

North Yorkshire County Council

Executive

Minutes of the meeting held at County Hall, Northallerton on Tuesday, 15 January 2019 commencing at 11.00 am.

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

Also in attendance: County Councillors Eric Broadbent, Geoff Webber, Paul Haslam, Janet Jefferson Annabel Wilkinson & David Goode

Officers present: Richard Flinton, Barry Khan, Gary Fielding, David Bowe, Richard Webb, Stuart Carlton, Karen Iveson, Howard Emmett, Jane Le Sage, Andrew Bainbridge, & Barrie Mason

Copies of all documents considered are in the Minute Book

249. Minutes

Resolved –

That both the public and private Minutes of the meeting held on 4 December 2018, having been printed and circulated, are taken as read and are confirmed and signed by the Chairman as a correct record.

250. Declarations of Interest

County Councillor Eric Broadbent declared a pecuniary Interest in Agenda Item 9 as his wife was employed as an Advanced Teaching Assistant at a Pupil Referral Unit. It was noted that he had been granted a dispensation by the Standards Committee to speak but not vote on any non-school specific budgetary issues.

County Councillor Paul Haslam also declared a pecuniary interest in Agenda Item 11 as certain options regarding the relief road bypass could potentially impact the land on which he resided. It was noted that he too had been granted a dispensation by the Standards Committee to speak but not vote on business relating to the Harrogate Relief Road Review (also referred to as 'Harrogate Congestion Study').

251. Exclusion of the Public and Press

Resolved –

That on the grounds that it involved 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, the public was excluded from the meeting during consideration of agenda item 13, the draft private Minutes of the meeting held on 4 December 2018.

252. Questions and Statements from members of the public

County Councillor Carl Les welcomed members of the public to the meeting and confirmed that 11 registrations to speak had been received in total, 5 on agenda item 9, 1 on agenda item 10 and 5 on agenda item 11. Three County Councillors had also indicated their wish to speak on agenda item 9, and 1 on agenda item 11. The Chairman confirmed that all contributions would be taken at the relevant point during the meeting.

253. Harrogate Adult Community Services Health and Social Care Integration

Considered -

A report of the Corporate Director – Health & Adult Services seeking approval for the programme final business case and delegation to named officers, in consultation with the relevant executive members, the consultation on, and completion of a Section 75 Agreement and any other alliance and partnership agreements that may be necessary to underpin the programme.

County Councillor Michael Harrison introduced the report, confirming that in line with national drivers, the proposals would deliver a new integrated health and social care service model for adults in the Harrogate and rural locality for 2019 and beyond.

Richard Webb, Corporate Director for Health & Adult Services confirmed that the proposal would integrate 270+ general practice, community health and social care colleagues into one team, under one management structure. He noted that it would make a significant difference to how the public used the services which would be based around GP practices and therefore easily accessible. He also confirmed the expectation that in the long term there would be fundamental changes to services as a result of workforce modelling, and use of technology etc.

County Councillor Carl Les welcomed the programme approach as a positive step forward for the delivery of health and social care services.

County Councillor Caroline Dickinson gave her full support to the proposal as it would optimise the delivery of care, which County Councillor David Chance endorsed.

Resolved -

That:

- i) The Programme Final Business Case be approved
- ii) The consultation on, and completion of a Section 75 Agreement and any other alliance and partnership agreements that may be necessary to underpin the programme be delegated to the Corporate Director - Strategic Resources, Corporate Director – Health and Adult Services and Assistant Chief Executive (Legal and Democratic Services), in consultation with the relevant executive members.
- iii) Further business case(s) will be brought back to the Executive for review prior to implementing any further developments beyond the milestones for Year One.

254. Alternative Investments - Year 1 Review

Considered –

A report of the Corporate Director - Strategic Resources reviewing the progress made over the last year with the alternative investment framework approved by the Executive in August 2017, the lessons learned and the intended direction for the year ahead.

County Councillor Gareth Dadd confirmed he had nothing to add to the report as written and it was

Resolved -

That:

- i) The progress and the future actions proposed be noted
- ii) The total amount available for alternative investment be increased to £60m
- iii) The revised thresholds set out in Annex C be approved
- iv) The delegations to the Commercial Investment Board (formally through the Corporate Director Strategic Resources) be extended to a limit of £2.5m per investment and up to a total of £10m in any one financial year.

255. Schools Budget

Considered –

A report of the Corporate Director – Children & Young People’s Service seeking Executive approval for a number of recommendations relating to school funding for 2019-20, as required by guidance issued by the Department for Education (DfE), which had previously been endorsed by schools during a county-wide consultation and agreed by the North Yorkshire Schools Forum.

County Councillor Patrick Mulligan introduced the report detailing the government proposal to introduce a National Funding Formula (NFF) for setting every school’s budget, and the initial plan to use the NFF to calculate notional school budgets to provide an overall total for each Local Authority area during a period of local discretion, up to April 2020.

He also confirmed in response to an increase in requests for Education, Health and Care Plans and financial pressure in the High Needs system, the North Yorkshire Schools Forum had previously agreed to the transfer of 0.5% of Schools Block Funding to High Needs Block for 2018-19,. Finally he drew attention to the need to continue to campaign against further cuts in schools budget.

Stuart Carlton, Corporate Director for Children & Young People’s Service highlighted that the one off transfer of funding would not assist in addressing the forecast budget pressures on the High Needs budget.

Resolved -

That:

- i) The Council would continue to use the principles of the DfE's National Funding Formula, including the various transitional arrangements, and a Minimum Funding Guarantee of - 1.5%, as a basis for funding schools in 2019-20;
- ii) Subject to approval being received by the Secretary of State, 1% of the Schools Block would be used to support High Needs costs in 2019-20. In the event of the 1% transfer request being refused by the Secretary of State, that 0.5% of the Schools Block would be used to support High Needs costs in 2019-20, as agreed by the North Yorkshire Schools Forum.
- iii) The Council would continue to push for a fairer and more equitable funding settlement for schools in North Yorkshire, and continue to lobby for a fairer settlement of High Needs resources.

256. Changing the Resource Allocation System from Can-Do to a Banded System

Considered -

A report of the Corporate Director – Children & Young People's Service, providing feedback on a consultation on changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system.

County Councillor Janet Sanderson introduced the report, highlighting that all local authorities had a duty to keep their special education provision under review to ensure there was the right type of provision and enough places to meet the needs of children and young people with special educational needs and/or disabilities (SEND). She also drew attention to the overall split in the responses to the consultation i.e. that 30% had not expressed a view; 32% agreed with the proposals and 38% had not agreed with the proposals, and the ambiguity in some of those responses. Finally she confirmed that the impetus for change had come from schools.

It was noted that as the funding from central government had not increased in line with the increase in demand, the Local Authority's new strategic plan had been designed to ensure the available funding delivered the best possible provision and that the assessed needs of children and young people could be met.

Resolved –

That

- i) A new banding system for allocating top-up funding based on the funding proposal and rates identified in the consultation be implemented.
- ii) An implementation plan be developed to enable the system to be in place as from April 2019.

257. Pupil Referral Service and Alternative Provision (PRS/AP) Budget and Fund Modelling

Considered –

A report of the Corporate Director - Children and Young People's Service, providing feedback on a consultation on proposed changes to the way provision for secondary aged pupils who are

permanently excluded or at risk of permanent exclusion was commissioned and funded in North Yorkshire.

County Councillor Patrick Mulligan introduced the report, highlighting the significant pressure on the High Needs Block budget, the upward trend in permanent exclusions despite a significant funding investment, and the local authority's continued commitment to collaborative working with schools to reduce that number. He advised that schools were seeking a more flexible and responsive offer that could be used to help avoid the need for permanent exclusion, and that the Local Authority was providing £2.7m a year in funding to the PRS/AP providers to undertake preventative work to support young people at risk of exclusion.

Finally, he drew attention to the revisions to the initial proposals following the consultation, which included an increase in the transition period from September 2019 to September 2020.

At this point County Councillor Carl Les invited the public participants to address the Executive.

Mr Alex Boyce, a teacher at Grove Academy Pupil Referral Unit (PRU) in Harrogate, made the following statement on behalf of the Save the Pupil Referral Service Campaign:

"I am speaking on behalf of the Save the Pupil Referral Service campaign group. The proposal concerning changes to the high needs budget would be devastating in its impact if approved in its current form. The size and speed of the cut to the pupil referral service, even split into two phases, would mean an end to an excellent service, including the outstanding provision at the Grove Academy Pupil Referral Unit in Harrogate.

Today we have presented over 5000 signatures from members of the public objecting to the proposal. Half of these signatures were collected on the streets of Harrogate, Selby and Skipton where local people expressed their shock and dismay at the council's proposal. We want you to listen to the voices of your constituents.

Parents in particular are confounded by the council's proposal. They feel that the consultation process lacked transparency and detail – quite simply, the council's plan was not apparent. As a result a large group of parents from across the county are pursuing legal action with the help of Simpson Millar Solicitors and the barrister Steve Broach. Their wish is for a second consultation which is fair.

Richard Sheriff, president of the association of school and college leaders and principal of Harrogate Grammar School, stated publically that the proposed changes would "result in having nowhere to go for a whole set of children with varied and particular needs, which will be almost impossible to meet in mainstream....the outcome will be **HIGH** levels of exclusion." Given that the main justification for the changes is that they will reduce exclusions, it seems there is a fundamental disagreement over the likely outcomes of this proposal. Richard Sheriff has already signed a Joint letter opposing the proposed cuts to the PRS and this is currently circulating amongst other North Yorkshire school head teachers.

John Warren, principal of the Grove Academy PRU, stated that "under the current proposal the Grove would cease to operate as a PRU, leaving permanently excluded students without educational provision in the Harrogate area. The council's plans to switch to an 'alternative provision model' is predicated upon a leap of faith – a belief that 'alternative provision' centres, of good quality and value, will spring up to supply for the evident growing demand. The current funding proposals are insufficient for the survival of the PRU in Harrogate. They are also insufficient for local schools to commission these Alternative provision places should they appear. The result will be disastrous."

If this proposal is approved it will remove the safety net that is vital for our most vulnerable children and there is virtually nothing of substance to fill the gap. I worry that a growing number of students will be left at home or on the streets and that the county will face serious safeguarding issues as a result. The Grove currently has 39 students on roll. A third have child protection or child in need status. Nearly half have police involvement including youth justice orders and are at serious risk of sexual grooming and coercion into criminal activity such as county lines drug running. Over 60% have special educational needs including 6 with education health care plans for conditions ranging from autism to ADHD. The Grove also educates an increasing number of students who cannot attend mainstream for medical reasons ranging from severe anxiety disorders to depression and self-harming. These are the **most** vulnerable, **most** challenging children in our community and they need the quality support they get at the Grove. The PRU operates as a hub for social services and over a dozen therapeutic or support services. It acts as an intervention to turn students' lives around. Only 1 school leaver in the last 5 years at the Grove has not been in employment, education or training after 12 months. Without proper funding, North Yorkshire's PRUs could end up becoming pathways to prison like poor PRUs across the country. If PRUs like the Grove were lost, the social cost to the community and the financial cost that would pass to social services and the police would far outweigh any financial gain made by these cuts.

Our campaign is urging you to oppose these cuts or at least to reduce them so PRUs like the Grove can still operate effectively. Our campaign is also appealing for a delay in the proposal to allow for a second consultation at district level. With different geographies and different provisions of different quality across the county, each district needs individual consideration. The rise in exclusions needs to be addressed but a rushed, blanket proposal affecting all PRUs is not the right solution."

In response, County Councillor Patrick Mulligan confirmed that many of the points raised had been considered as part of the overall consultation. In particular he stated:

- The consultation process had been fair and thorough, and had provided a range of opportunities for the public, schools and other professionals to provide feedback which had then been given serious consideration before the final recommendations had been put to Executive.
- Schools had been involved in discussions regarding their future vision for AP in their area. Those discussions had been facilitated by an independent organisation and would form the basis for further discussions. The future model for AP would be shaped by head teachers.
- He was aware of a letter circulated by the Grove for secondary head teachers to sign but suggested it was more important that schools, the PRS and the local authority worked together to shape the model for the future.

He reiterated that the consultation feedback had been noted and the recommendations to Executive revised as a result. He confirmed that when fully implemented the local authority would still be investing over £3 million to support young people at secondary age who had been or were at risk of exclusion.

Finally, he emphasised that the local authority had specified within its SEND strategic plan a number of fundamental changes to support young people at risk of exclusion, to ensure the range of provision for children with additional needs could be met in the right provision at the right time. They included:

- New model of Enhanced mainstream schools at primary and secondary level including SEMH

- Reorganisation of the prevention service to provide enhanced support to schools at an early stage to support children and families
- Increase in special schools places
- Establishment of multi-disciplinary hubs for SEND with enhanced therapeutic offer
- Development of an enhanced offer of support for children and young people with medical needs from September 2020

Jane Le Sage – Assistant Director for Inclusion, responding directly to a question from Alex Boyce, stated that the timeline has been revised specifically to minimise the impact of the proposals and that additional support would be provided during the transition period.

Natalie Astwood, a parent of a pupil at Grove Academy Pupil Referral Unit (PRU) in Harrogate, made the following statement:

“The council’s strategic plan aims to bring about a systemic change which would tackle the rise in exclusions. The plan states that “there should be little, if any, need for a young person to be permanently excluded from school.”

The vision of minimising exclusions is one which we share, but this cannot be achieved overnight. Other councils seeking to transform their education provision in this way have taken at least 3 years to do so.

The increase in exclusions is both undeniable and unacceptable. However, it is clearly illogical to imply that PRUs are in any way responsible for the rise. On the contrary, North Yorkshire’s PRUs were designed to be an intervention to prevent exclusions, re-engaging students in education through a vibrant alternative curriculum and a nurturing environment. Unfortunately, whilst the PRUs wish to help more children, their hands have been tied by much bigger trends across the county.

We believe the main drivers of exclusion are:

- The failure of the ‘Fair Access Protocol’ and ‘Collaborative’ meetings to move permanently excluded students on to new schools – This means there has been a huge increase in the length of stay for students in PRUs. At the Grove Academy, the average length of stay in 2017/18 was 120 school days. 9 students stayed over 151 school days. In short, students are in PRUs for months or years, not weeks - PRUs are being forced to act as de facto Special Needs schools. **This means that PRUs have little or no capacity to take on ‘Preventative’ placements for students at risk of exclusion.** It is unclear how the council’s ‘local education partnerships’ would be any different from the ‘collaborative meetings’ that have failed to move students on.
- The rise in so-called Zero-tolerance behaviour policies in schools – This has created “school environments where pupils are punished and ultimately excluded for incidents that could and should be managed within the mainstream schools environment.” (Education Committee Report “Forgotten Children”)
- The increasingly rigid, increasingly academic curriculum in schools – With pressure on schools and students to achieve at least 8 GCSEs, there is currently no viable alternative route through secondary education for those students whose chances of success are much higher in vocational subjects.
- There is currently little financial deterrent for schools to exclude in North Yorkshire – whilst other councils take a more punitive approach, effectively fining schools for excluding, North Yorkshire only expects schools to hand over additional top-up funding for SEND allowances etc. The funding for North Yorkshire PRUs comes centrally from the council ‘High Needs Budget’ which the schools pay a small percentage into.

- The adolescent mental health crisis - Both the Times and The Guardian recently reported “a third of young people are suffering from mental health problems, a survey by ‘Action for children’ has found. Of the 5,500 young people aged between 13 and 15 from across the UK polled by the charity Action for Children, 1,840 were found to have an issue, with the most common problems reported including feeling depressed or anxious or displaying restless sleep or an inability to shake off negative feelings.” Clearly, this is a national issue.
- A lack of SEN and SEMH provision in the county – Many students in PRUs have “unidentified, unmet needs” (Education Committee Report, 2018) and there has been a significant increase in students with EHCPs in PRUs. In North Yorkshire, it seems SEND Provision was cut back, for example with the closure of Netherside and Balliol schools in favour of costly failures like Foremost/Forest Moor School. The council was forced to resort to expensive, out-of-county private providers for some of the most challenging students.

We recognise that the council has made proposals to tackle the final two drivers I have listed but these will take years to implement - existing plans do little to counteract the other drivers of exclusion.

I would urge you to reconsider this proposal that threatens to pull the safety net from underneath our children. More time and care needs to be taken over this plan.”

County Councillor Patrick Mulligan was pleased to note that the speaker agreed action was needed to reduce permanent exclusions, but denied the Local Authority had implied that the Pupil Referral Service had contributed to the increase.

He accepted the issues that contributed to increased levels of exclusion were complex and reassured the speaker that action was being taken on many fronts to address those drivers and to ensure young people could access educational provision that met their needs. He again referred to the SEND strategic plan for educational provision.

He also agreed that PRUs should not be long term schools for young people who had been permanently excluded and that there was further work to do to ensure it did not continue to happen. Also that there was a need to focus on the model for AP into the future and that funding should be used to intervene early to meet needs rather than funding high numbers of permanent exclusions.

Finally, he confirmed that on Wednesday 16 January Ofsted would be announcing a revised inspection framework which would place a higher priority on inclusion within a school and be used as a contributory factor in their overall judgement on a school.

Les Bell, Head Teacher at the Rubicon Centre in Selby, made the following statement:

“The proposals put forward today do not focus on the real issues to reduce permanent exclusions or students out of their mainstream school. It lacks the level of detail which will give confidence that it can be implemented effectively and make a real difference.

Is this about funding or quality of provision? The vision of this is unclear

Too much emphasis in the documentation is presently on our PRS’s which are good or outstanding. Within the consultation document evidence is overwhelming and powerfully in support (from both students and parents/carers) on their experience in North Yorkshire PRS’s.

The question that needs to be addressed is why are students increasingly struggling to stay in their mainstream schools? This needs to be the focus

National evidence and Reports to Parliament “Forgotten Children” (Robert Halfon MP – excellent report) suggest issues are

- Increase in mental health problems
- Behaviour policies (zero tolerance)
- Off rolling, Progress 8 and narrowing the curriculum

Not helped by reduced funding in real terms.

The consultation does not focus on this. By just delaying the proposal by a year will still result in the same outcome students, parents/carers and us fear.

The LA have not demonstrated clear leadership. They want to continue to discuss plans with school and PRS, we have been doing this for 18 months with little progress because the focus is wrong.(We will repeat the same process and get to the same point). We will have had 3 consultations on medical outreach students in last 2 years without any plans detailed or otherwise leading to little clarity. This itself is worrying and shows a lack of vision

I would strongly suggest the LA abandon these proposals and recruit an ex PRS head to support and help them in planning work with mainstream schools and PRS’s to address the barriers and concerns of rising exclusions across the county.”

In response County Councillor Patrick Mulligan confirmed that following significant engagement with school and PRS leaders, professionals, and parents/carers at a local level, the Local Authority had published its SEND Strategic Plan for educational provision in September 2018, which clearly explained the vision for the local authority from 2018-23.

He drew attention to the Plan’s acknowledgement that if the needs of young people were to be addressed, the effectiveness of the whole continuum of education provision from mainstream, targeted and specialist must be ensured. He went on to give examples of work underway to address some of the issues raised within the question, which included:

- Creation of locality based multi-disciplinary teams from September 2019 to enhance support for children with SEND and schools
- Re commission of different models of enhanced mainstream schools for children with social, emotional and mental health needs.
- Early help strategy to be launched to strengthen multi agency approaches to supporting children with additional needs and their families
- Creation of Inclusion Partnerships in localities which will be tasked to problem solve issues for individual young people
- Locality based Education Partnerships made up of head teachers and other professionals to oversee performance of the locality in terms of inclusion including off rolling, part time tables, elective home education.

County Councillor Patrick Mulligan confirmed that the changes to PRS/AP were not related to the quality of provision of the current providers which had been clearly stated throughout. It was about reducing permanent exclusion by ensuring there was a responsive and flexible model of alternative provision which schools could access at the earliest stage, to meet the needs of young people who might be at threat of exclusion.

He stated that secondary head teachers had confirmed in their feedback on the current model for AP that although they did not exclude lightly, it was currently difficult to access preventative support from the PRS to avoid exclusion, and that the range and flexibility of AP was not sufficient, despite a £2.7 million investment. Some were even of the view that there was a perverse incentive to exclude young people as a full time programme of AP would then be automatically made available to them.

He confirmed that work would continue with head teachers to agree the future plan for AP to be delivered from September 2020. And with specific reference to Selby, that secondary head teachers in the area were keen to progress it with pace.

Les Bell questioned whether the reduction in the number of PRU places required had been taken into account, which Jane Le Sage, Assistant Director for Inclusion confirmed it had. She also outlined the Local Authority's duty and commitment to young people, with a focus on prevention at an early stage.

Chris Head a North Yorkshire Teachers Consultative Panel delegate, made the following statement on behalf of NASUWT North & West Yorkshire National Executive:

“It is positive to see that NYCC have taken the consultation seriously and are proposing to delay the changes to alternative provision and pupil referral services across the county. This is a clear admission that a new model has not yet been developed and as such the current model will remain in place until September 2020. This is positive for North Yorkshire as it retains, for the short term at least, an excellent service which transforms on a daily basis the lives of some of our most vulnerable and troubled young people.

With the current provision being retained until 2020, it is surprising and very disappointing, to see that the county council are still proposing to cut the funding to the service over this transitional period. The cuts are a staggering 50% reduction in the discretionary aspect from April 2019 and a reduction of £1000 per place from September 2019. This essentially asks those running and working in the service to continue to provide the high level of education and care with cuts which risk the council not meeting even its statutory duty.

The council admits that the demands on the service are increasing, indeed, this is part of the rationale for the changes to the service – increased demand mixed with reduced funding is a ticking time bomb which could lead to our children not being placed in the setting which gives them the best chance to thrive and access a high quality of education geared to their needs.

I understand from a letter I have seen from the DFE that the high needs block budget will be £49 million this year, rather than the 44.5 million quoted in the report to the executive, enough to cover the shortfall quoted in the report. I would ask the executive to ensure that the money is found to fund the current PRS/ AP provision in full until September 2020 to allow a smooth transition and to ensure that our young people continue to enjoy the good and outstanding education they enjoy in North Yorkshire PRS/AP.”

In response County Councillor Patrick Mulligan highlighted that the Local Authority was currently investing £4.6 million in PRS/AP provision, funded by the High Needs Block which was currently predicted to overspend by £5.7 million in 18/19. That deficit was currently being offset by a 0.5% contribution from the schools block and the intention was to continue with that transfer as a minimum for 2018/19.

He confirmed that the proposal had been amended to reduce the level of financial reduction until the new model was introduced in September 2020 and the timescale had been extended in terms of transition.

He noted the Executive report clearly detailed the impact on individual budgets for PRS/AP provision and confirmed that although there was a decrease in budgetary allocation, the PRS had significant reserves. Those reserves were made up of High Needs Block funding and were allocated to PRS/AP provision to support children and young people and therefore the Local Authority would expect PRS to use that funding to offset some of the immediate impact of the changes to funding. He also acknowledged that the Local Authority was unable to maintain the current situation and needed to ensure the model offered both quality and cost effectiveness into the future.

Finally, County Councillor Patrick Mulligan confirmed:

- Funding for places in some PRS was significantly higher than in special schools – for example the Grove had quoted 39 young people on roll – if those young people were full time a place would cost in excess of £30K per place.
- Despite the significant investment into PRS/AP provision in terms of preventative work, schools across the county had confirmed they could not access preventative interventions.
- Some PRS were charging schools for such support despite a significant investment from the Local Authority.
- The Local Authority would be receiving additional funding into the High Needs block for the next 2 years, amounting to £1.2 million per year. Although it was welcomed it would not provide sufficient funding to offset the pressures on the high needs block.
- The Local Authority was still providing over £3million investment to support AP into the future and we must ensure that this is used in the most cost effective manner to provide high quality support and education to young people.

Stuart Carlton, Corporate Director for Children & young People's Services confirmed that the Local Authority received £44.5m from the DfE and that a further £5m was paid direct and therefore not under the Local Authority's control. Chris Head asked for clarification on whether the Local Authority would receive a share of the additional £250m funding and Stuart Carlton confirmed a further £1.2m would be provided per annum for the next two years but nothing had been confirmed beyond that point.

Charlotte Childs, from the Grove Academy in Harrogate made the following statement:

“Councillors, who is to support the neediest in our community? How can a consistently Outstanding provision for their ever more complex needs be utterly decimated? The proposed cuts to the PRS in North Yorkshire immediately throw out fifteen years of highly developed skills and expertise in providing the educational and social support hub that these children and families rely on. There is no reasonable plan to replace the PRS service. Schools have neither the time nor the resource to develop or commission satisfactory Alternative Provision (AP). The AP in existence does not and will not meet need and while we all share the desire to reduce exclusions this will not be achieved by dumping those most at risk in second rate holding pens.

At a county level, Alternative Providers are in very short supply and are of very questionable quality. For example, the current directory of Alternative Provisions lists a handful of centres for the Harrogate area: one charges up to £75 per hour for tuition, one currently has no qualified teachers and all have very limited capacity. The council has also proposed so-called 'Virtual' schools such as NISAI but, given how needy these children are, these are utterly ineffective in our experience. Expecting excluded students to log on to a website from Public home and, in effect, teach themselves, seems naïve at best. Expecting medical referrals,

often suffering with severe anxiety, to remain in the home for their learning, seems to ignore their obvious need for rehabilitation and social interaction.

At a national level, Alternative Provision has been found out as 'unregistered, unregulated and generally of low quality' (Ofsted three year survey, 2018). Chief Inspector Amanda Spielman expresses her concerns about children 'disappearing from the formal system' into unregulated provision where staff are unqualified, premises often unsuitable; this for 'some of our most vulnerable children'. Suitable provision needs clear and careful strategic planning, over time, in the production of the 'best model' for an area (ISOS consultancy report to DFE, October 2018) In turn schools were found to 'lack the capacity and specialist knowledge' to commission such placements leading to a 'fragmented approach, a lack of oversight and scrutiny' to decisions, leaving these pupils even more vulnerable, (House of Commons Education Committee Report, 'Forgotten Children') The report also states that many of these children are arriving in the AP sector with unidentified and unmet needs amidst increasing and complex mental health needs in schools and AP generally.

Finally, I need to clarify the actual costs involved in providing the PRS service. The Schools' Forum reports (2017/18) that the average cost of a PRS placement in North Yorkshire was £25,592 per annum and this tallies with our calculations. This is in line with maintained special schools and considerably less than independent and non-maintained SEND provision which range from £54k to £134k per student per year. Various figures used by your officers recently do not take into account the PRS' work with preventative, medical and home support placements, hence their erroneous figure.

In contrast your officers have not disclosed anticipated costs for their AP provision. We have been told that the new proposed Local Education Partnerships will be given very little money to commission AP placements or to invest in preventative work to reduce exclusions. For example, in the Harrogate/Knaresborough/Ripon area £165K would have to be shared between at least ten schools. This simply does not begin to address the needs of these most difficult and damaged young people, currently so well served by a beacon, Outstanding 'jewel in the Crown' of the County's education service.

The revised proposal simply means a slow death for the PRS. This would begin with a huge cut in April (amounting to £291k for the Grove) that would rip subjects and services out of PRUs. The PRS can and should be a key part of the solution to meeting the needs of these children, supporting their families and our communities. The evidence is clear and absolute in terms of the provision that works; it has to be a case of fixing the collaborative working model so that we can achieve the best educational outcomes for all."

In response County Councillor Patrick Mulligan once again reiterated that the drive was to reduce permanent exclusions and to ensure the right range of provision was in place to meet the needs of children who were disengaging from mainstream school. Also that the SEND Strategic Plan clearly detailed the range of change planned to support young people with SEND.

He confirmed the Local Authority wanted to establish an AP offer in localities that schools could access, and to build a personalised curriculum for young people that met their needs and also protected the overall learning environment of the school. He stated the intention was to keep young people on their roll, as part of their school community and to monitor their progress to ensure they achieved. Working with secondary and PRS head teachers to create the model for AP into the future to ensure it met the need but also ensured cost effectiveness.

He acknowledged there was variation in the costs of placements in the PRS and how funding was maximised to support young people, which was why a new Service Level Agreement and

monitoring framework was to be introduced from April 2019. In addition, a named person within the local authority would also be identified to oversee the provision for all students with medical needs at primary and secondary level. In regard to Locality education partnerships, they would be made up of head teachers and other professionals from the Local Authority. Those groups would be responsible for identifying priorities that required addressing in terms of inclusion and would have oversight of the provision commissioned by the Local Authority in their area. Finally, work would continue with secondary head teachers and PRS head teachers to ensure a high quality cost effective AP model was in place to provide early intervention support to schools.

In relation to the report by ISOS, Charlotte Childs questioned the lack of alternative provision that would be in place when the changes started to be implemented. Jane Le Sage, Assistant Director for Inclusion clarified that the views expressed were taken from the consultation feedback and were not the views of ISOS. She also confirmed that other areas did not have a wide range of AP in place and work would continue to design the best range of AP.

County Councillor confirmed that prior to the meeting he had taken possession of a petition relating to PRS and AP which would be dealt with in line with the County Council's formal petitions procedure.

County Councillor Eric Broadbent made a statement raising the concerns of his community. He acknowledged that the problems they faced were the same across the county. He outlined the growing need for the PRU in Scarborough and whilst he accepted the Council had increased the transition period he suggested that an extra year was insufficient to effectively change the culture, stating it was likely to require 4-5 years to embed. He passed on the concerns of the Community Safeguarding Manager in Scarborough which stated 'a reduction in the capacity of the PRU in Scarborough would lead to more feral children not in school and roaming the streets and an increase in crime'. He therefore asked for reassurance and clarity on the alternative for those children.

In response, Stuart Carlton Corporate Director for Children and Young People's Services confirmed there was no question over the quality of the current provision, that funding would continue for excluded pupils, and that significant funding was already available to ensure inclusivity in schools. He suggested the proposed changes would ensure more wrap around support, a whole school approach and AP in the school community.

County Councillor Patrick Mulligan added that feedback from North Yorkshire Police confirmed there was no evidence to suggest the proposed changes would have any adverse effect on crime levels and therefore had raised no objections.

County Councillors Gareth Dadd and Janet Sanderson both expressed concern at some of the descriptive terminology used in County Councillor Eric Broadbent's statement, which he acknowledged. County Councillor Gareth Dadd also drew attention to the County Council's ongoing commitment to ensure the very best for all children and young people regardless of their individual circumstances.

County Councillor Geoff Webber then made a statement about the state of alternative provision in Harrogate, noting there were only 3 small providers in that area. In response to the concerns raised in the consultation feedback about the speed at which the Local Authority intended to implement the changes, he suggested they be deferred for a further year to allow additional consultation to take place to identify a better solution. He also highlighted that 60% of respondents had either disagreed or strongly disagreed with the planned way forward.

In regard to the number of providers, Jane Le Sage, Assistant Director for Inclusion suggested a need to look locally to identify the best way to stimulate the market. She confirmed that in some areas, schools provided the alternative provision and that whilst all approaches needed to be considered, ISOS had underpinned the Local Authority's strategic plan going forward. She also suggested that the consultation feedback needed be considered in the context of where it had come from.

County Councillor Paul Haslam expressed his concern that the proposals were being seen as a cost saving exercise rather than a policy about inclusion and children's welfare. He raised concern about the number of exclusions and the short length of time available to implement the changes. He also queried whether money could be taken from elsewhere or if schools could learn from the outstanding provision in North Yorkshire and suggested knowledge transfer might be something the PRUs could monetise.

County Councillor Janet Sanderson confirmed the Local Authority's statutory duty to provide the provision and under the Education Act to provide education to all children excluded from school from day 6 onwards and to those absent due to their the medical needs.

Barry Khan, Assistant Chief Executive Legal & Democratic Services read out the wording of the petition received prior to the meeting and confirmed it would be taken account of by the Executive alongside the consultation feedback. County Councillor queried whether the petition had been underway prior to the amendments to the proposal and it was confirmed it was not possible to know.

County Councillor David Chance queried the reduced number of temporary and permanent exclusions in the 2018 figures, and the incentives for PRUs to get pupils back into school particularly as keeping them was good for business. It was confirmed that it was too early to judge whether the reduction in exclusions was due to the ongoing work with head teachers and that PRUs were only used as a short term solution until appropriate placements were identified.

In response to a query from County Councillor Gareth Dadd regarding the actions taken by PRUs to make efficiencies since the start of austerity, Stuart Carlton confirmed that had broadly managed to avoid austerity thus far. He also confirmed that PRUs were not considered by the Local Authority to be holding pens for keeping second rate pupils in, as stated by one of the public participants.

County Councillor Gareth Dadd suggested there should be no doubt about the Council's commitment to children and young people as evidenced by its ongoing support and its cross funding of education.

County Councillor Carl Les thanked the public participants and the County Councillors for their contribution.

Resolved:

Having noted that the proposal was part of a reshaping of the full continuum of education for children and young people with SEMH and additional needs, as detailed in the Strategic Plan for SEND provision agreed by the Executive in September 2018, the Executive agreed to:

- i) Proceed with the development of a revised model of AP in localities in collaboration with secondary and PRS Head teachers and to finalise the new model and associated funding by September 2019

- ii) Implement the new models of AP from September 2020 to allow for a longer transition period
- iii) Proceed with the principle of funding on a place basis to ensure equity and transparency of funding and expectations of delivery
- iv) Remove 50% of discretionary funding from PRS/AP budgets from April 2019 until September 2020 to reduce the impact of the budget changes on the PRS/AP provision and provide greater organisational stability whilst the new model is finalised.
- v) Continue funding AP places at £19K until September 2019 when the revised rate of £18,000 would apply, in line with the national average.
- vi) Commission medical in reach places at £10,000 per place, up to September 2020
- vii) Continue with the current model of home and in reach medical tuition until September 2020
- viii) Carry out a separate public consultation in April 2019 on proposed changes to medical tuition
- ix) Introduce a revised Service Level Agreement and monitoring framework for commissioned PRS/AP provision from April 2019.

258. Changes to Funding Arrangements for Post 16/19 placements for Young People with Education, Health and Care Plans (EHCPs)

Considered –

A report of the Corporate Director - Children and Young People's Service providing feedback on a consultation on the proposed changes to the funding arrangements for post 16/19 young people with EHCPs.

County Councillor Patrick Mulligan introduced the report, highlighting that the proposals laid out would ensure that the local authority continued to meet the assessed needs of young people and fulfil its statutory duty, at the same time achieving a potential saving to the High Needs Block of £1.3m. He confirmed the proposals would not affect those pupils currently in sixth form.

County Councillor Carl Les invited Kerry Fox to address the Executive, and she asked the following question:

"In the responses for the consultation proposal regarding funding of post 16/19 education (pg. 26) the LA state "we hope that 5 day packages would be jointly agreed and developed between Education and Social Care to ensure a holistic plan with clear progression into adult life beyond education"

Can we assume that this has not been cleared with HAS and why hasn't the LA first introduced a split in funding and being working jointly with Social care to introduce these packages of support before consulting to ensure that the proposal works and is seamless for families and especially the young people this will impact upon.

Further to that in the consultation it is stated that the statutory guidance is 600 hours per annum of education in FE, yet in the government guidance on funding further education (as amended June 2018) it states that full time students aged 16-17 and 18 plus with high needs the guidance is 540 plus hours no cap at 600 can the Local authority be clear as to where

they have pulled this figure from and direct families to that guidance where the cap of 600 hours is stated.

Also can it please be noted that at the consultations especially the one I attended in Harrogate that parents had very little time to be told about the post 16/19 proposal and for them to query and have any feedback on this many families have commented on the lack of understanding of the consultation and what it was proposing so to turn up to the face to face with the LA and not be given the time for this to be explained has further added to confusion as to what is being proposed and how that will work for the families affected. I would like to propose that this proposal be given extra time to consult openly and clearly to parents.”

Jane Le Sage – Assistant Director for Inclusion, responding directly to the public question from Kerry Fox, confirming that Health and Adult Services and CYPS fully agreed with the recommendations specified within the consultation and the final report being considered by Executive. As specified in the final Executive report, the Local Authority had accepted responsibility for its statutory responsibilities under the Children and Families Act 2014 and the Care Act 2014 and would ensure that assessed needs and provision over five days were supported by appropriate funding regardless of the source of the funding.

She confirmed a precedent had already been set in that Health and Adult Services already contributed to the 5 day placements of post 19 young people with an Education, Health and Care Plan. The proposal would formalise the rationale underpinning funding decisions in line with national guidance and the use of the High Needs Block budget.

She drew attention to the Education, Skills and Funding Agency (ESFA) guidance (June 2018) which stated that full time study programmes for post 16 year olds including those with an EHCP should be a minimum of 540 planned hours. However, the funding rate from ESFA had been set at a rate that should deliver 600 planned hours. Therefore to be classed as a full time learner a young person’s programme had to be at least 540 planned hours, but the funding provided would be sufficient for 600 planned hours. She referenced paragraphs 24 and 25 of the Education and Skills Funding document ‘Funding guidance for young people 2018 to 2019- Funding rates and formula’ (March 2018), which stated ‘We expect that full time study programmes for 16 and 17 year olds will be 600 planned hours per academic year, and we set the funding rate on this basis. That document can be viewed online at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707885/Funding_rates_and_formula_201819_.pdf

Jane Le Sage also confirmed the consultation process had been thorough, providing a range of opportunities to ensure the information was accessible, as detailed in the Executive reports. The public meetings were one approach used to discuss the proposed changes to SEND and High Needs Funding. Staff ensured they were available at the end of those sessions to discuss any further questions, issues relating to individual circumstances or make comments regarding the consultation meeting. As the opportunities to gain feedback had been comprehensive, she did not accept there was a need to extend the timescale for the proposal consultation.

County Councillor Gareth Dadd was pleased to note that current students would not be affected by the proposals

Gary Fielding, Assistant Chief Executive for Strategic Resources stated the switch to Adult Social Care involved no reduction in funding, and County Councillor Michael Harrison confirmed that was the case.

Resolved:

The Executive agreed to:

- i. Fund mainstream School Sixth Forms in line with Further Education colleges and 600 hours of education per year for young people with EHCPs, as from April 2019.
- ii. Continue funding special school sixth forms for 25 hours of provision.
- iii. Jointly fund across Adult Social Care and Education (reflecting the 40%:60% contribution to funding respectively) a young person's five day package, for the majority of young people, as from September 2019. And for those individual cases that required funding allocations to be varied from that norm, to carry out individual negotiations across Adult Social Care and Education.
- iv. Accept responsibility for the EHCP and its statutory responsibilities under the Children and Families Act 2014 and the Care Act 2014, ensuring that assessed needs and provision over five days were supported by appropriate funding regardless of the source of that funding.
- v. Address the additional budget pressure to HAS from additional proposed contingency budget (core Council funds) underpinning SEN, to ensure a net nil impact to the HAS budget - to be included in the Revenue Budget / MTFS report scheduled for Executive on 29 January 2019.
- vi. Continue the implementation work with HAS (Health and Adult Services) over coming months to ensure the Local Authority remained compliant both with the Children and Families Act and the Care Act, to ensure well planned and co-ordinated packages and transitions for that group of young people

259. Harrogate Congestion Study

Considered –

A report of the Corporate Director - Business and Environmental Services which provided an update on the progress of the Harrogate Congestion Study further analysis, set out the broad outcomes of the Options Assessment Report Addendum (OARA), and recommended next steps.

County Councillor Don Mackenzie introduced the report and thanked officers, the WSP, County Councillors from the Harrogate district and those groups that had been involved for their contributions. He confirmed all their views had been taken account of.

County Councillor Don Mackenzie provided an overview of the issues in Harrogate associated with congestion which were only likely to worsen in light of the proposed increase in housing etc as detailed in the Local Plan for the area. He also gave an overview of the two packages to be consulted on as detailed at paragraph 3.5 of the report.

Finally, he acknowledged the concerns of some residents about the environmental impact of congestion, and the views of others regarding the lack of infrastructure investment in the last 30 years.

At this point County Councillor Carl Les invited the public participants to address the Executive.

Mr Malcolm Margolis made the following statement on behalf of Harrogate District Friends of the Earth:

“Does it make sense to include a new road in a Harrogate congestion consultation? Well it might, if a road could provide a solution. But as our MP Andrew Jones noted in his column in the Harrogate Advertiser, how can it help reduce congestion when 93% of the traffic is local?

Furthermore, Mr. Jones, a transport minister, said it would cause unacceptable environmental damage to the Nidd Gorge wildlife haven, to the fabulous Nidderdale Greenway which ‘welcomes thousands of walkers, horse riders and cyclists’, and to homes on Forest Moor and Harrogate Golf Club. And with competing priorities for road funding across the UK this hugely expensive road has no chance of being funded. ‘The so-called relief road’, he concluded, ‘should be dropped – and dropped right now.’

Your fellow councillors in Harrogate and Knaresborough have discussed the details for over two years. As I understand it just one, Cllr Mackenzie, still believes a road is a good idea. I’m told Cllr Harrison wants the road in the consultation in view of David Bowe’s advice that this is necessary to maximise the chances of funding. But what, precisely, is the basis for his advice? Mr. Bowe has repeatedly said he supports a road. We are concerned his aim is to get it built, regardless of the case against it and the overwhelming opposition of local councillors.

At their constituency meeting some Skipton and Ripon councillors supported a road to improve east-west connectivity. But if that’s the purpose, you can’t justify a route between Harrogate and Knaresborough which would destroy the peace of thousands of residents and cause the unacceptable damage described by our MP.

In 2010 Harrogate Council’s Arup report called for modal shift away from cars, large scale road building was not the answer. In 2017 WSP found that a road was the poorest performing solution. Yet their latest study gives a road plus some sustainables the highest BCR score. Doesn’t that tell you it’s the sustainables which were doing the scoring? Moreover, the scoring was for the claimed economic effect only. Environmental damage, induced traffic, the likelihood - or ‘inevitability’ according to Cllr Broadbank - of resulting development of fields between Harrogate and Knaresborough, are to be considered later. Will the consultation be informed and balanced, or will it too ignore or minimise environmental issues?

In October, a UN report by The Inter-Governmental Panel on Climate Change called for ‘rapid, far-reaching and unprecedented changes in all aspects of society’. Does it make any sense to ignore the scientists and build more roads for more traffic, or is it not high time, as I respectfully urge you to do, to rethink, and to focus solely on the 26 sustainable measures short-listed by WSP like public transport improvements, promotion of walking and cycling and park and ride which are environmentally sound and the only effective long term way to tackle congestion in Harrogate?”

Before responding to the statement made, Barrie Mason, Assistant Director for Highways and Transportation confirmed that at this stage the County Council was not seeking to make a firm decision on the future provision of a relief road or the detailed route of a relief road. Instead, it was seeking direction from the Executive on what options to address congestion, if any, the public in the Harrogate area should be consulted on.

Directly in response to the statement made by Malcolm Margolis, County Councillor Don Mackenzie stated he did not agree with the comment that he was ‘the only one who wanted a road’ but he did agree that the inclusion of a relief road was acceptable as part of the list of possible interventions to be consulted on. Barrie Mason suggested it was incorrect to state that 93% of the traffic was local. The correct position was that around half of that figure was purely internal trips and therefore the converse was also true, that half of those trips originated or

terminated outside of the Harrogate and Knaresborough area and were therefore longer distance trips.

He confirmed that when Skipton and Ripon Councillors talked about the need to improve east to west connectivity, it was understood to mean connectivity in a more local sense, i.e. connectivity within that part of North Yorkshire, and with regards to access to shops, services and amenities, which for those living in the rural hinterlands could be difficult to reach.

He also stated it was not surprising that the road as a standalone solution performed worst through the EAST sifting, as an area with complex transport needs and multiple objectives, such as the study area, required a multi-layered solution, and it was for that reason, that for well over 12 months the County Council had been proposing that a 'package approach' was the most appropriate method of reducing congestion in Harrogate and Knaresborough.

Finally, Barrie Mason drew attention to the fact that the County Council had repeatedly stated that the BCR was only one of the metrics used to determine the effectiveness of a scheme. However, all the testing had shown that in terms of the BCR, which was predominantly an economic measure of effectiveness, the road did outperform the sustainable measures. This was not to say that it was the best option, but the option which performed best in terms of transport economics. He also confirmed that the County Council had repeatedly said any business case development would consider BCR calculations, but only as part of a whole suite of metrics and wider qualitative assessments, which would be carried out as part of the standard DfT process.

Malcolm Margolis stated he was unaware of any other Councillors who wanted a road and County Councillor Gareth Dadd asked that the discussion stick to the issue at hand, that of whether or not to consult the public, rather than the pros and cons of a road.

Mr Roderick Beardshall then provided the following statement on behalf of Zero Carbon Harrogate's Transport Working Group:

"The issues surrounding potential solutions to traffic congestion have come in for considerable scrutiny. An encouraging number of sustainable initiatives have been proposed, which cumulatively have the potential to make a big difference. Hopefully today's meeting will set the framework for a full public consultation to help decide which combination of these initiatives would be most beneficial. As yet, many of these have not yet received widespread publicity so today could mark the beginning of a real engagement with sustainable solutions.

One unsustainable solution has also been proposed, i.e. a possible new road. This has received considerable publicity and views on the issues surrounding it have been well rehearsed. What is known is that this option is significantly the most environmentally damaging, would result in significantly the greatest loss of public amenity and would be significantly the most expensive option. What is doubtful is whether a new road would reduce congestion. We can be certain that even if it did, the benefit would be much less than predicted by the reports commissioned by NYCC and compiled by WSP. This is because the report does not consider the effect of induced traffic. There is strong empirical evidence that new roads always induce (i.e. attract) extra traffic and it is strongly intuitive that due to location, the proposed new road would do this more than most. Any extra traffic will reduce the congestion relief benefits and with it reduce, or probably eliminate, the mooted financial benefits. This is true even if costs stay within budget, but realistically, how likely is that with any major infrastructure project?!

These are some of the reasons why the idea of a new road has been rejected by an overwhelming majority of Harrogate and Knaresborough councillors and also by Harrogate's MP, Andrew Jones.

I ask that the possibility of a new road is rejected today and that public consultation concentrates on the wide range of sustainable methods to reduce congestion. If we are to succeed in keeping climate change to within the limits deemed necessary by the Intergovernmental Panel on Climate Change, we need make the right choices. However if the possibility of a new road is to go to public consultation, I ask you to ensure that any consultation material produced by NYCC makes clear the reasons for concern about a road and particularly highlights how widespread these concerns are including among locally elected representatives."

Barrie Mason, Assistant Director for Highways & Transportation thanked Mr Beardshall for his comments and confirmed that induced traffic, and the potential for the inducement of additional vehicular movements as a consequence of additional network capacity, would be considered in a detailed business case, should any scheme progress to that stage. However, he noted that evidence on induced traffic was far from conclusive, and that there was a range of views on the differences between reassignment of traffic and induced traffic. The consequences of adding new capacity was still far from well-understood, by either industry or academics, indeed, the DfT had admitted it was an area where they needed to improve the research and guidance they made available to authorities.

Barrie Mason acknowledged it was widely accepted that one of the ways to reduce the amount of induced traffic was to utilise the freed up road space for other sustainable transport uses such as bus priority and cycle routes, and that this was exactly what Package E was intended to do.

With regards to the cost estimates he suggested that whilst they were robust, they were still at an early stage of development and therefore should be regarded as initial estimates. He also confirmed that all scheme cost estimates were subject to application of 44% optimism bias and risk management as required as part of the development of any major scheme, road based or otherwise.

Finally, he confirmed that in order to deliver a fair, meaningful and balanced consultation the County Council would be working with WSP's consultation specialists, who had recently run the very successful Leeds Public Transport Investment Programme (LPTIP) consultation in Leeds, on their plans to overhaul the public transport network in Leeds.

Rod Beardshall disagreed with the comment on induced traffic and suggested that consultees should be made aware of District Councillors' views. In response Barrie Mason confirmed there would be future opportunities for district councillors to make their views known, as would those who were against the idea of a road.

County Councillor Andrew Lee reiterated that the decision required from the Executive was about the need for consultation on not just a road but a suite of sustainable measures as well.

Mr Keith Wilkinson MBE made the following statement on behalf of Bilton Conservation Group:

"Bilton Conservation Group was formed in 1982 to conserve the Nidd Gorge and protect the Green Belt between Bilton and Knaresborough in the face of major development pressures in north and east Harrogate.

Developers offered to fund diverting the A59 through Bilton Fields in exchange for options for in-filling the Green Belt between Knaresborough and Harrogate ('Starbeck New Town Plans').

2016 - The stated objectives of this £0.5M OARA study are:

- SO1 Support sustainable growth of Harrogate and Knaresborough
- SO2 Improve the Quality of Life for all communities.
- SO3 Support Sustainable Economic Growth.
- SO4 Protect and Enhance the Built and Natural Environment.
- SO5 Improve East – West Connectivity.”

My first question is: 'Just what is this Green Route which you are considering putting out for Public Consultation? Clearly not a 'Relief Road', because the data points towards

- a) no meaningful 'traffic relief'
- b) an immediate, unspecified amount of INDUCED TRAFFIC and
- c) the exploitation and in-fill development of the Statutory Green Belt generating yet more traffic.'

Are we to conclude therefore that the principle function of this 'Green Route' is really to meet Transport for England's ambitions for a dual-carriageway from the M65 at Colne to link with the A1 to meet the Strategic Objective of improving long term 'East-West Connectivity' as an alternative to the M62 corridor and a contribution to the 'Northern Powerhouse? I refer you to [TfN report Yorkshire Post 08/11/18].

My second question relates to the OARA, page 31 states '... wider impacts including those relating to environment or social impacts, are not included within this appraisal.....these would be considered as part of a future business case development.'

Is this not putting the cart before the horse?

If the most perfunctory appraisal of the environmental and social impacts [SO2, SO4] were conducted it would be patently obvious that no further Public Expense should be wasted pursuing this 20th century solution to a 21st century problem.

In regard to the Natural Environment, between 1999 and 2000 the Millennium Trust funded a £3000 Biodiversity Study of the Nidd Gorge. 3000 hours were spent by 40 volunteers who established, empirically, the quality of the diverse range of species and habitats of Bilton Fields and Nidd Gorge. A unique, semi-wild, environment within walking distance of Harrogate and Knaresborough Town Centres. This (in part) enabled NYCC to merge and designate the core of the riverside and woodlands as 'SINC [Site of Importance to Nature Conservation] and lead to a best seller 'Common Ground' [Rob Cowen 2015

That Millennium Study has been revisited since 2016 by new volunteers who have attempted to record and photograph every life-form they encountered from otters, badgers, slowworms, ferns, bees, fungi, butterflies and kingfishers to trees and fish.

This new report will be published by Leeds University in the next few weeks. I commend it to members as a eulogy to the present which we should strive to conserve [OARA SO4] – and hope it does not become an epitaph to the past and a lament for a lost opportunity.”

Barrie Mason, Assistant Director for Highways & Transportation thanked Keith Wilkinson for his statement and noted the comments regarding the role of the A59 in terms of east to west connectivity, restating there was no intention for the A59 through Harrogate and Knaresborough to become a strategic east to west route offering an alternative to the existing strategic corridors of the A66 and M62. He also noted the concerns about the relief road and its impact on the

Nidd Gorge area as well as the concerns about how it might ultimately lead to development on the green belt.

Barrie Mason again confirmed that the primary purpose of the Harrogate Congestion Study was to look at how to tackle the congestion within Harrogate and Knaresborough, which in itself was complex and not easily solved. It is for that reason that the report proposed consultation on two packaged options, both of which included a wide range of potential measures, and were flexible in their composition. He stressed that modelling carried out through the OAR and addendum showed clear traffic relief benefits for some key routes within the study area, which the 'green' relief road option could deliver.

He also referred to his previous comments about induced traffic, and again reiterated that no detailed study on induced traffic had been undertaken as part of this study as yet, as it would form part of the much more detailed modelling of any proposal taken to business case development stage. He acknowledged that current evidence and research on induced traffic was far from compelling, and accepted there would clearly be redistribution of traffic on the network should additional capacity be provided. However he noted that to do nothing to address traffic congestion did not mean that nothing would change. Traffic growth from new developments and people just travelling more would increase congestion in Harrogate and Knaresborough. So even if nothing was done, existing roads would get more congested in the peak hours, congestion would spread to rat runs and it was likely to spread to other times of the day. Finally, he noted the comments on environmental impact, and again advised that a full environmental assessment would form part of any future scheme business case development.

In response, Keith Wilkinson queried how the proposals could not be considered a move towards east west connectivity when it fit so well with the intentions of Transport for the North, and Barrie Mason confirmed again that it was not the purpose of the proposals.

Val Rodgers made the following statement on behalf of the Nidd Gorge Advisory Partnership:

"The Nidd Gorge Advisory Partnership is a sub-committee of Harrogate Borough Council. It has existed in one form or another since 1983 when Harrogate Borough Council formed a partnership with the Woodland Trust, Campaign for the Protection of Rural England, Bilton Conservation Group, Knox Valley Residents' Association, Harrogate and District Naturalists' Association, the (then) Countryside Commission, Cycling groups, Ramblers' Association, NFU (then) and Knaresborough Town Council. Since 1983 other partners have joined such as Knaresborough Nidd Gorge Conservation Group, a landowners' representative, a dog owner/dog walking representative and Nidd Gorge Community Action.

Throughout its 36-year history the NGAP (and its former incarnations) has aimed to protect, conserve and enhance the natural environment of Bilton Fields and Nidd Gorge. It has always proceeded by consensus, striking that difficult balance between the competing demands of agriculture, silviculture, wild life conservation and specific recreational interests.

At its last meeting on 4th December 2018 at HBC Civic Centre, partners forced a vote – an unusual event since, as I have said, the group tends to progress by consensus or not at all. The decision was that:

'The Nidd Gorge Advisory Partnership objects to any new road which impacts on Bilton Fields and the Nidd Gorge'.

I am mandated to bring this decision to your attention."

County Councillor Don Mackenzie confirmed that at the Harrogate & Knaresborough Area Constituency Committee, Harrogate Borough Councillors gave their support for going out to consultation on both of the proposed packages.

Barrie Mason noted the views of the Nidd Gorge Advisory Partnership and acknowledged that any inner relief road would have an impact on the Nidd Gorge and Bilton Fields area and that its impact would need to be balanced against the traffic congestion relief benefits of such a new road. He confirmed that part of the purpose of the consultation would be to establish the views of the people of Harrogate and Knaresborough on that balance.

In response Val Rodgers questioned why a road needed to be included in the consultation and Barrie Mason confirmed that the modelling had shown a package approach that included a road would deliver the best results.

Finally, John Branson made the following statement:

When the original Harrogate Relief Road Report was published, it took some time to understand. The Options Assessment Report (OAR) was presented and read first, which after a short introduction leads straight into the actual interventions and analysis, and then I realised that the important background information was in the second half – Stage1.

I recently came across a similar report on Malton and Norton which was presented in a logical way, giving an introduction, background information, reason for intervention, identifying objectives, interventions and concluding with a proposed solution package. It was interesting that the Malton report had 11 interventions identified as potential Quick Wins, and the recommended package had interventions clearly classified as short, medium or long term. Why is the Harrogate report so different? The Harrogate intervention classifications are “hidden” in the OAR appendix B and it says on page 25 of the OAR that the package approach gives the potential for achieving “Quick Wins”.

The Malton report has been clearly thought out and presented, but Harrogate needed a second attempt resulting in an addendum (OARA). This only complicated the interventions and it no longer clearly defines the contents of the packages.

If you decide to go for consultation, what packages will be put forward? - I assume that they should be the ones in your executive report, but if you compare that list with those in the addendum, where, to quote (page 8): “the finalised formation of packages B and E is set out in appendix E”, you find that Network Optimisation and Area wide Signal Strategy C3/C4 is missing from package E on your executive list.

The executive list also includes the “Area wide public realm strategy” intervention, otherwise known as G1. This raises a problem because G1 is not included in the addendum appendices E, F, G, H or I, but is in appendices C and D. G1 seems to be an important package because it “would provide a coordinated approach to improvements ...” In comparison, the original Harrogate OAR was consistent in dealing with all interventions and set out the contents of the packages clearly in Appendix C where packages B and E include G1.

It would be clearer if the packages put forward for consultation were in the form of those set out in the addendum appendix E. i.e. a recommended package, consisting of the interventions in both packages, with two smaller packages for the remaining interventions

In response Barrie Mason confirmed the Malton and Norton study had been a smaller scale study, focussed on several discrete areas of congestion within the two towns. It was not as large an area, nor did it have the same level of complex issues as Harrogate and Knaresborough. The Malton and Norton study was not intended to attract large local major scheme funding, and therefore the process gone through in identifying schemes to deliver locally had been proportionate to the level of funding required and was not quite the same as that required by government for large local major funding.

Barrie Mason reiterated that should members' give their approval to go out to consultation, the County Council was intending to commission WSP's specialist consultation team, to develop a consultation that would ensure meaningful engagement and give participants the opportunity to fully understand the various options that could deliver reductions in congestion.

John Branson suggested the packages needed properly defining before consultation as there were some anomalies between the report and the annexes.

County Councillor Carl Les thanked the five public participants for their contribution and confirmed that points they had raised would be taken account as part of any consultation documents produced.

County Councillor Paul Haslam then gave the following statement:

I fully support consulting with the public as quoted in 3.28, however, I believe in this case that we are not ready to provide a "transparent and proportionate" consultation. Although a lot of work has been done I believe that all would be better served by encouraging our officers to challenge and analyse the findings and report seeking more clarification from the authors before we move forward to consultation.

The initial report and the ensuing reports are far from conclusive that the proposed road would relief traffic congestion in Harrogate. In fact, the small difference between traffic volumes during school holidays and term time suggests that marginal changes may well solve this problem. The money could be used elsewhere – we have enough financial pressures and needs. – High needs budget for example.

Most notably, we are awaiting feedback from Harrogate Borough Council who are undertaking a traffic study. It would seem strange to consult without considering the opinion of the main partner. It should also be noted that the local plan does not call for any interventions.

In terms of the report before you please see my comments by section:

2.0 – It's a shame that we did not start from the point of congestion rather than a relief road. The WSP report on Malton Norton infrastructure is of a much higher quality and demonstrates a logical approach to the problem.

3.2 - It is disappointing that Rail options, halts or stations are not being considered with cost as well as deliverability being cited. One of the possible alignments of a relief road considers two bridge crossings of the Nidd – this will not be cheap either. Do we really have the knowledge in-house on rail to make such a critical decision? – at the last Harrogate and Knaresborough meeting there seemed to be a great deal of difficulty just evaluating the increased capacity of the railway in Harrogate as a result of new rolling stock. Have we really explored this option?

The modifications required to improve Starbeck station involve the movement of one platform and not the whole station as implied in the WSP report. As a council we need to use “train” as part of transport strategy and any congestion solution particularly in an urban setting.

3.4.1 - How can park and ride and bus priority on key routes not be part of the package B? I appreciate that the argument is we can mix and match. These should have been included in the calculations of BCR. The report seeks to link Park and Ride and the relief road – is this really valid? Park and ride is clearly a standalone option and not dependent on a relief road. This distorts the BCR calculations.

3.15 – All the road transport projections include a link to Bilton Lane - to put a forward a preferred option of no link to Bilton lane must surely invalidate the data.

3.16 – suggests we have gone further to include some economic benefit. Have we considered the environmental impact, the health impact, and the air quality impact? These will all have economic implications. Have we just considered the positive economic impacts? There is a need to ensure the information is balanced.

3.20 - there is no account taken of induced traffic which is a phenomenon connected with building new roads. Figures of 10 percent are common place and even if we believe the figures in the report, this will negate the impact of the reductions. Taken from campaign for better transport website:

Induced traffic means that the predicted congestion benefits of a new road are often quickly eroded. Traffic levels on bypassed roads can also rise faster than expected due to induced traffic, all of which means the hoped-for benefits of a new road can evaporate very quickly.

The phenomenon of induced traffic has been observed by transport professionals repeatedly since 1925! And recent authoritative reviews have confirmed that induced traffic is still beating forecasts on new roads across the country.

Induced traffic distorts spending priorities - By not forecasting traffic levels properly and not fully taking into account induced traffic, the benefits and costs of a new road will not be accurately calculated, which can lead to big mistakes being made with public money.

- *During the planning stages of a road scheme, if induced traffic is not included properly, the full environmental impact of the scheme - for instance, carbon and noise levels - will be underestimated.*
- *By predicting a longer period of relief from congestion, underestimating induced traffic will further distort the benefit-cost ratio so that decision makers will have false expectations of the economic returns of a road.*
- *Local people will also have too high expectations for a road scheme if induced traffic is not included properly in forecasts.*

3.22 - It should be noted that based on the levels of traffic projected for this road – it would be the busiest road in Harrogate - this road would need to be a double carriageway, approximately 15 metres wide. To build a road of such a width, I believe the width of the works would need to be 40 – 50 metres wide. This should be considered in relation to the distances from the Gorge. This option includes two crossings of the Nidd and undoubtedly, as the report states, will have a significant detriment on the area.

3.23 – as above the road width needs to be considered, but it is also likely that the Nidderdale Greenway would be severely curtailed. And what of the air quality for users, walkers, cyclists etc. as well as local residents that the road will be very close to.

3.26 - It should also be noted that WSP conclude that this alignment should not be considered

3.27 - It is interesting that the economic benefit of no link to Bilton Lane is limited. However, is this not about congestion? The original study that had large volumes of cars travelling down Bilton Lane. Where have they gone?

Additionally, the report appears to miss:

- There are 3 key pinch points on the traffic that trigger most of the traffic congestion issues.
- Empress Roundabout - roundabouts are not efficient with high levels of traffic therefore peak time traffic lights synchronised with lifts on the approach including pedestrian crossings.
- Woodlands Junction: This was modified by NYCC sometime ago and it does not seem to work as well as before – what else can be done here?
- Oatlands Junctions: again, recently modified by NYCC which is still not resolved.

These issues are not easily resolved but they cannot be ignored. I therefore suggest we need to be in a position to provide a more balanced and transparent view before we proceed to consultation.

In response County Councillor Gareth Dadd again reiterated the report was only about going out to consultation, and County Councillor Michael Harrison confirmed that as the representative for the Killinghall area, he was constantly being asked when the County Council was going to do something about congestion and when a by-pass would be built. He acknowledged there were implications attached to doing nothing and to doing something and therefore stressed he had a duty to his residents and the public to give them an opportunity to have their say.

County Councillor David Chance agreed that he too would like to know what the people of Harrogate thought.

County Councillor Carl Les thanked everybody for their contributions.

Resolved -

That the findings of the Options Assessment Report Addendum form the basis of public consultation into both packages B and E.

260. Forward Plan

Considered -

The Forward Plan for the period 23 November 2018 to 30 November 2019.

Resolved -

That the Forward Plan be noted.

Agenda item 13 was considered in private and the public have no right of access to this section of the Minutes.

261. Private Minutes of the Meeting held on 4 December 2018

Resolved -

That the Private Minutes of the meeting held on 4 December 2018, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

The meeting concluded at 1:55pm
MLC