

North Yorkshire County Council

Executive

Minutes of the meeting held at County Hall, Northallerton on Tuesday, 24 July 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, Patrick Mulligan, Janet Sanderson and Greg White.

Also in attendance: County Councillor Paul Haslam.

Officers present: Andrew Bainbridge, David Bowe, Stuart Carlton, Melanie Carr, Andrew Dixon, Gary Fielding, Richard Flinton, Barry Khan, Steve Loach, Jane le Sage and Richard Webb.

Apologies: County Councillor Don Mackenzie.

Local Democracy Reporter - Stuart Minting.

Copies of all documents considered are in the Minute Book

172. Minutes

Resolved –

That the Minutes of the meeting held on 12 June 2018, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

173. Declarations of Interest

There were no declarations of interest to note.

174. Exclusion of the Public and Press

Resolved –

That the public and press be excluded from the meeting during consideration 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) detailed 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.

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175. Questions and Statements from members of the public

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

176. Feedback from Area Constituency Committees

County Councillor David Chance provided a verbal update in respect of the initial meetings of the newly established Area Constituency Committees. He noted that these had gone very well and he had received favourable comments from County Council Members. A number had noted that the standard of the debate at the meetings had improved. Preparations were being made for the forthcoming timetabled meetings and it was expected that constituency MPs would be attending. A forthcoming meeting of Area Constituency Committee Chairmen would consider items to be discussed at those meetings.

Resolved -

That the report be noted.

177. A59 Kex Gill Realignment - Adoption of Preferred Route

Considered -

The report of the Corporate Director - Business and Environmental Services providing an update on the A59 Kex Gill Realignment Scheme and seeking the Executive's approval of the preferred option for realignment of the A59 at Kex Gill.

County Councillor Andrew Lee introduced the report, highlighting the following key points:-

- The route along the A59 was the key Trans-Pennine route between Skipton and Harrogate, with a long history of land instability, to the west of Blubberhouses at Kex Gill.
- Over the last ten years the County Council had spent in the region of £1.6m on remediation and repair works due to landslips at Kex Gill.
- The County Council recognised that a long term solution was required, due to an increase in the frequency of landslips and, following the investigation into the potential realignment of the A59, it was considered that the construction of a diversion route to the north of the existing A59 was the only viable option to provide long term resilience.
- Details of the ground investigation surveys, environmental surveys and environmental constraints were outlined.
- He noted that the proposed route sought not to incur on any of the designated landscapes in order to reduce the significant risk of an IROPI (Imperative Reasons of Overriding Public Interest) test being necessary, which could cause delays to the scheme. The scheme was designed to take account of that.

- He stated that the scheme would be completed within a three year target to ensure available Government funding could be utilised.

The Corporate Director - Business and Environmental Services, David Bowe, further explained the IROPI process and the reasons for avoiding that, if possible. He noted that Kex Gill had been identified by Central Government as a maintenance resilience project, enabling central funding to be utilised.

Responding to issues raised by County Councillor Michael Harrison David Bowe and Andrew Bainbridge (Team Leader Transport Planning, Highways and Transportation) provided details of the IROPI process and how that could be avoided, in terms of the proposed project. It was reiterated that entering that process would create substantial delays to the project.

County Councillor Harrison was provided with clarification in relation to the position regarding “optimism bias” given the tight frameworks for the development of the scheme. It was noted that the County Council were still considering optimism bias at 44%, which would be the level expected by DfT, but would be quickly moving towards 3%, for full approval, given the advanced nature of the development of the scheme.

County Councillor Patrick Mulligan welcomed the proposals and emphasised the importance of the scheme for east to west connectivity across the county and the economic benefits of having the reliability of that.

David Bowe stated that there had been a small number of objections to the scheme and officers would be working with objectors to address those issues as the project moved forward.

The Leader asked, given the desire to have the scheme in place as soon as possible, whether planning applications could be submitted sooner than next autumn. In response David Bowe indicated that the timeframe given was realistic, given the environmental considerations that had to be addressed, prior to submitting the planning application.

Resolved -

- (i) That the progress update on the A59 Kex Gill realignment scheme detailed in the report be noted;
- (ii) That the comments from the most recent public consultation exercise contained in Appendix D to the report and the notes from the meeting of the Corporate Director - Business and Environmental Services (BES) and the BES Executive Members, contained in Appendix E to the report, be considered and noted; and
- (iii) That the proposed preferred alignment for the A59 at Kex Gill, as set out in Appendix C to the report, be adopted.

178. The Case for Additional Highway Maintenance Investment

Considered -

The report of the Corporate Director - Business and Environmental Services seeking approval from the Executive for an extra £3m of North Yorkshire County Council (NYCC) funding from the Council’s reserves for structural highway maintenance and to set out the proposed treatment strategy and the benefits this extra investment would bring.

County Councillor Andrew Lee presented the report, requesting an additional £3m of funding to be allocated, from the County Council's reserves, as match funding to the £1.65m from the National Pothole Action Fund (PAF), which was in addition to the expected PAF allocation of £1.64m, for the repair and prevention of potholes on the highway.

The additional £3m would be in recognition of the severity of deterioration that had occurred on localised parts of the network. It would also continue to demonstrate that when Government provided extra money for highway maintenance the County Council was willing to match the extra investment in the network.

The report outlined the proposal for spending the funding including the proposed treatment strategy (surface dressing and pre-surface dressing patching), how the proposed extra funding would fit into the existing Capital Works Programme and assurances that the additional money and schemes would be delivered on time and to budget. David Bowe noted that, since the preparation of the report, additional resurfacing requirements had been identified and highlighted how the funding would be utilised to address those.

County Councillor Gareth Dadd highlighted how the financial strategy of the County Council, in recent years, had enabled reserve funding to be available in such instances and welcomed the fact that the County Council was able to provide this support despite the strategy having generated some criticism. He sought assurances that the additional projects would be addressed in accordance with County-wide priorities and developed in line with the appropriate criteria. David Bowe gave assurances that this would be the case.

The Leader emphasised the importance of the highways network to local communities and the need for that to be appropriately maintained.

Resolved -

- (i) That the allocation of an extra £3m of NYCC funding from reserves (Strategic Capacity Unallocated) for spending on highway maintenance, in accordance with the proposed strategy, as set out in the report, be approved; and
- (ii) That the decision over the detail of how the extra funding would be spent be delegated to the Corporate Director - Business and Environmental Services, in consultation with BES Executive Members.

179. Proposal to Rescind the Approved Preferred Route of the Harrogate Northern Relief Road

Considered -

The report of the Corporate Director - Business and Environmental Services seeking Executive approval to rescind the County Council's current approved preferred route for the Harrogate (Outer) Northern Relief Road.

County Councillor Andrew Lee presented the report highlighting how, in the 1990s, the County Council had approved a preferred route for a Harrogate Western Relief Road and a Harrogate Northern Relief Road and Killinghall Bypass. It was hoped that the routes could be delivered within a five to ten years' time period, however, a number of significant

and ongoing changes in Government funding for major transport schemes had resulted in these being unable to be delivered.

In 2002 the County Council rescinded its preferred route for the Harrogate Western Relief Road Scheme, but retained an approved preferred route for the Harrogate (Outer) Northern Relief Road and Killinghall Bypass. Following approval for housing on Killinghall Moor in May 2016 approval for the preferred route of a section of the Killinghall Bypass between the A61 and A59 was also rescinded. The remainder of the route of the Killinghall Bypass and Harrogate Northern Relief Road remained as approved routes, pending the outcome of a review of the need for, and alignment of, a Harrogate Relief Road.

In April 2018 Harrogate Borough Council had consulted NYCC, as local highways authority, on an outline planning application for a residential development. The site included land which formed the line of the County Council approved preferred route for the Harrogate Northern Relief Road. Should the local highway authority object to the proposal, leading to a refusal of the application, the applicants would appeal against that, resulting in the local highway authority having to defend its recommendation of refusal.

Alongside this a study being undertaken in relation to congestion in and around Harrogate indicated that the preferred route of the Harrogate Northern Relief Road would not be the favoured approach to addressing the congestion problems. In view of this it was considered that an appeal against the recommendation to refuse the planning application, on highways grounds, as detailed above, would be at a high risk of costs being awarded against the County Council.

The proposed route also conflicted with housing allocations in the Harrogate Local Plan.

In view of the issues highlighted and taking account of the Harrogate congestion study having not yet been completed it was suggested that a decision to revoke the approved alignment of the (Outer) Northern Relief Road be taken, without prejudice to any future decision on any inner relief road alignment.

County Councillor Paul Haslam suggested that, as the Harrogate congestion study had not yet been completed, the Executive was being premature in considering rescinding the route outlined. He noted that the Harrogate Area Committee of 15 March 2018 had indicated that no such decision would be made until the study had been completed and he felt that this was contrary to what had been stated at that meeting.

Responding to the issues raised by County Councillor Haslam, David Bowe emphasised that the decision regarding the rescinding of the preferred route was not linked to the congestion study. He reiterated the position regarding the planning application and the risk to the County Council of having to defend an appeal against the refusal of that decision. He also considered that the preferred route, as detailed, did not deliver value for money in terms of cost versus benefits.

In relation to the ongoing Harrogate Congestion Study, County Councillor Michael Harrison emphasised the need for the retention of the remainder of the Killinghall, Bypass, outlined within the report, noting the benefits that this would bring to the local area. David Bowe stated that the retained section of the Killinghall Bypass could be defended in terms of highway strategy.

Resolved -

- (i) That the approved route for the Harrogate (Outer) Relief Road, as shown on figure 5 appended to the report, be rescinded;
- (ii) That the current approved route for the Killinghall Bypass, pending the outcome of the Harrogate Congestion Study, be retained; and
- (iii) That the above decisions be taken without prejudice to any future decision on any inner relief road alignment.

180. Appointments to Committees and Other Bodies

Considered -

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

Resolved -

- (a) That the following appointments be noted:-

North Yorkshire County Council Scrutiny of Health Committee

Borough Councillor Ann Myatt as representative for Harrogate Borough Council
Borough Councillor Philip Broadbank as substitute representative for Harrogate Borough Council

Area Constituency Committees

The following were appointed Chairs and Vice-Chairs at the first meeting of the Area Constituency Committees:-

Harrogate and Knaresborough ACC - County Councillor John Mann (Chairman),
County Councillor Zoe Metcalfe (Vice-Chairman)

Richmond (Yorks) ACC - County Councillor Heather Moorhouse (Chairman),
County Councillor Angus Thompson (Vice-Chairman)

Scarborough and Whitby ACC - County Councillor Joe Plant (Chairman), County
Councillor Clive Pearson (Vice-Chairman)

Selby and Ainsty ACC - County Councillor Richard Musgrave (Chairman), County
Councillor Andy Paraskos (Vice-Chairman)

Skipton and Ripon ACC - County Councillor Richard Welch (Chairman), County
Councillor Mike Chambers (Vice-Chairman)

Thirsk and Malton ACC - County Councillor Caroline Goodrick (Chairman), County
Councillor Keane Duncan (Vice-Chairman)

- (b) That the Executive Member with portfolio for "Open to Business" be appointed to the West Yorkshire Combined Authority - Place Panel.

181. Forward Work Plan

Considered -

The Forward Plan for period 16 July 2018 to 31 July 2019 was presented.

Resolved -

That the Forward Work Programme be noted.

The following were considered in private and the public have no right of access to the sections of the Minutes outlined:

Minute No. 182 - Appendices 1 and 4

Minute No. 183 - Appendices A-C

Minute No. 184

Minute No. 185

182. Outcomes of Public Consultation on Development of Nidderdale Disabled Children's Resource Centre and subsequent closure of The Ghyll and Beck House Disabled Children's Resource Centre

Considered -

The report of the Corporate Director - Children and Young People's Service presenting the outcomes from the public consultation on the proposal to further develop Nidderdale Children's Resource Centre in Harrogate, introducing an outreach service in Skipton and, subsequently, close The Ghyll Children's Resource Centre in Skipton and Beck House in Starbeck. The report also sought approval for progression for a decision from the Executive for the implementation of the proposals.

County Councillor Janet Sanderson introduced the report highlighting the proposals that were subject to public consultation between 22 March 2018 and 19 June 2018 and providing feedback on that consultation.

The proposal was for:-

- Maintaining three high quality children resource centre hubs across North Yorkshire.
- Further investing in the development of facilities and capacity in Nidderdale CRC in Killinghall, Harrogate.
- Progressing with the closure of The Ghyll Children's Resource Centre in Skipton and the Beck Satellite provision in Starbeck, while extending provision of short breaks for families in the Skipton/Craven area from Nidderdale CRC in Harrogate.
- Establishing a small outreach support service for families within Skipton which would enable the needs of families, in distant areas of Craven, to be met.

The responses from the public consultation meetings and details of consultation feedback were appended to the report. Assistant Director (Inclusion), Jane le Sage, highlighted the results of the consultation which included the following:-

Outreach Team

- Respondents had requested more information as to the size of the team and their responsibilities and whether the original proposal would provide appropriate staffing levels.
- In response the local authority had increased the size of the team to an equivalent of two full-time equivalent posts.
- Increased demand would be supported by existing staff and the relief team from Nidderdale CRC as required.

Location of a Base in Skipton

- Respondents had expressed concern that there would not be a base in the Skipton area for children with disabilities receiving respite care such as tea time and holiday provision.
- In response the local authority had entered into discussion with Brooklands School to negotiate the use of the school premises for holiday and tea time provision. It was hoped that the discussions would reach a positive conclusion in July.
- Following consideration of the consultation feedback the local authority retained the view that The Ghyll and Beck House should close in 2019 with overnight short breaks for families being consolidated in Nidderdale House. An outreach team should be based in Skipton to maintain a local presence and provide day and holiday care support for families.

County Councillor Sanderson asked whether existing staff would be able to be retained within the new structure for the delivery of the service. In response Jane le Sage stated that, where possible, this would take place. She was aware that there had been some staff movement following the announcement of the expected closure of The Ghyll and Beck House, but it was anticipated that some of those staff would take up positions in the outreach team. She emphasised that the situation would be carefully managed in terms of staff displacement and recruitment to the new areas of work.

County Councillor Michael Harrison stated that an overall facility for the County should not be based upon a response from a particular localised area and care would need to be taken when designing the overall service. Jane le Sage emphasised that the development of the outreach team enabled a generic service to be developed for the whole of the county and not to be based on specific local areas.

County Councillor Harrison outlined the need for the provision of appropriate car parking facilities at the Nidderdale Resource Centre in view of the developments outlined.

Resolved -

- (i) That progression with the development of the site at Nidderdale CRC, closure of The Ghyll and Beck House and the establishment of an outreach team in Skipton be approved; and
- (ii) That the investment of £204k, to complete the works, be approved and authority be given to the Corporate Director - Strategic Resources to allocate such funds accordingly.

183. Planning of School Places - Basic Need Programme 2018-2021

Considered -

The report of the Corporate Director - Children and Young People's Service briefing the Executive on the progress of the 2015-18 Basic Need Programme and seeking approval for further investments in 2018-21.

County Councillor Patrick Mulligan introduced the report highlighting the following:-

- The Executive approved a £58m investment programme in new primary school places in September 2014.
- A briefing paper in May 2016 subsequently secured approval for further commitments in 2017/18. This was funded through a combination of basic need grant and developer contributions.
- 21 projects, with an investment of basic needs grant, had been completed since the report to Executive in May 2016.
- Four proposed projects included in the 2015-18 programme had not been required to proceed as the anticipated demand had not yet transpired.
- Commitments for 14 schemes originally identified in the 2015-18 programme had been carried forward to the new 2018-21 programme.
- Commitments had been made within the programme to take forward a number of major schemes directly associated with major housing developments.
- Development of some of the housing sites had been slower than anticipated so none of the schools had yet commenced on site.
- The potential impact of housing growth in North Yorkshire on the demand for pupil places was outlined in the report.
- The report highlighted how the basic need grant would meet no more than 80% of the cost of places for primary and secondary schools, considerably lower than the actual cost of building new schools and expanding existing ones.
- Developer contributions were assumed to supplement the basic needs grant, however, the challenge to this position came from the introduction of the Community Infrastructure Levy (CIL) from which District Councils could determine their priorities in terms of how this funding was utilised. The available funding for

school places, was therefore dependent upon the infrastructure priorities of the District Councils.

- It was noted that North Yorkshire rated first out of 141 local authorities nationally by achieving 100% of all new primary places delivering good or outstanding schools.
- In May 2016 the Executive agreed that earmarked corporate funding would be used to ensure that sufficient places were available for children and young people in North Yorkshire and it was proposed that the £10m be maintained to ensure that some of the larger developments could be adequately funded.

County Councillor Gareth Dadd emphasised the need for District Councils to prioritise CIL funding towards the provision of education services in terms of the long term benefits for the county.

Resolved -

- (i) That the proposed 2018/21 programme of basic need grant investments, to meet the demand for school places, and to underpin the future priorities with earmarked corporate funding, as previously agreed, be approved;
- (ii) That the additional £7.5m, agreed by the Council in February 2016, earmarked for the provision of additional primary school places over the next few years, be subject to additional consideration and support from the Executive, before this was implemented.

184. Private Minutes of the meeting held on 12 June 2018

Resolved -

That the private Minutes of the meeting held on 12 June 2018, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

185. Commercial Property Investment, North Yorkshire

Considered -

The report of the Corporate Director - Strategic Resources, on commercial property investment.

Resolved -

That the submission of a bid for the alternative investment, as set out in the commercially confidential Appendix 1 to the report, and on the terms as set out in Section 10, subject to a minor amendment as detailed in the private Minutes, be approved.

The meeting concluded at 12.05 pm.

SL/JR