

Agenda

**Meeting: Transport, Economy and Environment
Overview & Scrutiny Committee**

**Venue: Grand Meeting Room, County Hall,
Northallerton, DL7 8AD
(see location plan overleaf)**

Date: Wednesday 8 July 2015 at 10.00am

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Business

1. **Minutes of the meeting held on 15 April 2015** (Pages 1 to 10)
2. **Public Questions or Statements.**

Members of the public may ask questions or make statements at this meeting if they have given notice to Jonathan Spencer of Policy & Partnerships (*contact details below*) no later than midday on Friday 3 July 2015, three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

	<i>Suggested timings</i>
3. Business & Environmental Services Directorate – Oral report from the NYCC Corporate Director – Business & Environmental Services.	10.05-10.30
4. Highways England – Oral Update from Roger Wantling, Service Delivery Team Leader, Highways England	10.30-11.00
5. Rail North & Franchise Update – Report of the NYCC Corporate Director – Business & Environmental Services. (Pages 11 to 32)	11.00-11.30
6. Local Transport Plan 2016/2046 (LTP4) - Report of the NYCC Corporate Director – Business & Environmental Services (Pages 33 to 37)	11.30-12.00
7. Work Programme – Report of the Scrutiny Team Leader. (Pages 38 to 50)	12.00-12.05
8. Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.	12.05

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)

County Hall
Northallerton

30 June 2015

NOTES:

- (a) Members are reminded of the need to consider whether they have any interests to declare on any of the items on this agenda and, if so, of the need to explain the reason(s) why they have any interest when making a declaration.

The relevant Corporate Development Officer or the Monitoring Officer will be pleased to advise on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

(b) **Emergency Procedures For Meetings**

Fire

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Persons should not re-enter the building until authorised to do so by the Fire and Rescue Service or the Emergency Co-ordinator.

An intermittent alarm indicates an emergency in nearby building. It is not necessary to evacuate the building but you should be ready for instructions from the Fire Warden.

Accident or Illness

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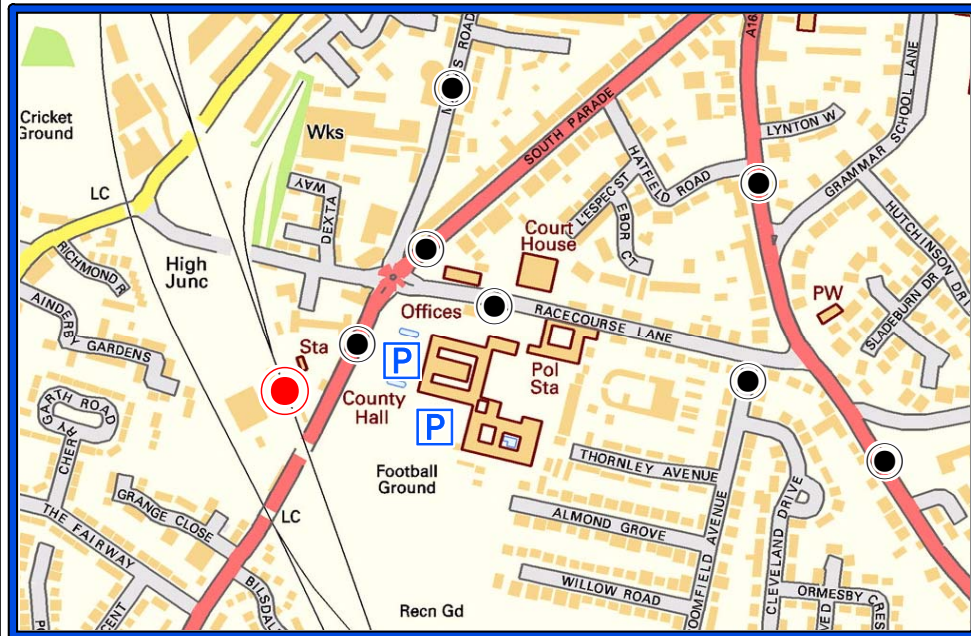
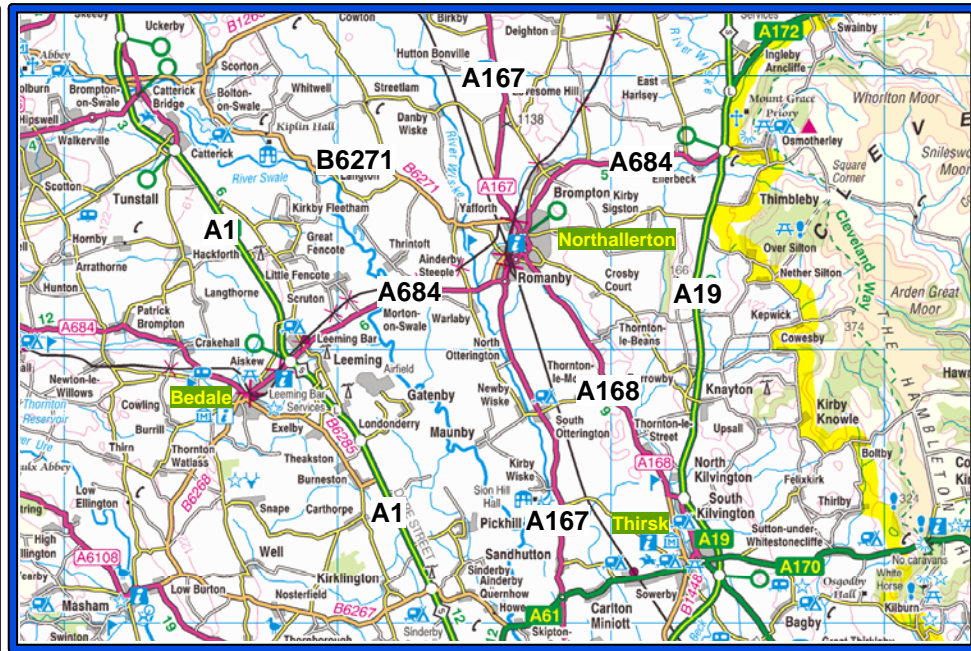
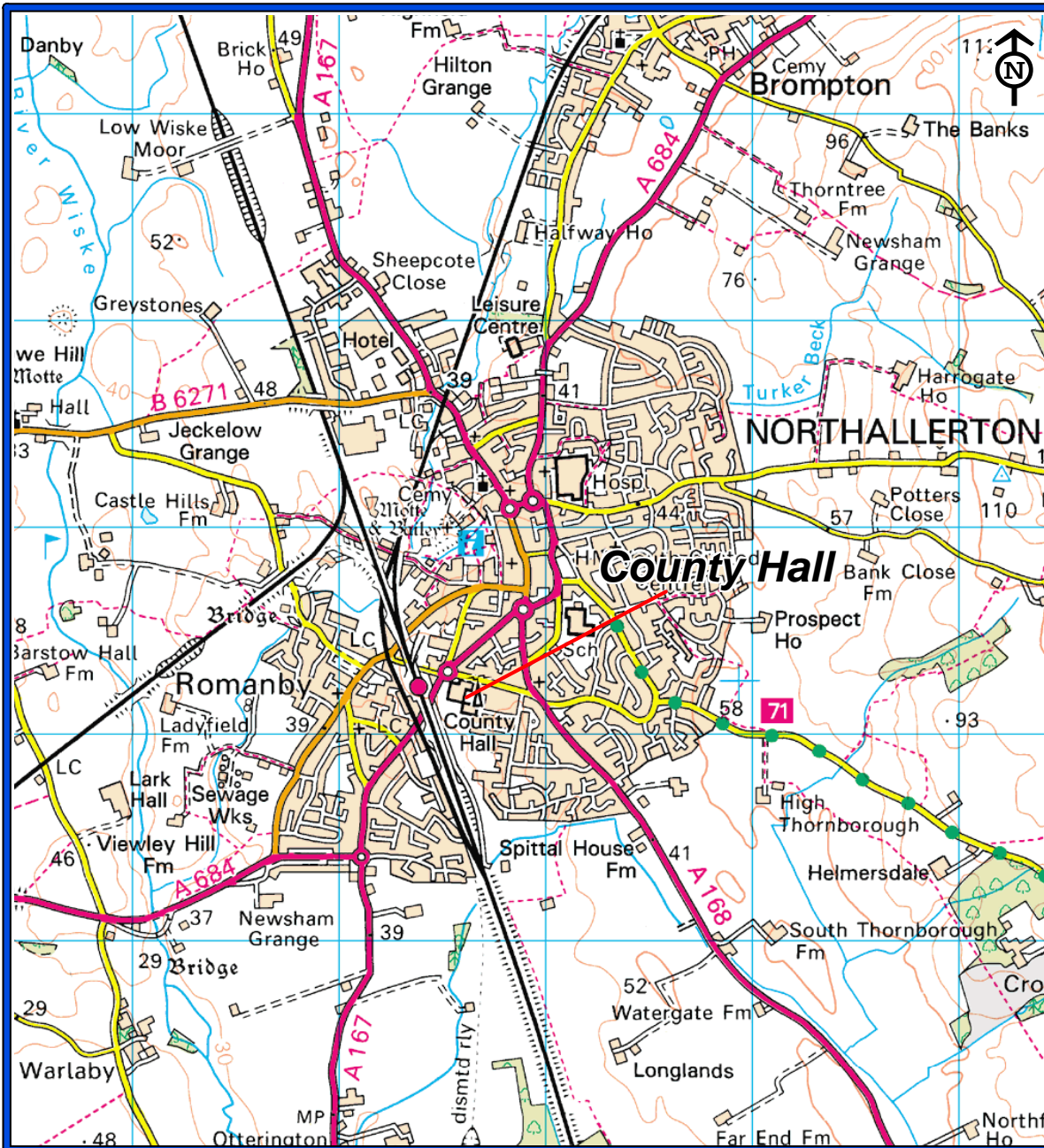
Transport, Economy and Environment Overview and Scrutiny Committee

1. Membership

County Councillors (13)							
	Councillors Name			Chairman/Vice Chairman	Political Party	Electoral Division	
1	ATKINSON, Margaret				Conservative		
2	BACKHOUSE, Andrew			Chairman	Conservative		
3	BAKER, Robert				Conservative		
4	GOSS, Andrew				Liberal Democrat		
5	HESELTINE, Michael				Conservative		
6	HESELTINE, Robert				Independent		
7	HORTON, Peter				NY Independent		
8	JEFFELS, David				Conservative		
9	MARSDEN, Penny				Conservative		
10	PACKHAM, Robert			Vice Chairman	Labour		
11	SOLLOWAY, Andy				Independent		
12	WELCH, Richard				Conservative		
13	WINDASS, Robert				Conservative		
Total Membership – (13)				Quorum – (4)			
Con	Lib Dem	NY Ind	Labour	Liberal	UKIP	Ind	Total
8	1	1	1	0	0	2	13

2. Substitute Members

Conservative		Liberal Democrat	
	Councillors Names		Councillors Names
1	PEARSON, Chris	1	HOULT, Bill
2	BATEMAN, Bernard MBE	2	De COURCEY-BAYLEY, Margaret-Ann
3	BLACKBURN, John	3	JONES, Anne
4	HARRISON, Michael	4	
5		5	
NY Independent		Labour	
	Councillors Names		Councillors Names
1	BARRETT, Philip	1	BROADBENT, Eric
2		2	
3		3	
4		4	
5		5	
Liberal			
	Councillors Names		
1			
2			
3			



Visitor Parking at County Hall



Northallerton National Rail Station



Bus Stops

County Hall

Northallerton
North Yorkshire
DL7 8AD



North Yorkshire County Council

Tel : 0845 8 72 73 74

North Yorkshire County Council

Transport, Economy and Environment

Overview and Scrutiny Committee

Minutes of the Meeting held at County Hall, Northallerton on 15 April 2015 at 10.00 am.

Present:-

County Councillor David Jeffels in the Chair

County Councillors Margaret Atkinson, Robert Baker, John Blackburn (sub. for Penny Marsden), David Chance, Andrew Goss, Michael Heseltine, Robert Heseltine, Peter Horton, Bob Packham, Andy Solloway, Richard Welch, and Robert Windass.

Other Members present were: County Councillor Arthur Barker

NYCC Officers attending: David Bowe, Corporate Director (BES), John Laking, Policy Development Manager - Integrated Passenger Transport (BES), Barrie Mason, Assistant Director - Highways & Transportation (BES), Chris McMakin, Lead for Admissions (CYPS), Jonathan Spencer, Corporate Development Officer (Central Services), Andrew Terry, Assistant Director – Access & Inclusion (CYPS)

Present by Invitation: Dr. Adrian Morgan, Chairman of the Leeds Northern Railway Reinstatement Group

No members of the public were in attendance.

Copies of all documents considered are in the Minute Book

68. Minutes

Resolved -

That the Minutes of the meeting held on 21 January 2015, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

69. Public Questions or Statements

There were no general public questions or statements from members of the public concerning issues not on the agenda.

70. Home to School and College Transport: Savings Proposals, Consultation Responses

Considered -

The report of the Corporate Director - Children and Young People's Service asking the Committee to consider the responses to the consultation on proposals to remove two

areas of discretionary provision from the home to school and college transport policy in order to meet the target saving in the 2020 programme and seeking Members' views for inclusion in the report to the meeting of the Executive on 26 May 2015.

Andrew Terry summarised the report referring to the consultation results on the proposal to cease providing free transport for pupils aged 8-11 who live between two and three miles from their normal school and on the proposal to cease providing free transport for secondary school pupils at a 'critical stage' of their education if they move home and wish to remain at the school currently attended. He also referred to the appendices, which included the record of responses to the consultation, the Equality Impact Assessment and the report to the Corporate Director's meeting with Executive Members on 9 December 2014.

Executive Member County Councillor Arthur Barker explained that the Executive would take account of all comments received when arriving at its decision as to whether to implement the proposals. He went on to refer to paragraph 3.4 of the report highlighting the range of pupils who would be exempt from paying for a school bus pass.

Members made the following key comments:

- Referring to paragraph 3.5 a Member asked if the County Council was responsible for assessing which home to school routes were deemed to be an unsafe walking route of a child, and what criteria was used to assess these routes. Andrew Terry confirmed that the County Council was responsible for assessing the safety of walking routes to schools and used nationally agreed criteria. Members of the public could go to an appeals committee to appeal against officer decisions concerning whether a walking route was deemed to be safe or unsafe.
- The cost of the bus pass represented a significant amount of money for some families. What options were being considered to phase in the scheme over time? Andrew Terry confirmed that only new starters in primary schools from September 2016 would be required to pay for a bus pass if they lived between two and three miles from their normal or catchment school. The proposal to remove free home to school transport for secondary school pupils' transferring to another school at a 'critical stage' of their education would be phased in from September 2015. This meant that pupils already supported in this way would not have their current arrangements disturbed. He went on to note that parents also had the option of paying for a bus pass on a monthly basis at no extra charge.
- The extent to which governing bodies had been consulted on the proposals. Andrew Terry confirmed that all primary schools had been notified about the consultation on the proposed changes and some of the responses had been from governing bodies.
- The proposals represented another 'nail in the coffin' for village schools, threatening their viability; some families would be discouraged from moving to villages whilst others might move away. Some of the consultation responses had highlighted this as a concern. Andrew Terry replied that it was uncertain whether in practice this would happen and reiterated that the cost of a bus pass could be spread out over the year and that less well-off families would be exempted from the proposal to remove free transport.
- In the past when village schools had closed parents had been promised free

home to school transport for their child to their next nearest school. For some pupils, however, their next nearest school had fallen within a distance of less than three miles from a pupil's home. Andrew Terry said that the records would be checked to establish if such agreements had been granted in perpetuity and that this would be referenced in the report to the Executive.

- The distance criterion was a blunt tool particularly in some rural areas. This was because it depended upon which route was taken to travel to school. If a pupil travelled the safest route to their local school it could be over three miles. However if they were to walk on a more direct route on narrow lanes it would be less than three miles. Andrew Terry replied that people could appeal against officer decisions concerning safe walking routes.
- The County Council had made a rod for its own back over the years by exceeding the requirements that were laid down statutorily for free home to school transport. Whilst this might not have been of concern in the past, the Council could no longer afford to be overly-generous in light of the budget constraints that it was facing. Some of the consultation responses acknowledged this.

The Chairman invited a show of hands for the proposals to cease providing free transport for pupils aged 8-11 who live between two and three miles from their normal school and to cease providing free transport for secondary school pupils at a 'critical stage' of their education if they move home and wish to remain at the school currently attended.

The Committee divided and, on a show of hands, there were 10 votes for the proposed changes and three votes against the proposed changes.

Resolved -

- (a) That the report be noted.
- (b) That the views expressed by Members on the proposals be included in the report to the Executive at its meeting on 26 May 2015.
- (c) That the Committee recommends to the Executive that the proposals set out in the report to remove two areas of discretionary provision from the home to school and college transport policy be implemented.

71. Business and Environmental Services Directorate

Considered -

The oral update of the Corporate Director - Business and Environmental Services.

The key issues reported by David Bowe were as follows:

- Work continued to progress on implementing and mitigating the directorate's savings in relation to the 2020 programme for highways and transportation. Changes to the grass cutting service were in a transitional stage this year. This meant that the actual savings in 2015/16 would be approximately £100k lower than the annual savings target of £500k. Over 30 new parish councils had taken up the opportunity to deliver the grass cutting service themselves. Discussions with Harrogate and Scarborough Borough Councils relating to the

overall funding package for urban grass-cutting were expected to be concluded by the end of May. The savings to the gully emptying service were now projected to be half the projected £300k in the first year of savings. This was as a consequence of the changes to the service being introduced part way through the financial year, rather than at the start as was the intention.

- The construction of the Bedale, Aiskew and Leeming Bar bypass was now well underway. A roman villa and remains of a late Iron Age enclosure had been uncovered on the route of the new bypass. The bypass would cover part of the site but the County Council was working with archaeological partners to gain as much knowledge as possible from the excavations. Information about the finds would be made available to the public. The site had been given scheduled monument consent and would be covered up as found.
- The government had recently legislated to prevent local authorities from charging entry or exit fees for residents using a Household Waste Recycling Centre (HWRC) including any fee regarding the quantity of waste and recycling deposited there. The consequence of this for the County Council was that it was not possible as things stood at present for the proposed 2020 savings of £1.1m to be realised for HWRCs. The directorate would continue to review opportunities to deliver savings for the waste management service.
- A staffing restructure was being undertaken in Countryside Services.
- Construction of the Allerton Waste Recovery Park facility had commenced. A webcam was being installed to allow the public to view progress. The current plan is that Yorwaste would become a Teckal compliant company on or before 1 July 2015; the intention being to get best value for the waste facility.
- The public consultation on the proposal to reduce the annual bus subsidy to £1.5m would commence in May. The impact of the proposed savings reduction would not be as significant as first thought because of several previously subsidised bus services becoming commercially run.
- Trading Standards had introduced a matrix prioritisation of work to allow the service to focus on key areas and make savings overall. Trading Standards were involved in a multi-agency project with the police and the County Council's public health team to tackle rogue traders. The project had two elements: preventative safeguarding and prosecution.

Members made the following key comments:

- Press communications should make it clearer to the public about the reasons why a particular bus service is being withdrawn. There had been occasions where the County Council had "got the blame" for a bus services being withdrawn even though the services had been commercially run. David Bowe said that this was a frustration that he shared, noting that the focus to date in the press had been very much on the County Council reducing costs and less on reporting good news items.
- Anecdotal evidence that in some parts of the county fly-tipping was on the increase, including the illegal dumping of rubble. Were options being looked at for new HWRC sites with local waste operators? David Bowe confirmed that the waste management service was always open to looking at options for new sites. At the same time however

savings had to be found for the waste management service as part of the 2020 programme. This could involve reducing the number of HWRCs in the county in the future, although there was no requirement to do so at present. The County Council would ultimately need to determine where the additional savings should be found. In relation to fly-tipping the County Council continued to work closely with the district councils, including in terms of taking enforcement action in those instances where the perpetrator was known.

- A Member queried the timescales for filling in potholes and suggested that there was a lack of clarity from his local Area Highways Office about when a pothole would be repaired. Barrie Mason replied that all the Area Offices followed the timescales and criteria set out in the Highway Safety Inspection Manual. The manual allowed Highways Inspectors to adopt a risk-based approach when assessing road defects. Once a pothole was identified as an actionable defect it was repaired within three months. Where it was possible to undertake a permanent repair this would be done. The focus now was also on reducing the amount of unplanned work by undertaking a greater range of planned work within a given area and time period. The County Council had been successful in attracting additional money for pothole repairs but it was essentially not enough to remove all road defects. There would always be a balance to be struck between planned works and unplanned work. Nominally, temporary repairs were expected to last up to three months.
- A Member suggested that the highways department should look again at the distances that it used to display advance warning signs for road and bridge closures. He referred specifically to the closure of Thornton Bridge and commented that advanced warning signs should be displayed further afield than was the case at present and on more roads. Barrie Mason replied that when locating advance warning signs highways staff tried to ensure that account was taken of road users who knew the area and those that did not. In relation to the specifics of Thornton Bridge the phase one work had been completed ahead of schedule. The phase two work would commence in June or July. The County Council had received one complaint about the closure of the bridge. The Area Office would look to see if further improvements could be made regarding the signage. Local Members would be kept informed about the progress of the work and the locations of the advanced warning signs.

Resolved -

That the oral report from the Corporate Director – Business and Environmental Services be noted.

72. Rail Services: The campaign for the reinstatement of the Leeds-Wetherby-Harrogate-Ripon-Northallerton Railway Line

Considered -

The statement from the Chairman from of the Leeds Northern Railway Reinstatement Group.

Dr Adrian Morgan summarised his written statement highlighting the reasons for reinstating the railway line (Cross Gates-Wetherby and Church Fenton-Tadcaster-Wetherby-Harrogate and Harrogate-Ripon-Northallerton) but particularly the stretch from Harrogate-Ripon-Northallerton. The reasons included:

- York to Northallerton remains the only section of the East Coast mainline between Kings Cross and Dundee without a diversion route since the Harrogate-Northallerton line closed in 1967. Trespassing fatalities and overhead dewirements have caused this section to close for up to 24 hours on average seven times a year for the last five years. This causes all passenger and freight trains to stop causing major inconvenience to passengers and costs to Network Rail of up to £1m on each occasion in late arrival penalty fare refunds. Reinstating the Harrogate-Northallerton railway line would introduce flexibility by allowing diversions to take place with less than 30 minutes extended journey time. It would also reduce fare refunds to £0.5m on each occasion and save Network Rail £0.5m.
- Since the benefit to cost ratio of 1.3 was calculated in 2005 for reinstating the Harrogate-Ripon stretch of the railway line, the Government had modified the technicalities of analysis to the line's advantage, raising this figure to above the Government's threshold of 1.5. Other factors included looking at a through route instead of a stub, a 20% reduction in construction costs of the former Dragon Junction if planned and executed concurrently with Harrogate-York track, and signalling upgrading scheduled in 2019/20.
- Station footfall has grown on the Harrogate Loop by 54% (Harrogate by only 32%) and 65% within Leeds City Region since 2004. Footfall nationally has grown only 39% in the same period. Additionally fares have increased by 27% in the last ten years. There is every reason to believe that had the Harrogate-Ripon-Northallerton line reopened in 2005, growth would have been similar increasing in revenue therefore lifting BCR above 1.5.
- In the 2005 BCR calculations, the provision and operating costs of five diesel units necessary to operate two trains an hour from Ripon to Leeds reduced the BCR score. The DfT has since announced that the winner of the Northern Rail franchise in 2016 must operate four trains an hour between Leeds and Harrogate from 2017, twice that currently. This slashes the operating costs of Ripon-Leeds trains by 66% when introduced as the Harrogate-Leeds portion is borne by Northern Rail lifting BCR yet again.
- The Electrification Task Force, in its final report published in March 2015, has allocated the Harrogate Loop in the highest priority for electrification in 2019/20, although this has slipped to 2021/22 since publication. If the Harrogate Loop is already electrified when the line to Ripon is reinstated it too would also be electrified during construction. This again would have a compound effect on raising BCR in reinstating this route. Electric trains are 30% cheaper to operate and maintain and due to superior performance only three units would be

required to operate a 30 minute interval Ripon-Leeds service instead of five diesel units.

- The Government's approach to railways has changed. Connectivity is now the key buzzword with a number of the political parties at national level supporting the expansion of rail links across the North to boost its regional economies. Improving rail connectivity is now seen as key to generating residential, employment and leisure opportunities.
- The population of Ripon has increased from 8,600 in 1961 to 17,000 in 2011 and expected to be 22,000 by 2025. There remains an imbalance between population and employment in Ripon now before expansion, with 68% of working age residents travelling daily along the A61 to Harrogate and Leeds to work. Current levels of bus provision south of Ripon are good but are heavily subsidised and journey times are not competitive with the car. North of Ripon, bus services to Northallerton are very limited and again are not competitive with the car. Journey time by rail would be cut by as much as 55 minutes between Harrogate, Northallerton and the North. Passengers would also no longer need to travel via York in order to change trains there.
- Reinstatement of the railway line would reduce driver-only car journeys on the A61 by 7.3 million vehicle kilometres annually where there have been 24 fatalities and 118 serious injuries since 2000. Tonnes of carbon dioxide and carcinogenic diesel exhaust particulates would be removed by the modal shift to rail. The projected reduction in vehicle kilometres would be more than twice the saving of 3.0 vehicle kilometres in the 2013 Harrogate Loop Electrification study.

Dr Morgan went on to refer to Leeds Northern Railway Reinstatement Group's submission to the Commons transport Select Committee. The Executive summary had been endorsed by the select Committee and published in September 2013 as part of a submission on rail transport poverty in North and West Yorkshire.

Dr Morgan requested that North Yorkshire County Council funded in part or all the £15,000 (excluding VAT) required to professionally update the 2005 study and to include the through strategic route. The Leeds Northern Railway Reinstatement Group had maintained contact with Leeds based consultants JMP about the revised outline BCR calculation. The BCR figure was now thought to be in the region of 4.6 to 4.7. The Association of Train Operating Companies in their 2009 report 'Connecting Communities' had calculated BCR for the Ripon line reinstatement at 4.3.

John Laking said that the case for reinstating the railway line needed to be looked at in terms of the extent to which it would provide a strategic through route, rather than looking at it as a local route. Factors to consider in this regard included the impact that reinstatement of the line would have upon improving journey times from West Yorkshire to the North East and Scotland, and as an alternative route for the East Coast Main Line at times of disruption. There was a need to fully understand the potential impact the re-opening of the line would have upon other rail services and connectivity at York. The additional trains to be introduced between Harrogate and Leeds as a result of the Northern Rail franchise bid did not necessarily mean that these would be available to travel to Ripon and on to Northallerton in the event of the line reopening. There would be additional operating cost in trains and staff costs in sending trains to Ripon which would need to form part of the business case. Electrification of the railways was specifically for the existing network, with no work by the Electrification Task Force currently referencing any line re-openings.

John Laking went on to note that today's discussion was timely and relevant to discussions that the County Council was having at regional level concerning rail provision in North Yorkshire. This included discussions with Network Rail regarding its long term planning process for the next control period (2019 – 2024) and building the railway up to 2043. As part of this there would be studies for the East Coast Main Line and a Northern Route Study. The County Council could in the meetings that it was having with Network Rail raise the re-opening of the Ripon Line as a strategic option. The County Council was also in the process of developing its next Local Transport Plan, which could provide the potential option to develop new rail links.

Members made the following key comments:

- What if any research had been done on the economic benefits of reinstating the railway line and had funding been sought from the Local Enterprise Partnerships in the region for the feasibility work and from other local authorities? Dr. Morgan replied that the government expected that for every £1 it put into railways it should get £1.50 back in benefits. The outline work produced so far by the Leeds Northern Railway Reinstatement Group, in conjunction with JPM Consultants, was that for every £1 put in there would be over £4 of benefits to the surrounding local economies. As part of the feasibility study JPM Consultants would work out the full economic benefits to the towns and surrounding hinterland on the reinstated railway line. Over the course of two years the Leeds Northern Railway Reinstatement Group had tried to meet with the two LEP's in the region but neither LEP had taken up this request.
- Had any approaches been made to other local authorities along the route of the railway line to provide funding? Dr Morgan said that approaches had been made but had not met with success in the past. However he would be attending a joint meeting with Network Rail and West Yorkshire Combined Authority in May as they had now expressed interest in the proposed reinstatement. In order to obtain the highest BCR measurement as possible the feasibility study would need to look at the Leeds-Wetherby-Harrogate-Ripon-Northallerton railway line as a whole. However the main part of the study would concentrate on the Harrogate to Northallerton stretch, which was why the County Council was being approached for funding.
- The cost of reinstating the line would no longer be feasible due to the extent of the work involved in reinstating bridges and reinforcing embankments, the risk of subsidence in the Ripon area caused by gypsum and the fact that houses had been built on the original route in places between Harrogate and Northallerton. It was also questionable whether Northallerton railway station could accommodate additional trains. Dr Morgan replied that off line diversions had been identified. One such one was at Wormald Green. Reinstatement would be half the cost per mile than the Bedale, Aiskew, Leeming Bar bypass, quoting £280m for 31 miles of the almost completed Edinburgh-Galashiels railway line. Gypsum was not a problem in 120 years of operating a railway through Ripon. In relation to Northallerton station, Network rail was planning to introduce a new generation of Inter City trains on the East Coast mainline with cab signalling allowing an increase in line speed from 125mph to 140mph. This would allow a driver to run their train at the optimum safe speed helping more trains run faster and recover from delays quicker. The opportunity would be taken to install a junction for the line from Ripon when this work was done. John Laking explained that the County Council would be discussing with Network Rail the options for increasing capacity at Northallerton railway station. However the County Council currently understood that at present Network Rail had no firm plans to provide additional platform capacity at the station.

- The benefits that reinstatement of the railway line would have in reducing peak times road congestion in the Harrogate and Ripon areas. Traffic congestion would only get worse over the next few years in light of proposed housing developments to be built in the Harrogate-Ripon-Northallerton corridor.
- The success of high speed rail links in the form of HS2 and HS3 in creating the 'northern powerhouse' would not be realised whilst there was a convoluted fragmented rail infrastructure in place. There was a need therefore to invest in branch lines, including reinstating some of those that were presently closed, to ensure that the rail network as a whole could work more efficiently. Getting the regional rail infrastructure right should be the first priority in order to revitalise local economies. The role of Members in this regard should be to lobby MPs to invest more in the local rail infrastructure. North Yorkshire County Council had helped to commission the feasibility study for reinstating the Skipton-East Lancashire railway line, which represented a similar project to the reinstatement of the Leeds-Wetherby-Harrogate-Ripon-Northallerton railway line. The Skipton-East Lancashire Rail Action Partnership had successfully obtained the support of all the significant parties and local MPs and this success could be replicated in other parts of the county.

Resolved -

- a) That the statement and presentation be noted.
- b) That the Transport, Economy & Environment Overview and Scrutiny Committee in principle supports the scheme to reinstate the Leeds-Wetherby-Harrogate-Ripon-Northallerton Railway Line.
- c) That the Transport, Economy & Environment Overview and Scrutiny Committee recommends to the Executive that it considers providing a financial contribution towards the cost of the feasibility study for reinstatement of the Leeds-Wetherby-Harrogate-Ripon-Northallerton Railway Line.

73. Highways Infrastructure Asset Management Policy

Considered -

The report of the Corporate Director - Business and Environmental Services seeking the Committee's views on the draft Highways Infrastructure Asset Management Policy prior to it being submitted to Executive and then County Council for adoption.

Barrie Mason provided an overview of the Highway Infrastructure Asset Management Policy. He noted that the policy would support the new regime implemented by the Department for Transport, involving the local authority completing a highway efficiency self-assessment questionnaire. The outcome of the self-assessment process later in the year would in turn determine part of the County Council's highway maintenance capital allocation for 2016/17. The policy demonstrated how it supported the County Council's strategic objectives. The policy would be presented to the Executive and then go to the County Council for adoption.

Resolved -

That the Highways Infrastructure Asset Management Policy be noted.

74. Work Programme

Considered -

The report of the Scrutiny Team Leader inviting the Committee to:

- (a) Note the information in the report.
- (b) Confirm, amend or add to the areas of work shown on the Work Programme schedule (attached as Appendix A to the report).
- (c) Approve the scope of the Residents Parking Scheme Policy review (attached as Appendix B to the report).

Jonathan Spencer, Corporate Development Officer, sought the Committee's approval of the proposed scope of the Residents Parking Scheme Policy review.

Resolved -

- (a) That the items listed in the future Work Programme schedule be agreed.
- (b) That the scope of the Residents Parking Scheme Policy review, attached as Appendix B to the report, be approved.

Record of Thanks

At the end of the meeting the Chairman informed the Committee that it was likely to be his last meeting in 2015 as Chairman of the Transport, Economy & Environment Overview and Scrutiny Committee. He placed on record his thanks to Members on the Committee for their hard work over the years and for working together constructively on a cross-party basis. He also placed on record his thanks to the range of officers in the Business and Environmental Services Directorate who had assisted the Committee over the years and to Jonathan Spencer for his advice and guidance.

The meeting concluded at 12.09pm

JS

North Yorkshire County Council

Transport, Economy & Environment Overview and Scrutiny Committee

8 July 2015

Rail North and Franchise Update

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of Report

- 1.1 To provide members with an update on Rail North and the Franchise competitions for TransPennine Express and Northern.

2.0 Background

- 2.1 In spring 2012 the Government proposed devolving decision making for managing local passengers rail services in England, which for the North of England meant the Northern franchise and TransPennine franchise services.

NYCC responded supporting the principle of devolving rail powers to the North through a new devolved body but with caveats to ensure:-

- that democracy and representation were part of the governance processes,
- there was a clear understanding of the funding arrangements and associated risks,
- a baseline level of train services similar to present, including safeguarding express key inter urban services and,
- that the DfT remained the operator of last resort.

- 2.2 In November 2014 the Executive received a report (attached as appendix 1) providing an update on Rail North and Franchising. They recommended that NYCC should join the Association of Rail North Partner Authorities and Rail North Ltd (RNL), and nominate a director to sit on the Board of Rail North Ltd.

3.0 Progress to Date

- 3.1 One of the envisaged 30 northern Local Transport Authorities has declined to become a part of either the Association or RNL. Of the remaining 29 all bar City of York have formally joined the Association and RNL. York have indicated an intention to join however were not able to do so prior to the local elections in May 2015.

4.0 Governance Arrangements

- 4.1 The formal governance arrangements are now in place and replace the shadow arrangements that have been operating since late 2012. These comprise a Leaders Committee (the Association), Rail North Ltd Board (11 Directors including North Yorkshire) and an Officer Steering Group (11 Officers in parallel to the Board).
- 4.2 Meetings: the Association will meet at least twice per year; the Board will meet at least 4 times per year (but probably more frequently in these early stages) and the Steering Group of officers will meet monthly.
- 4.3 Partnership Agreement: the partnership between the Department for Transport and RNL was established in principle through a Memorandum of Understanding signed

by the Secretary of State and the Chair of Rail North in 2014. This has now been formalised into a Partnership Agreement which is a legally binding Agreement that sets out provisions, processes and responsibilities which define how the Partnership will operate, and established the two key components of the partnership – the Strategic Board and the Management Team. The Agreement was approved for RNL at the Association's Leaders Committee meeting in February 2015.

- 4.4 A diagrammatic representation of these arrangements is attached as Appendix 2.
- 4.5 Members Agreement: The Partnership Agreement places certain responsibilities on Rail North and the Members Agreement sets out how the member authorities of Rail North will operate and bear those responsibilities. It is intended to form a legally binding relationship and in a similar way to the Partnership Agreement it sets out provisions, processes, roles and responsibilities of RNL.
- 4.6 Rail North Consultation Protocol: this sets out how engagement with constituent members is maintained and how input to consultation and decision making will be achieved. It reflects the emerging Members Agreement and provides clarification on the roles and responsibilities of the various bodies that comprise RNL and points of access into Rail North. A draft of this is attached at Appendix 3.

5.0 TransPennine Express and Northern Franchises

- 5.1 The Invitations to Tender (ITT) for the above franchises were issued on 27 February 2015 with closing dates of 25 May and 26 June 2015 respectively and both will come into effect in April 2016.
- 5.2 The ITT's set out the minimum specification in respect of Train Service Requirement, Station investment, Performance measures, Rolling Stock and Quality regime. Members will be aware that the ITT's were 'transformational' in that the specifications represented significant enhancement from what currently is operated, particularly for the Northern franchise.
- 5.3 It was particularly pleasing to see a commitment to the replacement of the old Pacer trains, increased frequency on the Harrogate line, Yorkshire Coast, Esk Valley, Hull - Selby - York and services through Skipton, additional Sunday services and earlier starting and later ending service patterns.
- 5.4 The shortlisted bidders are not required to bid for the minimum as specified, they are able to specify a higher level of service and with this in mind NYCC have met with all of the bidders on more than one occasion. Meeting the bidders with ourselves and the Local Enterprise Partnership (LEP) we were able to articulate our 'asks' and provide intelligence in relation to the local economy and known housing growth areas, both of which support better and more frequent train services.
- 5.5 Next Steps: the TPE bids have been submitted and a team of DfT and RNL officers are currently evaluating and scoring the bids prior to recommending the award to ministers. The Northern bid has just closed and the team will be moving onto the evaluation of these bids. The notification of the successful bidders will be in late Autumn 2015.

6.0 Transport for the North

- 6.1 Northern Transport Strategy – a Northern Powerhouse: Draft published 20 March 2015, it's aims are:-
- to transform Northern growth;
 - rebalance the country's economy;
 - establish the North as a global powerhouse.

6.2 Objectives include:

- Transform city to city rail connectivity
- Ensure sufficient capacity and quality of rail
- Deliver full HS2 “Y” network asap
- Develop a Multi-modal freight strategy
- Deliver Integrated and Smart ticketing
- Improve performance of the Strategic Roads Network
- Improve commuter services.

6.3 Although governance arrangements are yet to be determined there will be a linkage with Rail North. Initially (and currently) it is established as a Partnership of the 6 northern cities of Newcastle, Hull, Sheffield, Leeds, Manchester and Liverpool, together with DfT, Network Rail and Highways England, and the City Region Local Enterprise Partnerships. There is a wider reference group of the remaining Non-City northern local transport authorities, and North Yorkshire County Council has been encouraged to set out our key Strategic Transport requirements. These will be considered in the coming months and will inform the revised Northern Powerhouse to be published in Spring 2016.

6.4 Transport for the North / Rail North: the relationship between these two pan Northern bodies needs to be clarified and articulated, but in essence it can be viewed as TfN is setting out a high level transformational investment prospective for the North of England. RNL on the other hand has a specific job to do that is to manage two transformational franchises, develop delivery of local train services and continue to mature to achieve full devolution.

7.0 Financial Implications

7.1 In its early years, Rail North Ltd will be wholly funded from member subscriptions and contribution from DfT and the existing Rail Admin Grant. Any change to this will require the approval of the Association.

7.2 For North Yorkshire the subscription is £1,152 per annum.

8.0 Legal Implications

8.1 There are no new legal implications arising from this update.

9.0 Equalities Impact Assessment

9.1 The Council has a statutory duty to discharge obligations in relation to the Equality Act 2010. In so doing it has considered the equalities implications for people with protected characteristics arising from this report.

9.2 The report is an update on progress following an earlier decision of the Executive. Officers believe there are no further equalities impacts arising from this report.

10.0 Recommendation

10.1 To note the contents of the update.

DAVID BOWE

Corporate Director – Business and Environmental Services

Report Author: John Laking

Background Documents: None

ITEM 6

North Yorkshire County Council

Executive

18 November 2014

Rail Devolution to the North

1.0 Purpose of Report

- 1.1 To provide the Executive with an update on progress to Rail Devolution to the North.
- 1.2 To consider formally joining the Association of Rail North Partner Organisations and Rail North Limited.

2.0 Rail Decentralisation

2.1 Background

2.2 In Spring 2012 the Government proposed devolving decision making for managing local passengers rail services in England, which for the North of England meant the Northern franchise and TransPennine franchise services.

2.3 NYCC responded supporting the principle of devolving rail powers to the North through a new devolved body but with caveats to ensure:-

- that democracy and representation were part of the governance processes,
- there was a clear understanding of the funding arrangements and associated risks,
- a baseline level of train services similar to present, including safeguarding express key inter urban services and
- that the DfT remained the operator of last resort.

2.4 The five Northern City Combined Authorities (CA's) working with the Local Transport Authorities, developed a proposition and business case for Rail Devolution for the North of England and this was presented to the Secretary of State for Transport in September 2013. In November 2013, the Secretary of State responded that although he supported the principle of devolution, he wished to see a lower risk, more evolutionary approach with the establishment of a partnership structure between DfT and Rail North (the body representing all the north of England transport authorities).

2.5 These principles were agreed at a meeting between the Secretary of State and the 30 Northern Local Transport Authority Leaders on 24 January 2014, together with the following shared objectives that will underpin the partnership

- Growing the railway to maximise the benefits of infrastructure investment and linking this to railway efficiencies;
- Having a platform for determining investment priorities within the Partnership;
- Risk and reward sharing between members of the partnership, including the potential for revenue or profit-sharing mechanisms that could allow reinvestment into rail services; and,
- A partnership structure that allows the balance of risk to change over time.

3.0 Progress to Date

3.1 Rail North, in so far as it has had an identity, has been working in two areas: defining governance arrangements for the partnership of North of England local authorities and working in collaboration with DfT to develop the franchise specification for the Northern and TransPennine Express franchises. These two areas of work are now at a point where decisions are required, and these are set out below.

4.0 Governance Arrangements

4.1 The proposed structure, legal identity and formal relationships for the 30 north of England Local Transport Authorities have now been determined. These governance arrangements have the following key features:

- An association of Local Transport Authorities (LTA's) known as the Association of Rail North Partner Authorities ("the Association"), with a member from each of the of 30 LTAs in the North (attached as Appendix 1), and governed by a Leaders' Committee;
- Rail North Limited (RNL), a Special Purpose Vehicle being a company limited by guarantee whose membership is open to all members of the Association and whose directors are appointed by geographical sub-groups determined by the Association; and
- A partnership between RNL and DfT to be formally structured through a Memorandum of Understanding and a binding Partnership Agreement.

4.2 The Association of Rail North Partner Authorities has been established and Rail North Ltd has been set up and incorporated with Liverpool CA, Greater Manchester CA and West Yorkshire CA being the founder Authorities Sheffield joined in October and it is anticipated that the remaining authorities will take a decision on participation in the coming months

4.3 Each Local Transport Authority is being invited to enter into these arrangements, becoming members of both bodies and nominate the Leader and a Deputy to sit on the Leaders Committee of the Association.

- 4.4 The Directors of RNL will agree a Members Agreement, which is currently being developed.
- 4.5 It is proposed that Rail North Limited will enter into a partnership with the DfT to manage the new Northern and TransPennine Express franchises which will be introduced in February 2016 and set out a pathway to full devolution. A Partnership Principles document has been agreed between DfT and Rail North and a Memorandum of Understanding has been signed. The MOU is not intended to be legally binding but will be underpinned by a Partnership Agreement which will be legally binding and is currently being drafted.
- 4.6 The formal governance arrangements proposed above are seen as the most appropriate mechanism to maintain momentum in the current negotiation with the DfT in the franchise procurement, and also in the future partnership arrangements, but should also provide strong governance and decision making as well as political oversight to the decisions made by Rail North Directors and Officers.

5.0 Cost and Risk

- 5.1 There are three distinct phases for the progression of Rail North, and the cost and risk will vary depending on the Phase and the detail in the Partnership Agreement and Members Agreement.
- 5.2 Phase one is the period between now and the commencement of the new franchises in February 2016. There is minimal risk and low cost in this phase, where there is a commitment that the cost for participation will be a share of the establishment and administration costs of the legal bodies. This is anticipated to be £36k pa and North Yorkshire's proportion would be 3.2% of that ie £1,152.
- 5.3 Phase two is the period following the commencement of the Franchise and during which RNL manages the franchises in partnership with DfT. The quantum of cost and risk is not known at this time as it will be determined by the detail in the Franchise Agreement and in the detail of the Members and Partnership Agreements.
- 5.4 It is felt that the cost in this phase could be low as there is an expectation that the executive cost for Rail North will come from existing resources and not from Member contribution. If this is the case then the cost would be North Yorkshire share of the establishment and administration costs of the legal bodies as in 5.2 above.
- 5.5 Risk relates to the potential that a franchise operator fails or is unable to continue to comply with their obligation under the franchise and in the extent to which revenue is guaranteed as set out in the invitation to tender (ITT). In relation to the former our position has been that the DfT must remain the operator of last resort and therefor this risk will be with central government. In relation to the latter, this will be quantifiable once the ITT is issued, and could

range from revenue risk being with the franchisee, or the franchisor, or a shared basis of risk.

- 5.6 Should Phase two extend to the time of the development of the next franchise (2022 – 2024/5) then the cost of the consultation, franchise specification and procurement could be substantial and we should ensure that these costs are met from future DfT resources.
- 5.7 Phase Three is the enduring state of the Partnership and will commence at the point of full devolution. It is unclear at this stage when this phase might be reached but the stated aspiration of RNL is that this will be achieved during the lifetime of the coming franchise ie between 2016 to 2024/25.
- 5.8 The cost and risk of this phase is not determined and will not be known until a Devolution Agreement and Devolved Funding arrangements have been agreed with the DfT.

6.0 Franchise Specification

- 6.1 RNL issued a joint consultation with the DfT in June 2014 for the refranchising of Northern and Transpennine franchises, to which NYCC have provided a response to DfT. Since that time, Rail North and DfT have been working jointly and collaboratively to develop a specification for the Invitation to Tender (ITT) due to be issued in December 2014.
- 6.2 The specification includes train service requirement, stations specification, fares and ticketing and rolling stock and these are being brought together in an option specification.
- 6.3 An early draft of the options specification, containing a 'do minimum', a 'growth package and a 'transformational package' was presented to the Leaders committee on 23 September 2013. The Leaders Committee agreed to press DfT and the Treasury for the transformational package which will provide for a significant improvement in terms of quality and services over the current franchise.
- 6.4 A further version of the options was brought to a subsequent Leaders Committee on 21 October 2014 and members again reiterated their view that the transformational package was needed for the North. A final version of the options specification will be brought to a full Leaders Meeting on 10 November, prior to signing off by ministers and the Secretary of State for transport and issuing in the ITT to shortlisted bidders.
- 6.5 It should be noted that work carried out by Rail North and the evidence we have been able to assemble to support the need for a growing railway in the North has been recognised as helpful in shaping the final ITT and is testament to the added value of local knowledge and experience in developing local service requirements.
- 6.6 In this regard it serves to provide justification for the proposition of Rail North.

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7.0 Legal Implications

- 7.1 The development of RNL is now at a point where decisions are being made that will shape how devolution will be delivered, the governance structures that are adopted and the executive powers of the company. All 30 Local Transport Authorities need to consider formal arrangements regarding the relationship with RNL now and in the future.
- 7.2 The Assistant Chief Executive Legal and Democratic Services, having reviewed the Constitution, the Articles of Association and the Memorandum of Understanding, advises as follows:-
- 7.2.1 NYCC has power to participate in the Association under section 143 of the Local Government Act 1972.
- 7.2.2 NYCC has power to be a member of the corporate body Rail North Limited under Section 1 of the Localism Act 2011 (General Power of Competence).
- 7.2.3 The legal bodies proposed carry little cost or risk to the council and therefore there are no significant legal implications for the Executive to approve the recommendation.
- 7.2.4 A Director of a corporate body carries responsibilities and liabilities (see Appendix 2). The personal liability of the nominated Elected Member needs to be considered by NYCC and suitable indemnity established through either the County Council or RNL.
- 7.3 Whilst the principles of the partnership with the DfT have been agreed, the detail of the Partnership Agreement between DfT and RNL is currently under development. This Agreement will be legally binding and will define future costs and risks for RNL; it is recommended that this is considered through a further report to a future Executive meeting.
- 7.4 For the corporate RNL body, the Members Agreement is currently under development. The Members Agreement will be a legally binding and will define future sharing of cost and risk amongst the 30 Local Transport Authorities; it is recommended that this is considered through a further report to a future Executive meeting.

8.0 Equalities

- 8.1 The Council has a statutory duty to discharge obligations in relation to the Equality Act 2010. The Act introduced the term 'protected characteristics' which are gender, disability, race, age, sexual orientation, gender reassignment, religion or belief, pregnancy and maternity and marriage or civil partnership. It has been concluded that there are no adverse impacts from this decision and a record of the decision that an EIA is not required is attached to this report at **Appendix 3**.

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9.0 Financial Implications

- 9.1 A share of the cost of the administration costs of the Association and Rail North Ltd – 3.2% of £36,000 i.e. £1,152 at this stage.
- 9.2 Continued officer and legal time in scrutinising the emerging Partnership Agreement and Members Agreement.

10.0 Conclusion

- 10.1 It is important that North Yorkshire continues to engage in a proactive way to ensure our interests are protected and aspirations furthered. There is little risk to participation on the bodies that are proposed and that will enable us to continue to input into the more critical binding Partnership and Members Agreements.

11.0 Recommendation

- 11.1 It is recommended that the Executive agrees to:
- (a) join the Association of Rail North Partner Authorities;
 - (b) nominate a member and deputy to the Leaders Committee of the association;
 - (c) join Rail North Ltd and authorise the nominated member to become a director of Rail North Ltd, should the Association so determine;
 - (d) receive a further report on the implications for North Yorkshire from the Partnership Agreement and Members Agreement.

Background Papers:-

Rail North – Rail North Proposition and map

Appendix 1: Partner Authority approval status

AUTHORITY	2014 PASSENGER MILES %	STATUS
BLACKBURN WITH DARWEN	0.6%	Report to Exec Board in October
BLACKPOOL	1.5%	Papers to Exec Board in Dec/ Jan
CHESHIRE EAST	2.1%	Authority to sign-up confirmed in September
CHESHIRE WEST AND CHESTER	1.1%	Authority to sign-up confirmed in September
CUMBRIA	4.0%	Report to Exec in November
DARLINGTON	1.5%	Authority to sign-up underway
CITY OF DERBY	1.0%	Under consideration
DERBYSHIRE	1.4%	Under consideration
EAST RIDING OF YORKSHIRE	0.9%	Commenced preparation of papers
GREATER MANCHESTER CA	22.3%	Signed-up in September
HARTLEPOOL	0.3%	Authority to sign-up underway
CITY OF KINGSTON UPON HULL	1.3%	Commenced preparation of papers
LANCASHIRE	5.5%	Authority to sign-up confirmed in October
LINCOLNSHIRE	0.7%	Commenced preparation of papers
LIVERPOOL CITY REGION CA	5.9%	Signed-up in September
MIDDLESBROUGH	0.7%	Authority to sign-up underway
NORTH EAST CA	6.5%	Authority to sign-up confirmed in September
NORTH EAST LINCOLNSHIRE	0.6%	Under consideration
NORTH LINCOLNSHIRE	0.4%	Commenced preparation of papers
NORTH YORKSHIRE	3.2%	Report to Exec in November
CITY OF NOTTINGHAM	1.5%	Commenced preparation of papers
NOTTINGHAMSHIRE	0.3%	Commenced preparation of papers
REDCAR AND CLEVELAND	0.3%	Authority to sign-up underway
SHEFFIELD CITY REGION CA	7.8%	Authority to sign-up confirmed-up in October
STAFFORDSHIRE	0.1%	Report to Exec in October
STOCKTON-ON-TEES	0.5%	Authority to sign-up confirmed in October
CITY OF STOKE-ON-TRENT	0.8%	Report to Exec in October
WARRINGTON	1.2%	Authority to sign-up confirmed in September
WEST YORKSHIRE CA	20.9%	Signed-up in September
CITY OF YORK	5.4%	Report to Exec in October/ November

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Map of Northern and TransPennine Rail Services



NYCC –18 November 2014 - Executive - Rail Devolution/8

NYCC – 8 July 2015 - TEE O&S Committee
Rail North and Franchise Update/11

Appendix 2: Summary of the principal duties and responsibilities of a company Director

Responsibilities include:

The board of directors of a company is primarily responsible for:

- determining the company's strategic objectives and policies;
- monitoring progress towards achieving the objectives and policies;
- appointing senior management;
- accounting for the company's activities to relevant parties, e.g. shareholders.

The managing director/chief executive is responsible for the performance of the company, as dictated by the board's overall strategy. He or she reports to the chairman or board of directors.

Appointment

On appointment a new director will be asked to provide certain personal information (i.e. full name, address, date of birth, nationality, country of residence, former names and business occupation) to be included in the relevant form which he/she will be required to sign to signify consent to act as a director.

Additionally, the director will give a general notice of any interests in contracts involving the company.

Powers

The directors are generally responsible for the management of the company and they may exercise all the powers of the company. However, the extent of their authority may be constrained by the Companies Act 2006 and the articles of association. For example, articles of association often include provisions and restrictions on borrowing by the company. Generally, the directors must act collectively as a board to bind the company. However, the articles usually entitle the board to delegate powers to individual directors as considered appropriate. In practice individual directors will normally carry out many of the company's activities.

Statutory Duties

Directors need to be aware that they are personally subject to statutory duties in their capacity as directors of a company. In addition the company as a separate legal entity is subject to statutory controls and the directors are responsible for ensuring that the company complies with such statutory controls.

The Companies Act 2006 codified certain common law and equitable duties of directors for the first time. The Act sets out seven general duties of directors which are:-

- to act within powers in accordance with the company's constitution and to use those powers
- only for the purposes for which they were conferred
- to promote the success of the company for the benefit of its members
- to exercise independent judgement
- to exercise reasonable care, skill and diligence
- to avoid conflicts of interest
- not to accept benefits from third parties
- to declare an interest in a proposed transaction or arrangement

These statutory duties cannot be seen in isolation because in addition a director will be subject to a wide range of regulation and legislation including the Insolvency Act 1986, the

Company Directors' Disqualification Act 1986, the Health and Safety at Work etc Act 1974 and the Corporate Manslaughter and Corporate Homicide Act 2007.

Directors may be liable to penalties if the company fails to carry out its statutory duties. However, they may have a defence if they had reasonable grounds to believe that a competent person had been given the duty to see that the statutory provisions were complied with.

One of the main statutory responsibilities falling on directors is the preparation of the accounts and the report of the directors. It is the responsibility of the directors to ensure that the company maintains full and accurate accounting records. This includes the preparation of a balance sheet and a profit and loss account for each financial period of the company, and the presentation of these to shareholders and, subject to various exemptions, the filing of the accounts and report of the directors with the Registrar of Companies.

Liabilities & Indemnity

Directors may incur personal liability, both civil and criminal, for their acts or omissions in directing the company.

It is not practical to list every matter for which directors can be held to be liable. However, directors should be aware of the effects of the Company Directors' Disqualification Act 1986, which could lead to the disqualification from acting as a director of a company for a period of between two and fifteen years, and the Insolvency Act 1986 which gives rise to the possibility of directors being made personally liable for the company's debts, the Health and Safety at Work etc Act 1974, and the Corporate Manslaughter and Corporate Homicide Act 2007, which potentially provide for custodial sentences for Directors for the most serious cases.

Below are set out details of the most significant pieces of legislation that impose duties and liabilities on company directors. It should be noted that Members and Officers of Local Authorities, including the Combined Authority, have a statutory indemnity from personal liability when carrying out the business of the authority for which they work. It is also open for an authority to contractually extend the remit of this indemnity, within maximum prescribed limits, within the terms and conditions of employment. Local Authorities, including the Combined Authority, usually have in place a policy of "D&O" (directors and officers) insurance which will provide cover for personal liability that might attach to members and officers carrying out authority business.

These indemnities do not necessarily cover members and officers in every scenario, such as where there was an act of gross negligence or a criminal offence had been committed. Breaches of an authority's code of conduct or the terms and conditions of employment may also negate the indemnity afforded to the individual by the authority, depending on the circumstances.

Company Directors' Disqualification Act 1986

The circumstances in which an application may be made for the disqualification of a director are as follows:

- the director has been guilty of three or more defaults in complying with companies legislation regarding the filing of documents with the Registrar of Companies during the preceding five years;
- he or she is, or was, a director of a company that has at any time become insolvent and that his/her conduct as a director of that company makes him/her unfit to be concerned in the management of a company;

- the director is found to be guilty of wrongful or fraudulent trading as defined in the Insolvency Act 1986 (see below).

Insolvency Act 1986 Wrongful Trading

If a company has gone into insolvent liquidation and before that liquidation took place a director knew, or ought to have known, that there was no reasonable prospect that the company could avoid the liquidation, then the court may declare that the director make a personal contribution to the company's assets.

However, the director will not be made personally liable in circumstances where he/she can show that he/she took every step prior to the liquidation to minimise the potential loss to the company's creditors.

Fraudulent Trading

Under this heading the court may also require a director to make a contribution to the company's assets if, in the course of the winding up of a company, a director was knowingly a party to the carrying on of the company's business with the intent to defraud the creditors.

Health and Safety at Work etc Act 1974

Health and safety law places duties on organisations and employers, and directors can be personally liable when these duties are breached: members of the board have both collective and individual responsibility for health and safety. Larger public and private sector organisations need to have formal procedures for auditing and reporting health and safety performance.

If a health and safety offence is committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the organisation, then that person (as well as the organisation) can be prosecuted under section 37 of the Health and Safety at Work etc. Act 1974.

Those found guilty are liable for fines and, in some cases, imprisonment. In addition, the Company Directors Disqualification Act 1986, section 2(1), empowers the court to disqualify an individual convicted of an offence in connection with the management of a company. This includes health and safety offences. This power is exercised at the discretion of the court; it requires no additional investigation or evidence.

Individual directors are also potentially liable for other related offences, such as the common law offence of gross negligence manslaughter. Under the common law, gross negligence manslaughter is proved when individual officers of a company (directors or business owners) by their own grossly negligent behaviour cause death. This offence is punishable by a maximum of life imprisonment.

Corporate Manslaughter and Corporate Homicide Act 2007

Under this Act, an offence will be committed where failings by an organisation's senior management are a substantial element in any gross breach of the duty of care owed to the organisation's employees or members of the public, which results in death. The maximum penalty is an unlimited fine and the court can additionally make a publicity order requiring the organisation to publish details of its conviction and fine.

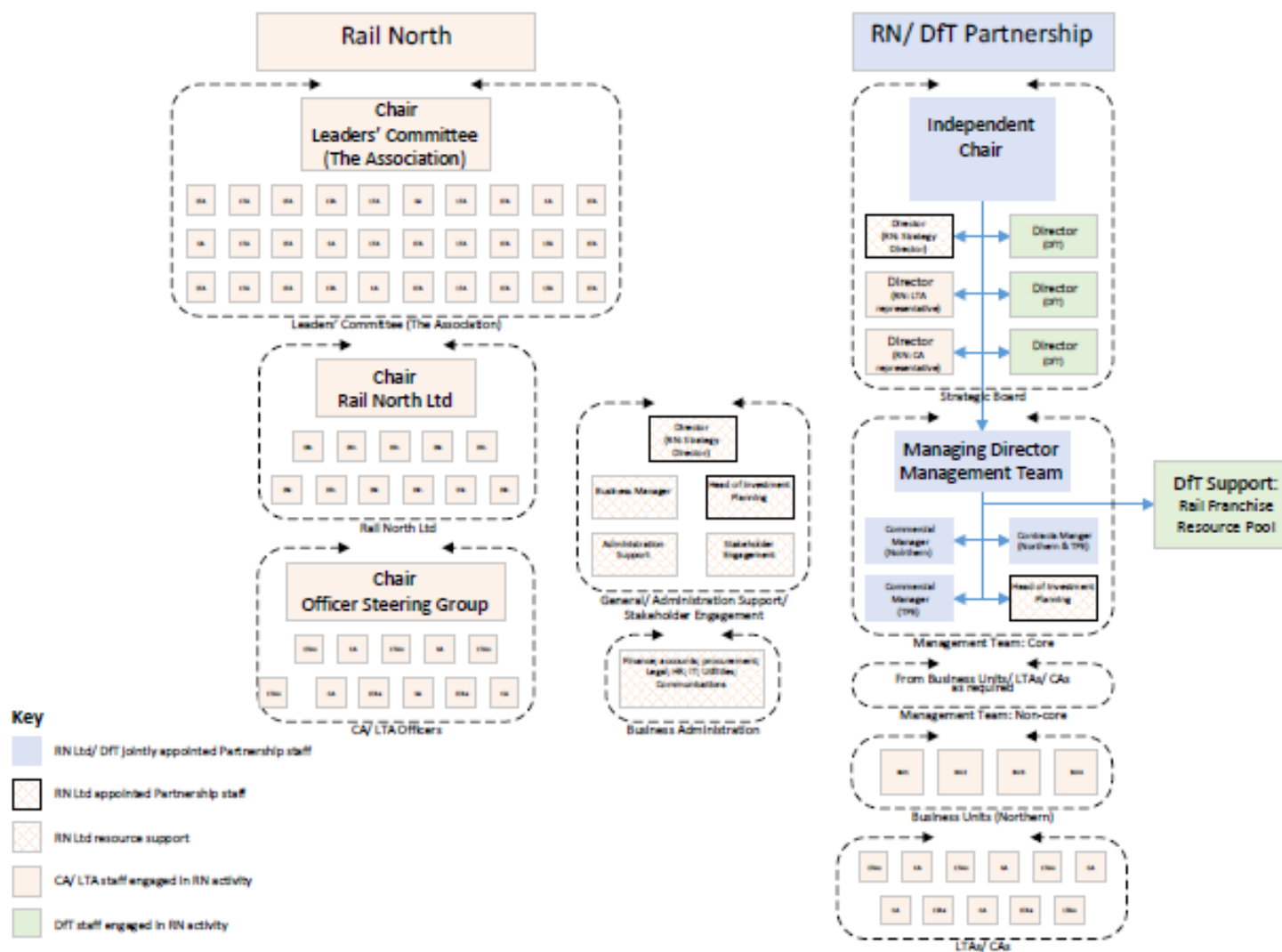
Record of decision that Equality Impact Assessment is not required (November 2014)	
Directorate and service area	Business & Environmental Services, Integrated Passenger Transport
Name and contact of officer(s) taking decision that EIA not required Richard Owens Richard.owens@northyorks.gov.uk	
(a) What are you proposing to do? Agree to join the Association of Rail North Partner Authorities; and nominate representatives from the council. (b) join Rail North Ltd and authorise the nominated member to become a director of Rail North Ltd, should the Association so determine	
Why are you proposing this? To ensure that the council is in a position to positively influence the development of rail services in North Yorkshire.	
Does the proposal involve a significant commitment or removal of resources? No	
Will this proposal change anything for customers or staff? What will change? No/nothing	
Will the proposal make things worse for people with protected characteristics (age, disability, sex, disability, gender reassignment, religion or belief, pregnancy or maternity, marriage or civil partnership)? (Customers, staff etc). How do you know? Do you have any evidence to support your assessment? No. The decision is to join an association to represent the councils views.	
If there might be a negative impact on people with protected characteristics can this impact be reduced? How? N/A	
Could the proposal have a significant negative impact on some people with protected characteristics or a less severe negative impact on a lot of people with protected characteristics? If "Yes" more detailed analysis should be undertaken and an EIA completed. No	

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Does the proposal relate to an area where there are known inequalities (e.g. disabled people's access to public transport)? While the decision is related to the provision of rail services there is no direct relationship with access to public transport		
Could the proposal have a greater negative impact on people in rural areas? No		
Could the proposal have a worse impact on people with less money? No		
Will the proposal have a significant effect on how other organisations operate (e.g. partners, funding criteria, etc). Do any of these organisations support people with protected characteristics? No		
Do the answers to the previous questions make it reasonable to conclude that there will be no or very limited adverse impacts on people with protected characteristics?	Yes	
Will there be no or limited adverse impacts on people in rural areas?	Yes	
Will there be no or limited adverse impacts on people with low incomes?	Yes	
Further analysis and full EIA Required		No
Decision not to undertake EIA approved by (Assistant Director or equivalent)		
Date:	5 November 2014	

NYCC – 18 November 2014 - Executive - Rail Devolution/13

NYCC – 8 July 2015 - TEE O&S Committee
Rail North and Franchise Update/16



Draft Rail North Consultation Protocol v 1.0

Purpose

This document sets out the basis under which Rail North will engage with its Members. It provides a summary of the provisions of the Rail North Members Agreement and the DfT/ Rail North Partnership Agreement together with the means by which they shall be implemented.

The protocol shall be a working document and will be revised and refined as Rail North develops and matures.

Key Principles

- The Rail North Business Plan is the main vehicle by which Rail North will manage its resources and plans. Member Authorities will have an opportunity to comment on a draft Business Plan before it is considered by the Rail North Ltd Board.
- Member Authorities will have an opportunity to comment on a draft Rail North policy and strategy documents before they are considered by the Rail North Ltd Board
- Member Authorities will have access to franchise performance information within the boundaries of commercial confidentiality
- Member Authorities will be consulted on franchise changes which have a direct impact on customers
- Rail North input into national policy and programmes will be overseen by the Rail North Officer Steering Group
- Involvement in Rail North will not prevent Member Authorities from making representations on their own behalf

Roles and Responsibilities

The Rail North Association - where each Member Authority is represented by a Councillor. The Association will meet at least twice per year. The Association will make key decisions about the form and structure of Rail North and will approve the annual Rail North Business Plan.

The Rail North Ltd Board – comprising 11 Association members as Directors of the Ltd company and are nominated by the Association on a regional basis. The Board is responsible for the delivery of the Rail North Business Plan, developing the Long Term Rail Strategy and other Rail North policies and directing the Rail North Strategic Board members. The Board will make recommendations to the Association.

The Rail North Officer Steering Group – comprising 11 senior officers nominated on a regional basis. The Group will make recommendations to the Board and will oversee the development and implementation of the Rail North Business Plan and Policies. The Officer Steering Group Member will receive copies of the Board agenda and papers to assist in briefing their respective Director.

The DfT/ Rail North Partnership Strategic Board – the Strategic Board will oversee the delivery of the two franchises acting on behalf of the Secretary of State. It comprises three Rail North members and three DfT members and is chaired by an Independent Chair. The Strategic Board will be the point of approval for franchise changes whether promoted by the franchisee, DfT or Rail North.

The Rail North Strategic Board Members – the Rail North members on the DfT/ Rail North Partnership Strategic Board will represent the interests of Rail North in the management and

development of the franchises. The Strategic Board Members will be selected by the Board and will comprise a senior officer from one of the Combined Authorities/ PTEs and one from one of the Local Transport Authorities in Rail North. The third Strategic Board Member will be a paid employee of Rail North; the Rail North Director.

The Rail North Director – in addition to representing Rail North at the DfT/ Rail North Partnership Strategic Board, the Rail North Director shall be responsible for ensuring the delivery of Rail North governance and management processes including engagement with member authorities.

The DfT/ Rail North Partnership Management Team- a small team of DfT and Rail North staff will carry out the day to day client side management of the franchises and will be the point of contact between the Partnership and the Franchisees negotiating on franchise change. The Management Team will be led by a Partnership Management Director.

Regional Business Units – the DfT/ Rail North Partnership Strategic Board may delegate some aspects of franchise management to Regional Business Units who will undertake local liaison with the franchisees.

Regional Groups - the Rail North Articles of Association establishes Regional Groups each with a representative on the Rail North Ltd Board. Where appropriate, these groupings will be used to gather a collective response to consultations. The regional groups are as follows;

- Cheshire;
- East Midlands;
- Greater Manchester;
- Humberside;
- Liverpool;
- North East;
- North West;
- North Yorkshire;
- Sheffield;
- Tees Valley;
- West Yorkshire

Each Regional Group shall identify a “Designated Representative” who will be a contact person on behalf of the Group to co-ordinate consultation feedback. This may be different to the Group representative on the Officer Steering Group.

The regional groups may seek to work together at officer level in “Quadrants” identifying a lead officer who would co-ordinate participation between member authorities.

Regional Business Units may adopt the officer functions of one or more Regional Groups.

Member Authorities - the Members’ Agreement identifies individual authorities having an interest in a matter for consultation as “Interested Members”. The key roles in Member Authorities are as follows;

Association Member - under the Rail North Articles, each member authority will nominate a Councillor who will represent the Authority on the Association

Lead Contact – each member association will identify a Lead Contact. This will be an officer to whom all correspondence and invoices will be sent. The Lead Contact will receive copies of the Association agenda and papers to assist in briefing their respective Member.

Technical Officer – in addition to the Lead Contact, member authorities may also nominate an officer who would be included in communications regarding rail franchising, operations and policy

Briefing and Consulting Members Of The Association and Board

The following principles shall apply in the process of briefing Councillors who are members of the Rail Ltd Board and/ or Association in advance of formal meetings and informally outside the meeting cycle

- The Lead Contact in each Authority shall be responsible for briefing their respective Association Member
- The Rail North Officer Steering Group member shall be responsible for briefing their Board Member representing their local Regional Group
- The Rail North Director shall agree the agendas of the meetings of the Association and the Rail North Ltd Board with the respective Chairs of these meetings providing the Chair with the necessary briefing.
- Rail North will endeavour to issue papers to Members at least 5 working days in advance

Rail North Business Plan

The Rail North Business Plan will establish the funding, budget, priorities and workplan for the year ahead. It will be the basis under which the Long Term Rail Strategy and other Rail North policies are implemented.

The RN Business Plan will also support the organisational development of Rail North including the development of proposals for further franchise devolution.

It is anticipated that an informal process of consulting Member Authorities will proceed in the development of proposals for major changes to the funding, governance and scope of Rail North.

Member authorities will be formally consulted on a draft Rail North Business Plan 10 working days before it is issued for consideration by the Rail North Ltd Board. Comments from Member Authorities will be advised to the Board who, if satisfied with the Plan, will recommend it to the Association.

Franchise Performance Information

The DfT/ Rail North Partnership will make data and reports available to Member Authorities on a "self service" basis using a cloud based on line service.

Member Authorities should consult with the DfT/ Rail North Partnership Team prior to the publication of this information in the public domain or release under Freedom of Information provisions. Guidelines will be prepared to assist Member Authorities in this regard.

The information provided in this form will not include commercially confidential information regarding costs and revenues. Member Authorities seeking information in this regard will need to request it specifically from the DfT/ Rail North Partnership.

Member Authorities should raise queries or concerns about franchise performance with the DfT/ Rail North Partnership Team in the first instance. Where performance problems are sustained or are giving longer term concerns about the delivery, Members may refer the matter to a Rail North Strategic Board Member for escalation.

Consultation On Train Operator Initiated Franchise Change

The Franchise Agreements establish formal processes for the franchisee to request changes to their franchise obligations. Such changes vary in size, scope and value. Timescales may be determined by wider rail industry processes, commercial pressures or urgency.

The following general principles will apply;

- Where a change affecting the entire franchise which is considered to have a direct impact on customers (such as fares and ticketing matters, rolling stock changes) all Member Authorities will be consulted.
- Where a change has a direct impact on service delivery in a locality (such as a change to Train Service Requirement, booking office opening etc) all Member Authorities in the affected Regional Group will be consulted.
- The DfT/ Rail North Partnership Team will consult with the Rail North Strategic Board Members to determine whether consultation with Member Authorities is appropriate and the form, content and timescales of such consultation.

Franchisees will periodically amend timetables within the Train Service Requirements. Formal consultation will not occur under these arrangements however the revised timetables will ordinarily be made available for member Authorities to access via the online portal at least four weeks prior to the change.

Consultation On DfT or Rail North Initiated Franchise Change

The principle of direct customer impact will apply to franchise changes which are initiated by DfT.

Formal requests by Rail North for franchise change will be approved by the Rail North Ltd Board prior to submission to the DfT/ Rail North Partnership Strategic Board. The Strategic Board members will determine an appropriate consultation process prior to recommendation to the Rail North Ltd Board.

Some Rail North initiated franchise changes will arise directly from schemes promoted by Rail North Member Authorities. Rail North will ensure all affected Member Authorities are consulted on these proposals.

Scheme Development and Promotion

Where a Rail North Member Authority is developing or promoting a scheme leading to a prospective franchise change, the onus shall be on the Member Authority to liaise with all other affected Member Authorities and to endeavour to present a mutually acceptable proposal.

Rail North Input To National Policies, Investment Programmes

Rail North will represent the region in discussions with DfT, Network Rail and regulatory bodies at an industry wide national level. This work will be overseen by the Rail North Officer Steering Group reporting to the Rail North Association and Board as appropriate.

Where making input into Investment Programmes, Rail North will endeavour to obtain and represent the views of any Members Authorities affected by schemes within the programme.

Formal Rail Industry Consultations

The Rail North Ltd Board shall provide a response to formal consultations on behalf of the region and may delegate specific consultations to the Rail North Officer Steering Group where it considers appropriate to do so due to the content or timescales of the matter in hand.

Member Authorities seeking to input into these consultations are able to do so through the regional representative on the Rail North Officer Steering Group.

Member Authorities are free to make their own representations to formal consultations.

North Yorkshire County Council

Transport, Economy and Environment Overview and Scrutiny Committee

8 July 2015

Local Transport Plan 2016 – 2046 (LTP4)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of Report

- 1.1 The purpose of this report is to set out the proposal for undertaking the Local Transport Plan (LTP4), which shall be implemented in April 2016.

2.0 Introduction

- 2.1 The County Council as Local Transport Authority for North Yorkshire has a statutory duty to have and maintain a Local Transport Plan. The current Local Transport Plan (LTP3) runs until 31 March 2016. It is therefore necessary for the County Council to renew the Plan.
- 2.2 The format and timeframe of previous LTP's (LTP1, 2 and 3) have been set by government guidance, and were given a five year time period of operation. There is now no guidance on the form or timeframe of the LTP. Whilst this lack of guidance could be seen as reflecting a lower priority for LTP's from the Government, it is also reflective of the Localism agenda. This presents a good opportunity for the County Council to have an LTP that covers a different timeframe from the previous LTP's, but also to have an LTP that is more 'local' and appropriate for those using the Plan.
- 2.3 It is anticipated that the new Local Transport Plan (LTP4) will be considered for adoption at the meeting of the County Council in February 2016 for a start of implementation in April 2016.
- 2.4 This paper sets out the proposed format and process for the production of LTP4.

3.0 Purpose of the LTP

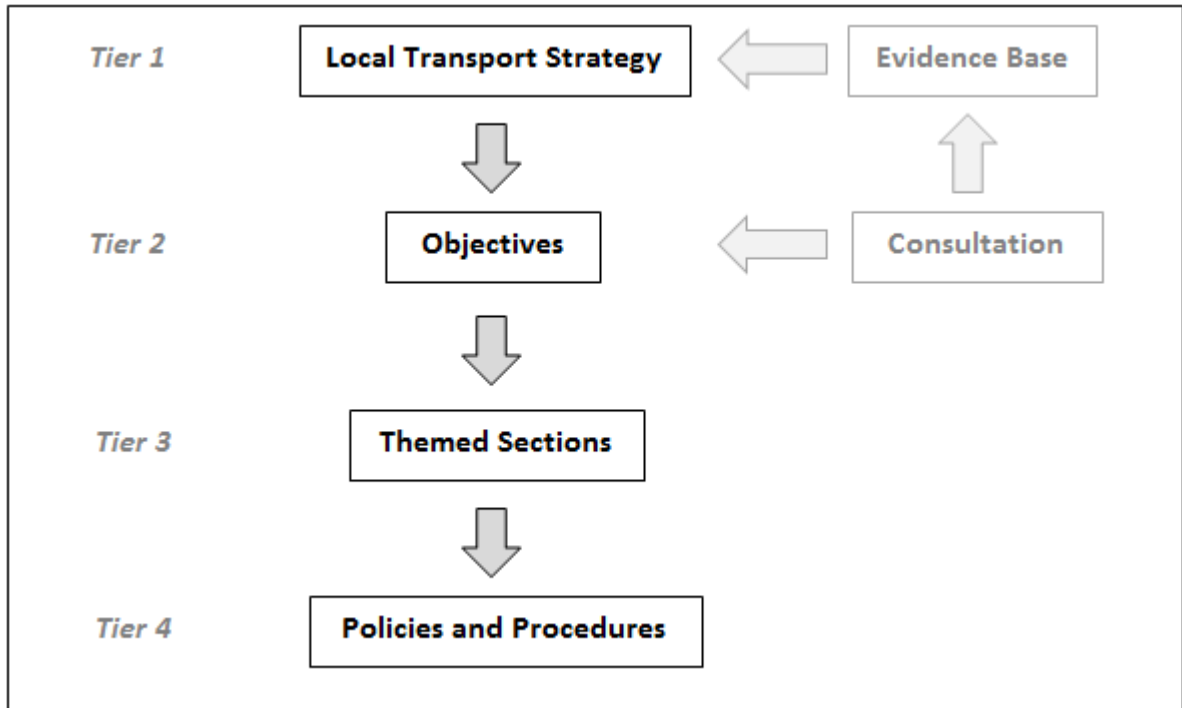
- 3.1 The purpose of the LTP is to set out the County Councils strategy and policies for the whole of the transport network and services (excluding social services and education transport). The philosophy behind this is that transport is an 'enabler', in that it enables people to work, learn, contribute to the economy, and generally go about their daily lives. It is not an activity in itself.
- 3.2 As stated, previous LTP's have been bound by Government guidance. It is intended to embrace the new freedom enabled by the lack of Government guidance to produce a new more user friendly LTP. In essence, the document will be more concise in order to identify the main transport priorities and actions, with a practical format that the end users (the public and transport practitioners) will find most useful.
- 3.3 In reviewing the LTP it has also been necessary to take account of the reduction in resources available, both for the preparation and implementation of the LTP. The approach outlined in Sections 3 and 4 represents both the proposed format of the

LTP, and the best use of the limited resources (staff time and financial) to prepare and maintain LTP4.

4.0 LTP4 Format

4.1 An indicative format for LTP4 is set out in figure 1.

Figure 1 – LTP tiered format



4.2 This sets LTP4 as a 4 tiered document. This suggested format fits much better with the growth of electronic media, with each tier effectively being a different web page that can be clicked through quickly to gain the information required. It also allows for hard copy printing of all or a specific section of the LTP, as the document is effectively built up in units.

4.3 The top 2 tiers are the 'traditional' Local Transport Strategy and Local Transport Objectives. However rather than being 'all inclusive' it is intended to be much more concise and identify the County Councils highest priorities. It is intended that the Local Transport Strategy covers a 30 year period (to 2046) as this is necessary to adequately reflect the timeframe for the development and implementation of major road and rail schemes and also long term planning for growth in North Yorkshire.

4.4 Tiers 3 and 4 are a departure from the current thinking on how Local Transport Plans should be set out. Previously most LTP's have been set out on the basis of what they are trying to achieve (the Objectives) and have not been mode specific. However in most cases the public, practitioners, and special interest groups, remain mode specific (e.g. cycling action groups, rail user groups), and usually wish to search for a certain topic. It is therefore proposed that the next two tiers are thematic. Tier 3 will set the County Councils main priorities for each of the thematic sections. Tier 4 will link to the policies and protocols that relate to each of the themes, and in many cases these are already in place. Themed sections will include public transport, road safety, highway maintenance, walking and cycling, transport and development, and air quality.

4.5 One advantage of this tiered approach is that any section relating to an objective or theme can be updated as and when required without a wholesale review of the LTP. Equally, rather than a single big review of LTP every 5 years each of the objectives could be reviewed on a rolling programme.

5.0 Production of LTP4

5.1 It is proposed that the Objective sections will expand on the reasons for those objectives, following the findings of the phase I consultation.

5.2 The themed sections will highlight the main items we shall deliver and will be produced by the 'specialist' County Council officers staff responsible for delivering these themes for the County Council. Authors of each themed section will need to engage with other parties in order to complete their section, for example '95 Alive' and public health. The themed sections will link to current policies and procedures on line, which will enable those using the Plan to find and use these policies more efficiently.

5.3 The key tasks and dates for producing the LTP are as follows:

- May/June 2015 Consultation Phase 1
- Oct 2015 Draft version for consultation
- 14th Oct 2015 Transport, Economy and Environment Overview and Scrutiny Committee meeting
- Nov 2015 Consultation Phase 2
- Dec 2015 Final version for approval
- 2 Feb 2016 Executive approval
- 17 Feb 2016 County Council approval
- April 2016 LTP4 comes into effect

5.4 LTP will link with the "Council Plan 2020" to ensure that the two documents are harmonious in terms of the vision, values and objectives.

5.5 As well as the production of LTP4, it is a statutory requirement to produce an LTP Strategic Environmental Assessment once the final version of the document is available.

6.0 Phase 1 Consultation

6.1 Consultation will be undertaken in two stages: an initial consultation to establish people's views on priorities for LTP4, and a second phase consultation on the draft LTP4.

6.2 The first phase of consultation was undertaken in May and June 2015. This was primarily an electronic and postal survey, with direct engagement with stakeholder groups and the County Council's Citizens Panel and it was available on-line for the public.

6.3 The initial indications from the surveys show that the views of the stakeholders and of the public are broadly the same as those received during consultation for LTP3, with a high proportion of respondents rating repairs to road surfaces and pavements as the most important transport service that the Council provides followed by gritting and snow clearance. Over 90% of responses regard road maintenance as an important area where expenditure should be retained. Street lighting and reducing congestion are rated as having a high importance, along with the speed at which repairs and

road works are carried out. New facilities for pedestrians, cyclists and buses were also rated as being important, but to a much lesser extent with around 50% of responses stating this.

6.4 In general, this shows that the public and our stakeholders attach greater importance to services relating to maintenance than those relating to the provision of new facilities.

6.5 Phase 2 of the consultation process will begin in November 2015, and will consult on the draft version of the LTP.

7.0 Proposed Objectives

7.1 Initial findings from the consultation show that the views of the stakeholders and the public are broadly in line with those reported for LTP3. Therefore, it is proposed that the objectives for LTP4 will also be in line with those approved for LTP3.

7.2 The following are the suggested objectives for LTP4:

- Supporting local economies
- Environment and climate change
- Safety and Healthier Travel
- Access to services
- Ensure transport improves quality of life

8.0 Financial Implications

8.1 There are no significant financial implications associated with the recommendations of this report.

9.0 Equalities Implications

9.1 Consideration has been given to the potential for any adverse equalities impacts arising from the recommendations of this report. It is the view of officers that the recommendations included in this report do not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010.

9.2 Officers are actively considering the equality impacts of our transport policies as an integral part of the work to develop the LTP4, and an Equalities Impact Assessment document is being developed that members will be able to consider alongside the draft LTP4.

10.0 Legal Implications

10.1 Consideration has been given to the potential for any legal implications arising from the recommendations. It is the view of Officers that the recommendations do not have any legal implications.

11.0 Recommendation

11.1 It is recommended that Members of the Committee provide comments on the proposals for the development of LTP4 with particular focus on the proposed objectives contained in section 7 of the report.

DAVID BOWE
Corporate Director – Business and Environmental Services

Report author: Andrew Bainbridge

Background Documents: None

North Yorkshire County Council

Transport, Economy and Environment Overview and Scrutiny Committee

8 July 2015

Work Programme

1 Purpose of Report

1.1 This report asks the Committee to:

- a. Note the information in this report.
- b. Confirm, amend or add to the areas of work shown in the work programme schedule (**Appendix 1**).
- c. Approve the scope of the Residents Parking Scheme Policy review.

2 Background

2.1 The scope of this Committee is defined as:

- *Transport and communications infrastructure of all kinds, however owned or provided, and how the transport needs of the community are met.*
- *Supporting business, helping people develop their skills, including lifelong learning.*
- *Sustainable development, climate change strategy, countryside management, waste management, environmental conservation and enhancement flooding and cultural issues.*

3 Feasibility study for the reinstatement of the Leeds-Harrogate-Ripon-Northallerton line Ripon

3.1 The Committee agreed at its meeting on 15 April 2015 to support in principle the scheme to reinstate the Leeds-Wetherby-Harrogate-Ripon-Northallerton Railway Line. It also asked the Executive to consider providing a financial contribution towards the cost of the feasibility study.

3.2 The proposal to fund the feasibility study was submitted to the BES Executive Members meeting on Friday 5 June 2015. Following the discussion it was agreed that a further meeting will be held shortly with key officers internally to get a better understanding of where such a proposal rates in importance relative to other transport initiatives.

4 Task Group review of Residents Parking Schemes

4.1 The task group to date has visited Skipton to investigate the parking issues on the Regent estate adjacent to Skipton Building Society's Head Office. We met

with Skipton Building Society and leading residents campaigning for a Residents Parking Scheme (RPS) to understand the issues fully there. Further visits are planned to other parts of the county in July.

- 4.2 Early findings suggest that some of the wording in the current policy could be made clearer to avoid it being misinterpreted. To the same end more information could be provided on the County Council's website about how residents parking schemes operate.
- 4.3 The task group will be presenting its recommendations to the Committee's meeting in October.

5 Member Working Group on Minerals and Waste Development Framework

- 5.1 A number of Members from the Transport, Economy and Environment Overview and Scrutiny Committee sit on the Members Working Group on Minerals and Waste Development Framework.
- 5.2 The various stages of the process for developing the Joint Minerals and Waste Plan with the City of York Council and the North Yorkshire Moors National Park Authority are complex with a lot of information and views to feed in to the process.
- 5.3 The group met in April and May to provide feedback to officers on the preferred options (key policy directions) for waste and minerals, in advance of the public consultation. The notes of both meetings are attached at **Annexe 1**. The group will meet again in late autumn to receive the feedback from the consultation and to discuss any potential policy changes arising therefrom.

6 Recommendations

- 6.1 That the Committee:
 - a. Notes the information in this report.
 - b. Confirms, amends, or adds to the areas of work listed in the Work Programme schedule.

**Jonathan Spencer,
Corporate Development Officer**

Tel: (01609) 780780

Email: jonathan.spencer@northyorks.gov.uk

26 June 2015

Appendices: Appendix 1 – Work Programme Schedule

Annexes: Annexe 1 – Notes of the meetings of the Member Working Group on the Minerals and Waste Development Framework (15 April 2015 and 22 May 2015)

Transport, Economy and Environment Overview and Scrutiny Committee – Work Programme Schedule 2015/16

Scope

‘Transport and communications infrastructure of all kinds, however owned or provided, and how the transport needs of the community are met.

Supporting business, helping people develop their skills, including lifelong learning.

Sustainable development, climate change strategy, countryside management, waste management, environmental conservation and enhancement flooding and cultural issues.’

Meeting dates

Scheduled Committee Meetings	8 July 2015 10am	14 Oct 2015 10am	20 Jan 2016 10am	13 April 2016 10am	27 July 2016 10am	26 Oct 2016 10am	1 Feb 2017 10am	26 April 2017 10am
Scheduled Mid Cycle Briefings Attended by Group Spokespersons only.	15 Sept 2015 10am	1 Dec 2015 10am	1 March 2016 10am	7 June 2016 10am	20 Sept 2016 10am	20 Dec 2016 10am	7 March 2017	

Overview Reports

Meeting	Subject	Aims/Terms of Reference
Consultation, progress and performance monitoring reports		
Each meeting as available	Corporate Director and / or Executive Member update	Regular update report as available each meeting
	Work Programme	Regular report where the Committee reviews its work programme

Transport, Economy and Environment Overview and Scrutiny Committee – Work Programme Schedule 2015/16

Meeting	Subject	Aims/Terms of Reference
14 October 2015	Results of the consultation on the proposed reduction in bus subsidy for local bus services	To discuss the results of the consultation and make recommendations to the Executive
	Highways Maintenance Contract	To receive the annual report on actions being put in place by the highways maintenance & highways improvement contractor (Ringway) to improve performance and communications
	Local Transport Plan (LTP)	To receive the draft LTP4
	Parking standards: interim review	
20 January 2016	Adult Learning Service	Overview of the Adult Learning Service and actions arising from the Ofsted inspection carried out in November 2014
Items where dates have yet to be confirmed	Airport Consultative Committees	Annual report by the County Council's representatives on: <ul style="list-style-type: none"> • Leeds/Bradford International Airport • Durham and Tees Valley Airport • Robin Hood Airport
	Household Waste Recycling Centres (HWRCs)	To provide an update on charging for soil & rubble and plasterboard at HWRCs
	Grass cutting	To provide an update on grass cutting arrangements with parish councils in North Yorkshire
	Civil Parking Enforcement	To provide an update on the county-wide Civil Parking Enforcement scheme
Member working groups		
	Working group on the Minerals and Waste Development Framework <i>(Next meeting will be held on 15 April 2015 at 2pm)</i>	To contribute to the preparation of new spatial planning policies for minerals and waste

Transport, Economy and Environment Overview and Scrutiny Committee – Work Programme Schedule 2015/16

Possible future overview reports and presentations from external partner organisations

Meeting	Subject	Aims/Terms of Reference
	Promoting access to our heritage	To give an overview and promote discussion.
	Finance Yorkshire	Overview of the work of Finance Yorkshire in supporting businesses in, or relocating to, the Yorkshire and Humber region (with 'seed corn' finance, business loans and equity-linked finance); and to explore the ways in which the County Council and Finance Yorkshire could work together in the future to help support businesses in our area.

In-depth Scrutiny Projects/Reviews

Subject	Aims/Terms of Reference	Timescales
Task group review of North Yorkshire County Council's Residents Parking Scheme Policy	<p>To review North Yorkshire County Council's Residents Parking Scheme Policy, in particular the current eligibility criterion that: 'in order to be eligible for a Residents Parking Scheme less than 50% of the properties have either:</p> <ul style="list-style-type: none"> • existing parking within the property boundary, or the potential for owners/occupiers to provide their own parking within the property boundary, or • available off-street parking within 400m.' <p>To consider if there are circumstances that would merit increasing the percentage threshold of properties for this criterion. This would be in order to accommodate areas where 50% or more of properties have off-road parking but have a high percentage of on-street parking taken up by non-residents and meet the other criteria within the policy.</p> <p>To consider if there are other criteria that should be reviewed, for example to address the problem of on street parking by non-residents in streets with sheltered housing, which causes carer and medical access to be made more difficult.</p>	Spring-Summer 2015

Please note that this is a working document, therefore topics and timeframes might need to be amended over the course of the year.

**North Yorkshire County Council Transport, Economy & Environment
Overview and Scrutiny Committee**

Member Working Group on the Minerals and Waste Development Framework

**Notes of Meeting held at County Hall, Northallerton on
15 April 2015, 2pm**

Present

Cllr Peter Horton	Rob Smith, Team Leader, Plans and Technical Services
Cllr Bob Packham	
Cllr Bob Baker	
Cllr David Jeffels (Chair)	
Cllr Michael Heseltine	Jonathan Spencer, Corporate Development Officer
Cllr Richard Welch	

1 Apologies

Cllr Bob Packham chaired the meeting due to Cllr David Jeffels not being able to attend the start of the meeting.

2 Notes of previous meeting (23 June 2014)

Agreed as a correct record.

3 Progress and preparation of MWDF plan

Rob Smith noted since the previous meeting in June 2014 a lot of work had been undertaken on progressing from the issues and options stage of the MWDF to the preferred options stage (minerals and waste). A lot of work had been undertaken on identifying sites and a number of additional potential sites had also been submitted. There had been a small scale consultation exercise on the additional sites with over 300 responses received.

A number of the proposed sites were nearby to each other such Kirkby Fleetham and Scruton. In the near future comments received on all the proposed sites would be available on the website. A lot of work had been done to build up an evidence base of the aggregate minerals supply in the county. This had included revising methods to bring into line the latest guidance and capacity requirement for non-municipal waste now that the Allerton Waste Park facility was going ahead. This would be built into the preferred options document.

4 Development of preferred options (minerals)

The preferred options document will set out the approaches to the key minerals issues and challenges facing the area in terms of

- Aggregates (sand, gravel, crushed rock)
- Hydrocarbons (oil and gas)
- Waste
- Development Management
- Sites

Inevitably it will be a lengthy document and some policy areas will be more significant and controversial. Rob Smith noted that the purpose of today's meeting was to go through these policy areas and obtain the Working Group's feedback.

Key Policy Direction - Aggregates: This included sand, gravel, crushed rock for use within and outside North Yorkshire's boundaries. The projection was to supply up to 42

million tonnes of sand and gravel up to 2030 and up to 60 million tonnes up to 2030 of crushed rock.

A number of planning applications had been submitted but the outcomes were not yet known. If these applications are granted this would reduce the need to find other new supplies. The sites included Kirkby Fleetham and others in the northern part of the county. Masham/West Tanfield were also well-established sand and gravel areas. The new areas were mainly around Harrogate and Knaresborough.

Sources of crushed rock mainly related to limestone areas. In the county there was already a large amount of limestone quarrying so the additional amount that will be required to reach the overall 60 million tonnes target will be in the region of 12-15 million tonnes. Magnesium limestone is in shorter supply than other rock types.

Members made the following comments:

- It is logical to look for the additional provision in those areas where the infrastructure already exists. Rob Smith confirmed that the majority of additional sites were extensions to existing sites. National policy guidance, which whilst not very prescriptive, does state that green field sites should not be ruled out. The NYCC Officer view was to keep an open mind and in some instances it could be more acceptable for green field sites to be used. All site options would be looked at, verifying the existence of minerals on a site and assessing the environmental implications.

Key Policy Direction - Hydrocarbons: Rob Smith noted that the Vale of Pickering was a significant source of hydrocarbons. The extraction of hydrocarbons by fracking was an issue that had grown in significance. As a result a section on hydrocarbons would be included in the finalised strategy document. The public would rightly expect the issue to be given proper consideration. The draft policy approach was not to support fracking in sensitive areas such as AONBs and the North York Moors National Park. Outside of these sensitive areas however there was a need for some flexibility but with the proviso that rigorous controls be included and environmental and amenity concerns addressed. The intention was to build those safeguards into the policy so that if the County Council did get faced with proposals it would only support applications where it was satisfied that there would be no impacts. This approach was broadly consistent with national government policy. A blanket ban on fracking would quite likely be overruled by the government.

Members made the following comments:

- It would be useful to know the pros and cons of fracking. Rob Smith agreed to circulate a presentation on fracking.

ACTION: Rob Smith

Key Policy Direction – Coal: Rob Smith went on to note that with regards to the situation of coal mining in the area the circumstances had changed in the past 12 to 18 months. The NYCC officer view was to support extending coalmining at Kellingley Colliery. However it now appeared that the colliery would be closed down in late 2015. There could be ways of reopening the colliery in the future however. Of all minerals currently worked, coal provided the most employment and cash injection into the local economy.

Key Policy Direction – Potash: Potash mining was primarily an issue to be determined by the North York Moors National Park Authority in respect of determining the York Potash planning application. However the Minerals and Waste Development Framework was a joint plan and the County Council had an interest in this application from an economic

development point of view. A decision on the proposed new site was expected to be made this year on the new site, potentially before the Minerals and Waste Development Framework strategy was finalised. Depending upon the Park's Authority planning decision the finalised joint plan might need to be revised.

Key Policy Direction – Minerals Safeguarding: The safeguarding of mineral resources to protect resources from encroaching development was vitally important. This was why it was key to identify all mineral resources in an area. The County Council had a policy of when assessing development proposals taking the presence of mineral resources into account. To avoid this exercise being too onerous however small developments were exempted.

Members made the following comments:

- Did the County Council apply buffer zones in line with national guidance? Rob Smith confirmed that this was the case if a resource was identified in a given area. We identify buffer zones to take into account of development near to but not on the boundary limit. This is in order to take into account the fact that the development might expand in the future and to ensure that other development near to minerals resources does not prevent future extraction.

Key Policy Direction – Non-road Transport Infrastructure/Transport of minerals and waste and associated impacts: Rob Smith explained that the County Council encouraged minerals to be transported by other forms of transport rather than by road. This included pipeline/conveyance systems. The reality was though that it was unlikely that transit by non-road transport infrastructure would expand much. There was however more potential for gas to be transported by pipeline. In Selby district minerals such as coal were transported by rail and there could be potential to expand this for minerals such as aggregate.

Key Policy Direction – Ancillary Infrastructure: Some quarries were manufacturing value-added products on site. The Council's current approach was to support development of ancillary minerals infrastructure at active mineral sites. This was providing specific criteria were met such as the product being a 'value added' product that was already produced on the site. The County Council was receiving more proposals for ancillary infrastructure with some controversial ones submitted, highlighting the importance of having robust criteria in place.

Key Policy Direction – Green Belt: Rob Smith mentioned that proposals for mineral extraction will be supported where they preserve the openness of, and are consistent with, the purpose of the Green Belt designation. The national position has changed recently for waste but not for minerals. This is because minerals extraction on the greenbelt is seen as a temporary use of land. The Council's approach replicates the national policy position. Applicants are encouraged to conduct early and meaningful engagement with local communities prior to submission of applications to the County Council

Members made the following comments:

- Is the County Council able to provide any pre-planning advice? Rob Smith said that this was something that the Council had looked at doing but had concluded it would not be viable due to potential conflicts of interest as assessor of planning applications.

Key Policy Direction - Reclamation and After Use (e.g. of former quarries): Rob Smith noted that proposals involving restoration and after-use will be allowed where they are

carried out to a high standard and where they meet specific criteria. There was potential for recreation projects. Often worthwhile facilities could be created and at moment there were proposals to restore some former sand and gravel extraction sites into flood alleviation storage facilities.

Key Policy Direction – Waste: Policies for preferred options on waste are not as advanced as they are for minerals and are currently not at a stage where they could be shared more widely. The main principles though to shape the policy direction for waste included promoting the concept of net self-sufficiency and dealing with waste near where it arises. This would include accepting waste from other local authorities outside North Yorkshire though.

(Cllr David Jeffels arrived at this point in the meeting)

Key Policy Direction - Site allocations: Rob Smith mentioned that 70 potential sites had been submitted for mineral extraction. A methodology was in place to determine these applications. An initial officer view would be made with recommendations. The sustainability appraisals of the various sites were key in informing decision making. A lot of the applications will naturally be contentious to local communities.

Resolved: That the (NYCC) Member Working Group on the Minerals and Waste Development Framework approves the overall policy direction for the preferred options for minerals, and for this to be communicated back to the joint member group with City of York Council and North York Moors National Park Authority

ACTION: Rob Smith/Cllr Bob Packham

5 Next steps

- Executive sign off expected 7 July 2015 (sign-off also required from City of York Council and NYMNPA)
- Launch consultation in summer 2015
- Assess consultation responses and identify potential changes to policy direction – reporting back to the Members Working Group
- Draft 'pre-submission' document (6 weeks consultation)
- Submission to the Secretary of State by end of 2015 or early 2016 at the latest.

Date of next meeting: tbc.

The meeting finished at 3.07pm

**North Yorkshire County Council Transport, Economy & Environment
Overview and Scrutiny Committee**

Member Working Group on the Minerals and Waste Development Framework

**Notes of Meeting held at County Hall, Northallerton on
22 May 2015, 2pm**

Present

Cllr Peter Horton

Cllr Bob Packham

Cllr David Jeffels (Chair)

Cllr Michael Heseltine

Rob Smith, Team Leader, Plans and
Technical Services

Rachel Pillar, Senior Planning Officer

Vicky Perkin, Head of Planning Services

Jonathan Spencer, Corporate

Development Officer

1 Apologies

Cllr Richard Welch and Cllr Robert Baker.

2 Notes of the previous meeting/matters arising (15 April 2015)

Agreed as a correct record.

A presentation given to a previous Members Seminar on fracking had been circulated prior to today's meeting. Vicky Perkin mentioned that an application by a company to test-frack at a site in Kirby Misperton in Ryedale district had been submitted to the County Council. The application was incomplete however and would therefore not go on the council's website until the applicant had filled in the validation criteria.

3 Waste policies

Rob Smith explained that the waste policies were still in draft format as further work was required on building the evidence base of the plan. Some specific details might change in relation to waste management capacity. However the policy principles, from an officer perspective, were not expected to change.

Policy principles:

The main policy principles were:

- To move waste up the hierarchy by having less landfill and more recycling and recovery;
- Locational principles to help decide where sites should be located; and
- Meeting future capacity needs (local authority collected waste/commercial & industrial waste/ construction, demolition and excavation waste/agricultural, low level radioactive, waste water, power stations).

Moving waste up the hierarchy:

Members made the following comments:

- The extent to which the County Council could minimise the amount of waste being produced. Rob Smith replied that there was relatively little local authorities could do in isolation as a planning authority; rather it was an issue that waste producers needed to address for example by using less packaging. The push for minimising the use of materials was also coming from EU legislative initiatives.

Rob Smith went on to explain that the draft plan would only support further large scale energy recovery where it met unmet needs for waste arising in the area. At this stage it

was not anticipated that there was any further large scale capacity needed for waste recovery.

Vicky Perkin noted that whilst the County Council wanted to discourage waste going to landfill there would remain a need to provide some such capacity. Large businesses in particular factored in waste disposal facilities when making a decision whether to locate to the county. The current planning permissions were coming to an end and the officer view was that it was important to extend their life so that new sites did not have to be introduced.

Members made the following comments:

- Did the County Council have a policy in place to ensure that when landfill sites came to the end of their life that the owner was required to reinstate the site so that for example the land could be used for agricultural purposes? Rob Smith confirmed that landfill sites typically had planning conditions in place to ensure that the site was capped with an impermeable layer and restored. It was generally the case that the land was restored for agricultural use rather than built development.

Strategic role of the plan area:

Rob Smith went on to explain about the strategic role of the plan area. This included: ensuring, so far as practicable, that the county had the capacity to be self-sufficient in dealing with its own waste. Account would also need to be taken though of waste being imported and exported from the county. For example the plan proposed that there would be a continuing reliance on other local authorities to deal with certain types of hazardous waste generated in the county but requiring landfill. This was because it was unlikely for there to be scope in the county to deal with such waste.

Meeting future needs:

A discussion followed about meeting the future waste needs of the county. Rob Smith noted that it was difficult to predict with certainty as the evidence base was continually changing. The council had commissioned work around this to try and establish growth assumptions on a high case and low case basis over the next 15 years. The main focus on the modelling scenarios related to commercial and industrial waste and construction and demolition waste. This was because the assumption was that municipal waste would be provided for chiefly through the existing strategic locations, in particular the Allerton Waste Recovery Park facility. The approach was also to support increased capacity for recycling, repossessing and composting where this would reduce reliance on export; and to support improvements to the HWRC network if any proposals for this were brought forward.

Members made the following comments:

- The likelihood that the draft plan would be challenged by the waste industry. Rob Smith replied that in previous consultations there had been little engagement from the waste industry. However the council would be asking again for feedback from the waste industry, inviting the latter to let the council know if it did not agree with the council's assumptions. The response had generally been low in the past, partly due to the absence of large waste companies being active in the county. This picture was changing slightly with recent applications being submitted by larger companies such as Peel.

Rob Smith went on to note that scenario modelling was also being undertaken in relation to recycling of commercial and industrial waste and construction and demolition waste, again with different levels of assumptions factored in. The median assumption

represented a fairly modest improvement on the current situation whereas the maximum scenario was more ambitious.

Members made the following comments:

- Where would the increase in recycling capacity come from? Rob Smith explained that it was envisaged that it would chiefly be from the private sector and Yorwaste. Both the private sector and Yorwaste were bringing forward schemes for development.

In meeting future needs for construction, demolition and excavation (CD&E) waste the proposed approach was to support proposals for additional transfer station capacity where it would help manage waste in proximity to arisings; support increased capacity for recycling; support extensions of time at existing landfill sites with new capacity for non-inert CD&E landfill only with strong justification; support for inert CD&E landfill where it would facilitate quarry reclamation or improvement of degraded land.

In meeting future needs for agricultural waste the proposed approach was to support waste management at the nearest point at which the waste had been generated by for example recycling agricultural waste and on-farm anaerobic digestion.

In meeting future needs for low level (non-nuclear) radioactive waste such as certain hospital waste the proposed approach was there to be continued reliance on export due to the fact that this type of waste was very small scale; and where practicable support the management of this type of waste at the point at which it was generated, for example through the use of hospital incinerators.

In meeting future needs for waste water the proposed approach was to provide additional capacity at existing sites. Where this was not possible the proposed approach was to support greenfield locations consistent with the 'locational principles' in the plan. The government was keen for there to be more anaerobic digestion, and some additional waste water treatment sites might be appropriate.

In meeting future needs for power station ash the proposed approach was to support the increased use of power station ash as an alternative to primary materials. Where this was not practicable the proposed approach was to support the continued use of the established sites in the county – Gale Common, Barlow and Brotherton disposal sites as strategic facilities.

Rob Smith went on to detail the locational principles in the draft plan. The main focus was outside the National Park and AONBs, unless scaled to meet local needs in a designated area. Other locational principles included maximising capacity of the existing network; supporting the development of new sites for district scale needs giving priority to locations in or close to main settlements; and for larger scale facilities to locate them where the overall transport impacts would be minimised taking into account the market area to be served.

Site identification principles:

Rob Smith went on to detail that depending upon the type of waste involved the site identification principles included locating sites on previously developed land, industrial and employment sites, existing waste sites, and At active quarries in certain circumstances (such as recycling inert waste)

Rob Smith noted that the draft plan highlighted the importance of safeguarding key facilities from other developments which could impact on them. As part of this 'buffer zones' would be introduced.

Members made the following comments:

- The extent to which there was co-operation between the district and County Council in keeping buffer zones free from housing or commercial development. Rob Smith replied that there was a consultation requirement between both tiers when planning applications were submitted.

Rob Smith referred to a map showing the overall distribution of waste facilities in the county. In response to a question he confirmed that the map did not include recently operational or recently approved sites.

Resolved: That the (NYCC) Member Working Group on the Minerals and Waste Development Framework approves the overall approach for the preferred options for waste, and for this to be communicated back to the Joint Member Group with City of York Council and North York Moors National Park Authority.

ACTION: Rob Smith/Cllr Bob Packham

**The following item was considered in private
and the public have no right of access to the information that was discussed**

4 Site allocations (minerals & waste)

The Members Working Group was provided with details of a range of proposed sites across the county for minerals extraction and waste facilities. This item was considered in private for reasons of commercial sensitivity.

5 Next steps

- *Executive sign off expected on 28 July 2015 (sign-off also required from City of York Council and NYMNPA)*
- *Launch public consultation on preferred options in summer 2015*
- *Assess consultation responses and identify potential changes to policy direction – reporting back to the Members Working Group in late Autumn.*
- *Draft 'pre-submission' document (6 weeks consultation)*
- *Submission to the Secretary of State by early 2016.*

Date of next meeting: tbc.

The meeting finished at 3.55pm