

North Yorkshire County Council

Executive

Minutes of the remote meeting held on Tuesday, 19 May 2020 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.

Other Councillors Present: County Councillor Paul Haslam

Officers present: David Bowe, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Daniel Harry, and Melanie Carr.

There was one representative of the press in attendance.

Copies of all documents considered are in the Minute Book

439. Welcome & Apologies

County Councillor Carl Les welcomed everyone to the County Council's first lawful virtual committee meeting. Individual Executive Members went on to introduce themselves and there were no apologies given.

440. Minutes

Resolved –

That the public Minutes of the meeting held on 10 March 2020, having been printed and circulated, be taken as read and confirmed, and signed by the Chairman as a correct record.

441. Declarations of Interest

There were no declarations of interest.

442. Questions and Statements from members of the public

There were no public questions or statements.

443. Authorisation to accept Transforming Cities Fund (TCF) award funding from WYCA/DfT -

Considered –

A report of the Corporate Director - Business and Environmental Services,

County Councillor Don Mackenzie introduced the report, which set out the details of the TCF funding award and the governance and risks attached to that programme.

Andrew Bainbridge, NYCC Transport Planning Team Leader provided an overview of the successful Leeds City Region bid put forward by West Yorkshire Combined Authority. He confirmed the Region has been awarded £317m to deliver all of the schemes within the Bid's low scenario, which included a number of transformational schemes to improve access to and from rail and bus stations in the North Yorkshire area, i.e. in Craven, Selby & Harrogate.

It was noted that:

- Any funding awarded through the TCF had to be spent by 31 March 2023 - whilst it was confirmed that was achievable, the effect of the COVID-19 pandemic on that timescale was as yet unclear.
- Craven District Council and Selby District Council had both agreed their contributions – In response to a query from County Councillor Gareth Dadd, it was confirmed Harrogate Borough Council were fully dedicated to the schemes and were willing to contribute, but their exact contribution had yet to be determined.
- The delivering Authority would be liable for any overspend on its schemes – This responsibility and risk burden would be set out in detail in the relevant financial and legal agreements between the county council and the relevant district/ borough council, and there had already been some allowance for this included within the costings for each scheme.
- In the event of an overspend additional funding might be sourced from LTP Integrated Block Allocation and/or Civil Parking Enforcement (CPE) surplus. This option would be considered on a case by case basis, after all alternative options had been investigated.

Members recognised the delivery of those schemes to cost and by the deadline was essential and noted that throughout the projects any associated risks would continue to be assessed and reported on. They also noted the proposed creation of a fixed term TCF Project Manager post, to oversee the delivery of the North Yorkshire area £31.1m programme.

All Members voted in favour of the recommendations and therefore it was

Resolved – That:

- i. The report be noted.
- ii. The £31.1m funding from the Department for Transport be accepted.
- iii. The approach to funding of any overspend as set out in para 6.5 of the report be approved in principle, following review by the Programme Board and subsequent approval by the Corporate Director for Business & Environmental Services in consultation with the Corporate Director for Strategic Resources and relevant Executive Members.

444. Home to School Transport - Use of Accessible Vehicles and Provision of Transport for Non-Entitled and Post 16 Pupils -

Considered –

- 1.1 A report of the Corporate Director - Business and Environmental Services which provided feedback on the findings of an investigation undertaken in response to a legal challenge made in 2019 to the Council's approach to the provision of home to school transport for non-entitled and post 16 pupils.

County Councillor Don Mackenzie introduced the report, outlining the Public Service Vehicles Accessibility Regulations 2000 (PSVAR) as detailed in the report., and confirmed the County Council already provided bespoke transport for SEND pupils.

Ian Fielding, Assistant Director for Transport, Waste & Countryside Services highlighted the salient points of the report, which confirmed:

- PSVAR applied to home to school transport provided using vehicles with over 22 seats - It was noted that from January 2020 the Government had offered some further exemptions for home to school services carrying fewer than 20% of fare paying passengers, which would apply until December 2021 with the potential of a further extension up to December 2023.
- Most vehicles used by the Council for mainstream home to school transport were not currently accessible, and there was no specific legal obligation for all vehicles used for home to school transport to be so. However, the Council always provided where necessary a suitable vehicle that enabled entitled pupils with mobility needs to be transported in safety and comfort.
- The additional annual cost of providing PSVAR compliant coaches across the whole of North Yorkshire for all home to school transport services requiring over 22 seats, would be in excess of £2.7m.
- The number of non-entitled and post 16 pupils currently using spare seats on home to school services, and those travelling on commercial services.

Barry Khan, Assistant Chief Executive (Legal & Democratic Services) highlighted two areas of the law for the Executive's consideration i.e.:

- The Public Service Vehicle Accessibility Regulations 2000 which states that all vehicles with over 22 seats should be accessible and have a conformity certificate when they are being used as a something called a 'regulated public service vehicle'. The certificate deals with wheelchair accessibility requirements, specification for seats, steps, floors and handrails of the vehicle, and;
- The Equalities Act of 2010, specifically the County Council's duties under Sections 149 and 29 which requires the Executive as the decision taker to have due regard to the need to eliminate discrimination, harassment, victimisation and other discriminatory conduct, and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. – Members attention was also drawn to the Equalities Impact Assessment attached as an appendix to the report.

Ian Fielding went on to outline the four options that had been considered, which had led to option 4 being identified as the preferred option i.e. to charge for the use of spare seats where it is lawful to do so, but to allow other spare seats to be used for free up to the end of the 2020/21 academic year, and only to pupils already travelling.

Having considered all of the options and the public consultation feedback on the preferred option 4 Members considered the resulting proposals detailed in paragraphs 9.2 & 9.3 of the report, to be effective from the start of the 2020/21 academic year.

County Councillor Patrick Mulligan confirmed his view that option 4 was an appropriate short

term response taking advantage of the temporary additional Government exemptions. County Councillor Gareth Dadd agreed but expressed concern that in the longer term there could be a significant financial impact to the Council in regard to Home to School transport which in turn could have a detrimental impact on some families.

Overall, Members agreed the proposed way forward was a pragmatic approach at this stage and thanked officers for their excellent report on a very complex situation

All Members voted in favour of the recommendations and therefore it was

Resolved – That:

- i. The charges for non-entitled and post 16 pupils detailed in Section 9 of the report be reintroduced with effect from the beginning of the 2020/21 academic year
- ii. The Council welcomed applications for the use of spare seats from non-entitled and post 16 pupils with mobility needs, with all reasonable adjustments being made to accommodate each request. Each case to be assessed on its merits and to be subject to the Council's normal non-statutory appeals process.

445. Forward Work Plan

The Forward Plan for the period from 13 May 2020 to 31 May 2021 was noted.

The meeting concluded at 12:09pm
MLC