

**ORGANISATION IMPROVEMENT & ENVIRONMENT OVERVIEW
AND SCRUTINY COMMISSION
HELD ON 17 DECEMBER 2007
(FROM 6.00 PM TO 7.50 PM)**

PRESENT: Councillor Mrs Atkinson in the Chair. Councillors Galloway, Grange, Hawke, Chris Lewis, Reg Marsh, Newby, Geoff Webber, Willis and Willoughby.

Co-opted Members: Councillor Brian O'Flynn,
Councillor Rosalyn Fox
Councillor Brian Watson.

In attendance: Councillor Don Mackenzie (Cabinet Member Planning and Transport)
Councillor Kempston-Parkes
Mr N Avison - Director of Development Services
Mr J Sowden – Director of Resources
Mr S Johnson – Assistant Chief Executive
Mr C McGonigle, Chief Engineer (Traffic)
Mr R Wade, Chief Engineer (Highways)
Mr John Riby, Head of Engineering and Harbour Services, Scarborough Borough Council
Mr Bernard Goulding – Head of Street Scene, Scarborough Borough Council

32/07 - APOLOGIES FOR ABSENCE AND NOTIFICATION OF

SUBSTITUTES: Notification had been received that Councillor Clark was to act as a substitute for Councillor Trotter and Councillor Webber for Councillor Peter Phillips.

(6.00 pm)

33/07 - DECLARATIONS OF INTEREST: Declarations of interest were made under Minute 36/07.

(6.00 pm)

34/07 – EXEMPT INFORMATION: There were no exempt information items.

(6.02 pm)

35/07 – PUBLIC ARRANGEMENTS – QUESTIONS: There were no questions to consider pursuant to Standing Order 27.

(6.03 pm)

**SCRUTINY MATTERS AND REVIEWS UNDERTAKEN BY THE
COMMISSION**

**36/07 - CO-OPTION OF MEMBERS FROM SCARBOROUGH BOROUGH
COUNCIL:**

RESOLVED (UNANIMOUSLY):

O I & ENVIRONMENT COMMISSION

That Councillors Brian O'Flynn, Rosalyn Fox and Brian Watson be co-opted as Members of the Commission for the meeting.

(6.37 pm - 7.30 pm)

37/07 – NYCC REVIEW OF THE HIGHWAYS AGENCY AGREEMENTS AND HIGHWAYS AGENCY SERVICE - INFORMATION CONSIDERED BY THE TRANSPORT AND TELECOMMUNICATIONS SERVICE OVERVIEW AND SCRUTINY COMMITTEE ON THE 28 NOVEMBER 2007: (Councillor

Galloway declared a personal interest in the item on the basis that he was a consultant to Balfour Beatty, a NYCC contractor, on social housing matters but, on the basis that the interest was not prejudicial, remained in the meeting, took part in the debate and voted thereon). (Councillor Grange declared a personal interest in the item on the basis that his son carried out contract snowploughing for NYCC but, on the basis that the interest was not prejudicial, remained in the meeting, took part in the debate and voted thereon). (Councillor Willoughby declared a personal interest in the item on the basis that she was a member of Knaresborough Town Council who were employed by NYCC but, on the basis that the interest was not prejudicial, remained in the meeting, took part in the debate and voted thereon).

The Chair welcomed the Councillors Brian O'Flynn, Rosalyn Fox and Brian Watson Mr John Riby, Head of Engineering and Harbour Services and Mr Gordon Goulding, Head of Street Scene at Scarborough Borough Council to the meeting.

The Scrutiny Officer advised that information detailed in the Agenda had been circulated to all Members and he advised of the format and purpose of the meeting which was to consider the process for progressing the issue by NYCC and to consider whether the Scrutiny process at NYCC was comprehensive, thorough and robust and advised that the deliberations and recommendations of the meeting would be submitted to NYCC prior to consideration of the issue by NYCC Executive in January 2008. It was noted that NYCC had been invited to attend the meeting to address the Commission but had declined the invitation and a copy of their letter with an explanation had been tabled. The Cabinet Member Planning and Transport was in attendance and detailed the agreements with the County over the Highways Agency Area including the current arrangements in place and the process regarding the review of the issue by NYCC.

Harrogate Borough Council (HBC) and Scarborough Borough Council (SBC) officers responded to a number of questions regarding the NYCC Scrutiny Committee report process, the financial, service and technical issues and the options available to HBC and SBC.

The final report (prepared subsequent to this meeting and sent to NYCC) including a complete set of questions and answers forms an addendum to these minutes.

All Members expressed serious concerns over the potential termination of the Highways Agency Agreement, the process undertaken and the lack of consultation undertaken by NYCC and the scrutiny of the issue. Referring to the joint report by the Head of Highways and Transport at HBC and the Head of Engineering and Harbour Services at Scarborough Borough Council entitled Harrogate and Knaresborough and Scarborough Highways Agency - overall commentary on NYCC

O I & ENVIRONMENT COMMISSION

report to the Executive on 16 October 2007, Members endorsed the comments raised at section 5.5 of the report.

The Chair thanked Members and Officers of Scarborough Borough Council for their role in the joint Scrutiny of the issue and in-turn they thanked Commission for the opportunity to be co-opted to the Commission for the meeting.

RESOLVED (UNANIMOUSLY):

That (1) the Commission expressed concern regarding the proposed termination of the Highways Agency Agreements based on the evidence considered and in the timescale proposed;

(2) the Commission considered that the report and information assessed by NYCC was not a full assessment of the issues and therefore not appropriate upon which to make any decision. It only addressed maintenance issues without considering a full business assessment of the financial/service implications;

(3) the Commission supported a full review of the Highways Agency Agreements with the Borough Councils including consultation with all stakeholders;

(4) the commission considered that the process undertaken was not a good example of partnership/two-tier working and was in opposition to the themes in the Central-Local Concordat. It also agreed to write to the Local Government Association and HM Government representatives that signed the Concordat expressing this view;

(5) the list of questions arising from the consideration of the evidence by the Commission be forwarded to NYCC with its report;

(6) the Scrutiny process undertaken by NYCC was not “comprehensive, lengthy, rigorous, thorough and robust”; and

(7) a report based on its consideration of the progression of the proposed termination of the Highways Agency Agreements by NYCC be sent to NYCC in order that the Executive could have regard to it when it considered the issue in January 2008.

(6.04 pm - 7.50 pm)