County Councillor Andrew Lee said that Option 2 would save the Council about £875,000 per annum. Option 1 would save about £1.2m per annum.

Ian Fielding said that the consultation responses highlighted non-financial matters which should be taken into account as part of the consideration of the options. These relate only to Option 1 and include an increase in transport for some districts and a potential reduction in amounts of green waste collected for composting. The impacts are detailed within the report but it was highlighted that additional transport would only be as a worst case and previous experience has shown that increases in charges for the collection of green waste does not lead to an increase in residual waste (domestic waste).

David Bowe, Corporate Director - Business and Environmental Services, said that the arrangement with Craven District Council would be reviewed over time.

County Councillor Don Mackenzie gave his support to County Councillor Andrew Lee and said that he would happily second the recommendations in the report. County Councillor Don Mackenzie emphasised that credits had been introduced in the 1990s and that the situation had moved on significantly over the past 25 years. Disposal costs were now considerably lower than the costs associated with collection.

County Councillor Don Mackenzie said that the County Council faced significant financial pressures linked to Health and Adult Services and Children and Young People's Service and that there was a responsibility to look for savings. He said that the arrangement with Craven District Council was legitimate and fair and that Selby District Council was not in the same position. County Councillor Don Mackenzie said that Selby District Council had a responsibility to review whether they should charge for the collection of green waste like the other district and borough councils.

County Councillor Gareth Dadd urged Selby District Council to reconsider their position but respected the fact that it was their choice and it was up to them to manage their own affairs. He said that for him this was a matter of decency. As part of the local government family in North Yorkshire it was important that the needs of older people and vulnerable children were prioritised. County Councillor Gareth Dadd said that he was supportive of the recommendation.

County Councillor Andrew Lee moved the recommendations. County Councillor Don Mackenzie seconded the recommendations. There was a show of hands and the recommendations were passed unanimously.

Resolved –

- (a) That the outcome of the consultation in relation to the payment of recycling credits to district and borough councils for composting of green garden waste and the desire on behalf of most respondents to enter into an agreement with the County Council to secure the payment of a Green Waste Incentive in lieu of a recycling credit be noted.
- (b) That the Assistant Chief Executive (Legal and Democratic Services) be authorised to finalise and complete agreements substantially as in the form set out in Appendix 3 to the report with any or all of the district and borough councils in North Yorkshire so as to commit the County Council to paying a Green Waste Incentive payment in lieu of a recycling credit for the composting of green garden waste by the WCA.
- (c) That the Corporate Director - Business and Environmental Services be authorised to:
 - (i) issue formal notification to each of the seven district and borough councils being waste collection authorities (WCAs) within North Yorkshire that the County Council objects under S48(4) of the Environmental Protection Act 1990 to the retention of green garden waste for the purposes of composting and that the County Council has made its own arrangements for the composting of that waste with effect from 1 April 2019;
 - (ii) revoke any relevant notices issued under (i) in the event of the completion of an agreement with a district or borough council under (b) of this recommendation.
- (d) In the event of an agreement being completed in accordance with (b) above between the County Council and Craven District Council, authority is given to the Assistant Chief Executive (Legal and Democratic Services) to enter into an appropriate agreement with Craven District Council to give effect to paragraph 9.17 of the report so as to provide a similarly net benefits of the agreement to Craven as for other District Councils.

203. Appointments to Committees and Other Bodies

Considered –

A report of the Assistant Chief Executive (Legal and Democratic Services) enabling any appointments to Committees or major outside bodies to be considered.

County Councillor Carl Les said that County Councillor Jim Clark had been nominated for the appointment to the West Yorkshire Joint Health Overview and Scrutiny Committee. Since the report had been published County Councillor Andy Solloway had expressed an interest in being appointed to the Committee.

Resolved –

That County Councillor Jim Clark (Chairman of NYCC Scrutiny of Health Committee) and County Councillor Andy Solloway be appointed to the West Yorkshire Joint Health Overview and Scrutiny Committee.

204. Forward Work Programme

The Forward Plan for period 17 August 2018 to 31 August 2019 was presented.

Resolved –

The forward work programme is noted.

Appendix A to Minute No. 204 was considered in private and the public have no right of access to this section of the Minutes

205. Extra Care Delivery in Filey and Bedale

Considered –

A report of the Corporate Director - Health and Adult Services seeking to gain approval to award the funding required from the Council to support the development of new extra care housing schemes in Filey and Bedale and seeking approval to undertake consultation on the potential opportunity for replacement of the Council's Elderly Persons' Homes in Filey and Bedale at the point when planning permission for the extra care scheme is obtained by the provider.

County Councillor Carl Les asked all present whether they wished to refer to Appendix A to the report when asking any follow up questions. If they did, then the meeting would need to go into private session as Appendix A was exempt.

County Councillor Greg White said that he would like clarification of some of the financial information provided in Appendix A but that he was prepared to wait until other Members had had an opportunity to speak.

County Councillor Caroline Dickinson introduced the item and summarised the key points of the report as follows:

- At present there are 22 extra care schemes in the county with approximately 1,000 units in total.
- Extra care housing is being sought through schemes in Filey and Bedale.
- The Filey scheme will have 70 units in total.
- The Bedale scheme will have 62 units in total.
- There is an opportunity to provide intermediate care as part of the schemes.
- There is potential to make savings of £335,000 per annum if, following consultation, the decision is to replace two existing care homes with these extra care developments.

County Councillor Caroline Dickinson said that extra care schemes were a core part of the Council's Adult Social Care Strategy. Intermediate care beds, which could be provided in the extra care schemes, were a viable alternative to hospital care reducing costs in the health and social care system and improving outcomes for patients.

Gary Fielding said that it was important to ensure that the Council was getting value for money.

County Councillor Greg White said that his concerns were not about the scheme itself but the way that the financial information was presented.

At this point in the meeting there was a discussion about financial information contained in Appendix A to the report which was exempt. Stuart Minting left the meeting at this point.

Once the discussions relating to the exempt Appendix A had been completed County Councillor Carl Les noted that extra care schemes had proved to be highly successful.

County Councillor Carl Les asked Richard Webb whether the residents of the existing two care homes would be transferred directly into new extra care provision.

In response, Richard Webb said that was the intention subject to an assessment of their needs, how they could best be met and what their personal preferences were.

County Councillor Caroline Dickinson moved the recommendations. County Councillor David Chance seconded the recommendations. There was a show of hands and the recommendations were passed unanimously.

Resolved –

- (a) That the decision to approve the level of funding as detailed in Appendix A of the report be delegated to the Corporate Director - Strategic Resources.
- (b) That it be delegated to the Corporate Director - Strategic Resources, in consultation with the Assistant Chief Executive (Legal and Democratic Services), to negotiate appropriate legal arrangements for the provision of intermediate care units.
- (c) That permission be granted for a formal consultation to be undertaken in relation to the replacement of Silver Birches and Benhill Lodge Elderly Persons' Homes subject to planning permission being granted for these extra care developments.

The meeting concluded at 11.50 am

DH/JR



Please ask for: Councillor Mark Crane
Direct Dial No:

Your Ref:
Our Ref: MC/LVN

31 August 2018

Councillor Carl Les, Leader
Mr Richard Flinton, Chief Executive
North Yorkshire County Council

Dear Councillor Les and Richard

Better Together Partnership – Executive report 4.9.18 Item 7 Green Waste

It is with regret that we, as partners in our successful Better Together project, must write to you to ask you to put Selby's case to the Executive and to consider Selby's unique position in relation to the impact of the proposed direction and/or reduction in Green Waste credits. We earnestly hope that you can encourage the Executive to support your District Council partner, the earliest risk taker and trailblazer for Better Together, by offering a solution to the different impact of your proposals experienced by Selby. The solution we suggest is for SDC to be afforded an additional year prior to implementing any reduction in green waste credit, in effect no change until 2020/2021.

Through discussions we know that the County would like to implement a consistent approach across the Districts. The tapering option presented, if taken, would see Selby's credits ultimately below those of the other districts which does not make this a credible option for Selby. The disproportionate impact on Selby, as the only District which does not raise a charge for the service is noted at several points in the report. It is for this reason that we had to reserve our position in our response to the consultation as until the report was published we were unable to fully appreciate the impact on us.

As you are aware and the report notes, the proposed reduction in green waste credits has a significant impact upon Selby District Council. The financial impact is between £200,000-300,000, depending upon the option, which is the highest across all of the NY Districts. This is because Selby, unlike other Districts, does not charge for green waste. This is a Council decision, which was not taken lightly and was made for a number of reasons which are still valid.

We also note in the report to Executive that it recommended to offer a different solution for Craven. "Whilst this arrangement would be treating Craven DC differently to other WCAs it can be justified on the basis that arrangements in Craven DC are currently different to others and that the outcome puts Craven into a position where it is able to take advantage of the same opportunities being offered to others".

We ask that the principle of being flexible and justifying differential arrangements is also applied to Selby in view of the differential impacts.

In addition, whilst we appreciate the financial situation and the need for the County Council to reduce costs, we also know that you have a choice whether to pass on the cost pressures to your partner. NYCC could choose not to take this course of action for Selby when you meet as Executive on the 4 September 2019.

It is disappointing that the published proposals do not find a way of recognising our special relationship and the great strides and economies we have made by working more closely and better together. The collaboration project, which we have worked so hard to deliver over the last four years, has realised significant savings for both SDC and NYCC. To date £576,792 has been realised with £1,266,000 identified for future efficiencies. It is with this proven track record and collective determination to continue the collaboration to achieve even greater efficiency that we ask you to present to Executive on 4 September our unique case and treat SDC separately to other Districts and apply a different solution when debating the report on green waste credits.

The specific circumstance of Selby has been raised with you on a number of occasions and most recently at the Better Together Board meeting where the Leader of Selby District Council expressed disappointment and concern. It will therefore come as no surprise to you that we write to request that you offer Selby District Council a different option to other District Councils and recognise our unstinting commitment to better together by your commitment to take a tough decision for Selby. Unless serious consideration is given to the alternative savings that are generated through Better Together and the unique impacts on this District, I fear we are in danger of putting the reputation of our successful collaborative partnership at risk.

Yours sincerely

Councillor Mark Crane
Leader of the Council

Janet Waggott
Chief Executive