

North Yorkshire County Council

Transport, Economy and Environment Overview and Scrutiny Committee

Minutes of the Meeting held at County Hall, Northallerton on 15 July 2019 at 10.00 am.

Present:-

County Councillor Stanley Lumley in the Chair.

County Councillors Karl Arthur, David Goode, Paul Haslam, David Jeffels, Don Mackay, John McCartney, Andy Paraskos, Caroline Patmore, Clive Pearson, Roberta Swiers and Richard Welch.

NYCC Officers attending: William Burchill, Admissions Manager (CYPS), Gail Chester, SEND Transport Manager (CYPS), Barrie Mason, Assistant Director - Highways & Transportation (BES), Emily Mellalieu, Flood Risk Management Team Leader (BES), Matthew Millington, Local Nature Partnership Development Officer (BES), Liz Small, Heritage Services Manager (BES) and Jonathan Spencer, Principal Scrutiny Officer (CSD).

Present by invitation: Phil Jepps (Ringway) and John Nicholson (Ringway)

An apology for absence had been received from County Councillor Robert Heseltine and Chris Dunn, Highways England.

Copies of all documents considered are in the Minute Book

75. Minutes

Resolved -

That the Minutes of the meetings held on 17 April 2019 and 12 June 2019 be confirmed and signed by the Chairman as a correct record.

76. County Councillor John Blackie

The Chairman acknowledged the death of County Councillor John Blackie. A minute's silence was held.

County Councillor John Blackie was chairman of Hawes and High Abbotside Parish Council, a district councillor and former leader at Richmondshire District Council, a member of Yorkshire Dales National Park Authority and a county councillor for the Upper Dales since 1997. He had been the chairman of the County Council's former Economic and Regeneration Overview and Scrutiny Committee and a former chairman of Scrutiny Board.

77. Declarations of Interest

Resolved -

There were no declarations of interest to note.

78. Public Questions or Statements

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

79. Ringway Performance 2018/19

The report of the Corporate Director – Business and Environmental Services advising of Ringway's performance under the Highways Maintenance Contract (HMC) 2012 during the period 1 April 2018 to 31 March 2019 and of the outcome of the Evaluation Panel held on 5 June 2019.

Barrie Mason introduced the report. 12 out of the 13 Primary Performance Indicators in the contract had been met and seven out of 13 of the Secondary Performance Indicators had been met. The outcome of the Evaluation Panel was for the contract term to remain with an end date of 31 March 2021. Ringway had managed to ensure that the street-lighting LED programme was ahead of schedule, which had enabled savings to be delivered earlier. In comparison to 2018 this year had been milder to date but a substantial amount of winter treatment had still been required on the roads. At the update provided to the Committee in October 2018 concerns had been expressed by Members about the performance relating to gully-emptying. The County Council and Ringway jointly recognised at the time that performance was not where they would like it to be. A number of initiatives were being taken forward to improve on performance in this regard, as set out in the rectification action plan in the appendix to the report. The County Council had released a guide to Highway Maintenance Schemes to show in a transparent fashion the rationale for deciding when and where planned highway maintenance works are carried out.

John Nicholson said he was pleased to report on Ringway's continued improved performance but was disappointed that despite best efforts the overall performance target relating to PPI S04 Street works Noticing had not been met. However this PPI was made up of three elements with only one of those elements failing to be met. He noted that gully emptying remained an area where Ringway was not satisfied with its own performance and an area where the County Council and Ringway needed to work more closely together. The introduction of Esri, a GIS mapping system, was helping to identify where the gullies were and this was expected to lead to further improvement this year.

Phil Jepps said that the relationship with the County Council continued to be good in all areas. He echoed the disappointment expressed by John Nicholson about the overall target for gully emptying not having been met. Esri was being used as a management tool to identify to supervisors what work needed to be done and there were fortnightly meetings with supervisors to check on performance. The workforce was working more flexibly allowing works to commence earlier in the day and the working day to be extended in some instances to carry out works in higher density traffic areas during times when they were less congested. A new gully emptying machine had been introduced this year and the workforce had been increased.

Members made the following key comments:

- County Councillor Stanley Lumley noted that there had been a long debate at the last meeting about gully emptying and all had agreed that there should be more targeted routine maintenance to gullies. Parish councils regularly relayed to the County Council instances of gullies becoming blocked and he asked what had been done to improve performance in relation to gully-emptying. Barrie Mason

replied that for the past two years a policy framework had been in place to allow a more sophisticated approach to gully emptying to be achieved based upon actual need and level of risk. The data obtained from the Esri software was now providing a clearer picture regarding the performance of individual gullies, helping to refine the timeliness of gully-emptying in specific locations. As a client team NYCC Highways also made sure that best use was being made of capital funding. If there was a deep-seated issue with a particular gully and a case could be built to show that revenue savings could be delivered by making a capital improvement, improvement works could go ahead. Phil Jepps said that many local authorities were moving towards a risk-based approach in the same way as North Yorkshire. Where technology was being deployed clients were able to use the data to identify where improvements could be made.

- County Councillor David Goode asked if there was evidence available to show that lack of maintenance of gullies had contributed to flooding in specific areas. Barrie Mason replied that as the Lead Local Flood Authority the County Council was required to carry out a formal investigation of flooding incidents. In each instance where intensive rainfall was found to be the reason for the flood the existing system had been adequately maintained but due to the amount of rainfall that had fallen in a short time it had led to the system being overstretched. However this did not mean that the County Council did not investigate to see if it could do more to mitigate future flooding in those locations.
- County Councillor David Goode said in his experience communications between the County Council and parish councils with regards to surface water flooding issues were limited. Barrie Mason said that there was clearly a lot of benefit for the local authority to engage with parish councils regarding their local knowledge. Each Area Highways team in the county included a team of Highways Officers each with their own patch and a Highways Customer Communication Officer and between them and the respective parish council there was a triangle of knowledge that had been built up over time. The officers had a relatively good working knowledge of locations where there were issues but there was no substitute for the local knowledge within the community and there was always more that could be done regarding community engagement. He went on to mention about the parish portal facility. County Councillor David Goode commented that from his experience there was a need for the County Council to improve the feedback that it gave to a parish council once the parish had reported a problem on the portal. County Councillor Stanley Lumley noted that on the portal incidents might show as 'resolved' but it was not clear what this meant and consequently was a source of frustration amongst parish clerks in his Division. He suggested that parish clerks be invited to Area Constituency Committee meetings to enable them to provide feedback on the portal and make suggested improvements. Barrie Mason confirmed that he would look into ways of improving the feedback provided to parishes via the portal.
- County Councillor John McCartney noted that surface water flooding was becoming more of a growing problem due to flash flooding. He asked if from a planning point of view consideration was taken about the cumulative impact of hard surfacing over front gardens and also if the County Council was involved at the earliest planning stages of a development. Barrie Mason confirmed that the County Council was engaged fully in the planning process both in terms of its role as the Lead Local Flood Authority and as the Highways Authority. The key was to ensure sustainable drainage systems were introduced. However there were limits to the objections that the County Council could make to planning applications and ultimately it was the district council as the Planning Authority to make the decision whether to approve or reject a planning application.

- County Councillor John McCartney raised the issue of flooding on the highway due to riparian landlords not carrying out their responsibilities with regards to maintaining gullies on their land. Barrie Mason explained that the County Council had recently produced guidance to remind riparian landowners of their responsibilities in that regard.
- County Councillor Caroline Patmore mentioned that parish councils in her area often wanted to know who was responsible for maintaining ditches and frequently it transpired that private landowners were responsible. She recommended that the County Council sent out guidance to County Councillors for discussion at parish council meetings, on what the County Council's responsibilities were and what riparian landowners' responsibilities were. Barrie Mason agreed to action this.
- County Councillor David Goode referred to SPI 106 value gained. He queried why no data had been available leading to the indicator being classed as a fail, and sought a definition for the indicator. Barrie Mason explained that 'gain' related to where a cost saving was made on a scheme compared to the 'target estimated cost' and 'pain' related to where a scheme's cost was greater than that estimated. Where there was a gain the County Council and Ringway each took a share of the saving. Where there was a cost overrun the hit was largely taken on by Ringway. The pain/gain mechanism was a small part of the overall contract spend and gains tended to be small due to the high level of accuracy in assessing costs. Work was currently being undertaken to confirm the latest figures for the pain/gain and Barrie Mason agreed to circulate the figures to the Committee when available.

Resolved -

That the report and attached appendices be noted.

80. Highways England

Resolved –

That the Highways England report be deferred until the committee's next meeting due to be held on 24 October 2019.

81. Home to School Transport Policy Changes – Post Consultation

Considered –

The report of the NYCC Corporate Director – Children and Young People's Service providing an analysis of the feedback received from the 60 day consultation together with the recommendations for changes to the Home to School Transport Policy from September 2019.

William Burchill presented the report. In addition he explained that most respondents to the consultation had responded via the County Council's internet page. 18 public meetings across the county had been held but had been poorly attended. Those who had attended had chiefly been parents of SEND pupils, which the latest consultation did not include. He went on to conclude that the rationale for the proposed changes was not to make huge savings but instead to create efficiencies, giving those eligible to have access to appropriate transport.

Members made the following key comments:

- County Councillor Caroline Patmore referred to proposal three in the consultation (*the local authority will collect from the curtilage of any highway or road which consists of or comprises a made-up carriageway unless a SEND, Medical or Mobility need requires a direct door to door collection*). She asked if there were policy guidelines that had been produced regarding the pick-up points. Gail Chester replied that the policy was that pick-ups needed to be 'sustainable'. Over time expectations had grown that vehicles would go door to door to collect individual pupils even though those pupils could have gone to a more accessible pick-up point. All pick-up points needed to have safe access. An example of unsafe access included coaches travelling down narrow farm tracks. If the pick-up point itself was not safe then the Home to School Transport vehicle would go to the door of a property where it was possible to do so. Every child's needs were looked at equally including mobility and medical issues.
- County Councillor David Goode referred to proposal one (*mainstream transport provision will only be given to eligible children and young people attending the catchment school or the nearest school to the permanent home address*). He sought clarification that a pupil would still be provided with a place at another school if it was no fault of their own. William Burchill replied that if the local school was full, provided the parent had listed the next nearest school down as their choice, their child would be eligible for Home to School Transport. The issue was where a child was eligible to go to two or three schools, which were not the nearest school or catchment school, and required transport. Such situations involved a disproportionate outlay for the County Council. Parental choice remained but in those instances pupils would not be funded by the County Council.
- County Councillor Paul Haslam queried if the authors of the Equality Impact Assessment had looked at the disproportionate impacts the policy changes could have in rural areas. Gail Chester confirmed that this had been the case. Consequently whilst the statutory guidance stated that mainstream transport provision would only be given to children and young people attending the nearest school, the County Council's proposal also included the catchment school in the eligibility criteria. This was in recognition that the nearest school might have disproportionate disadvantages to pupil numbers in rural areas so the catchment school was included as well.
- County Councillor Stanley Lumley noted the risks to the sustainability of rural schools. He asked how often catchment area boundaries were looked at in response to population changes within or near to a catchment area. William Burchill replied that catchment area boundaries were normally historic boundaries and so rarely changed. However with increases in housing developments, catchment boundaries might be realigned more frequently in the future and he provided a recent example of a catchment boundary re-alignment in Scarborough. He went on to note however that when boundary changes to catchment areas occurred, there were trade-offs as the changes could have a negative impact on another school. County Councillor Stanley Lumley went on to note that in his Division the Nidderdale High School catchment area did not cover Darley. Consequently children living in Darley had to go to Harrogate High School which was already fully subscribed and at the same time there was under-capacity at Nidderdale School. Gail Chester explained that the issue was that although representatives in the local community had looked into

providing a bus service to Nidderdale High School from Darley, an insufficient number of parents were prepared to pay the full cost recovery. William Burchill noted that some of the voluntary aided schools in Harrogate supplied their own transport but the cost could be as much as £900 to £1000 per pupil per year. More schools were putting on transport but due to needing to claim back total cost recovery from parents, parents considered home to school transport provided by the County Council as a cheaper option and so this skewed the process.

- County Councillor Caroline Patmore commented on the knock-on effect of primary schools closing and demand it then placed on other schools in the same catchment. William Burchill acknowledged this and noted that when a school closure was being proposed the impact on home to school transport was considered.

Resolved -

That the Committee agrees with the proposals set out in the report.

82. Update on the implementation of the Local Strategy for Flood Risk Management

The report of the NYCC Corporate Director – Business and Environmental Services providing a progress update on the implementation of the Local Flood Risk Management Strategy.

Emily Mellalieu presented the report.

Members made the following key comments:

- County Councillor John McCartney asked if the County Council considered the cumulative impact of housing developments when being consulted by district councils on planning applications. Emma Mellalieu said that it was difficult for the County Council to do this if housing development was incremental but was able to do so if there were a number of development proposals being submitted at the same time in the same area. One of the biggest problems nationally was that infrastructure designed several decades ago was having to discharge increasing amounts of water. The Environment Agency was currently looking at capacity generally in relation to the main flood zones. The County Council as the Lead Local Flood Authority looked at surface water risks.
- County Councillor John McCartney noted that in 2008 specific rules were introduced requiring householders under certain conditions to obtain planning permission for paving over front gardens with an impermeable material. He said he was not aware of any councils in England having enforced this. He asked if the Local Flooding Team reported breach of the rules to the Planning Authority. Emily Mellalieu replied that her team did not have the capacity to actively look for such planning breaches, though she acknowledged that paving over gardens had a cumulative impact in heightening flood risks. She noted that new developments took account of the current rules and the County Council was a consultee in those planning applications. However inevitably overtime some people would want to surface over all or part of their garden for ease of maintenance. A key concern was where householders had laid an impermeable material over soakaways in the garden. County Councillor Stanley Lumley noted that councillors had a role in raising concerns with the Planning Authority

where householders were thought to be in breach of the rules. Householders might also not be aware of the rules.

- County Councillor David Jeffels noted that the Environment Agency was consulting on its Draft National Flood and Coastal Erosion Risk Management Strategy for England. He asked if the Committee would be invited to respond to the consultation. Emily Mellalieu explained that the BES Executive Portfolio Member had responded on the County Council's behalf to the consultation, which had now closed. She said that overall the strategy was well-intentioned but some of the wording in it needed to be better defined in order for the strategy to fulfill its objectives. The proposal for the local authority to record and report on flood infrastructure to inform maintenance was only achievable in relation to the assets in local authority ownership. The majority of flood infrastructure lay in third party ownership. Recording flood risk assets would be particularly difficult in large dispersed areas such as North Yorkshire. To then monitor the condition of the assets would be similarly problematic. Any recording would be difficult and without robust condition surveying, ultimately would have little purpose. Emily Mellalieu agreed to circulate the response to the Committee.
- County Councillor Stanley Lumley asked to what extent action was being taken by the County Council to enforce the responsibilities and duties of riparian landowners. Emily Mellalieu replied that flood risk issues impacting on the road network were for the Area Highways Offices to resolve. If flooding was impacting on people's properties, the Flood Risk Management Team was responsible under the Local Flood Management Act. Enforcement action against riparian landowners was taken where there was a significant risk of flooding. In the vast majority of cases riparian landowners were genuinely were not aware of their responsibilities and once they were they usually carried out the repair and continued to maintain the flooding infrastructure on their land.
- County Councillor Paul Haslam referred to section 5 of the report and asked to what extent the County Council was pro-active in working with communities to manage flood risk. Emily Mellalieu explained that different communities were at different levels of flood risk and people had a responsibility to protect themselves. However if the Flood Risk Management Team identified a flooding issue it was passed on to the Emergency and Resilience Team to work with communities to produce a community resilience plan. The local community though needed to take ownership of the process. County Councillor Paul Haslam went on to ask what preventative flooding measures were taken by the Flood Risk Team. Emily Mellalieu said that the team looked at where the biggest risk was of flooding and targeted resources to those areas. However if a community was interested in working with the County Council the team would engage with them. County Councillor Paul Haslam commented that some people were not aware that the County Council was the responsible authority. Emily Mellalieu acknowledged that landowners' responsibilities were difficult to understand and there were cases of members of the public being misdirected to the County Council by external agencies when in fact the issues concerned was an Environment Agency responsibility. The Flood Risk Management Team had to prioritise those areas most at risk and currently there were 180 flood risk investigations underway in the county. The County Council worked closely with district councils as they were a risk management authority, being responsible for managing the flood risk from ordinary water courses.
- County Councillor David Goode mentioned that Knaresborough had an emergency plan in place but as the local County Councillor his natural instinct had been to gravitate towards the Borough Council in respect of flooding issues.

This was because he had not been aware of the County Council's responsibilities as there seemed to be little County Council involvement in the local area. There was a need therefore to promote the work of the County Council as the Lead Flooding Authority. Emily Mellalieu explained that Knaresborough suffered mainly from river flooding so this was an Environment Agency issue. The duties and responsibilities of the County Council related to surface water risk. The County Council as the Lead Local Flooding Authority was responsible for carrying out flooding investigations but managing flood risk was shared across a number of organisations and their level of involvement depended upon the type of flood and where it had occurred. She said that whilst she was in favour of widening the public's understanding there was a reason why the County Council did not pick up the actions of others.

Resolved -

That the Committee notes the report.

83. Update on the Local Nature Partnership

The report of the NYCC Corporate Director – Business and Environmental Services to update on the activities of the North Yorkshire and York Local Nature Partnership since January 2018.

Liz Small and Matthew Millington presented the report.

Members made the following key comments:

- County Councillor David Goode referred to paragraph 4.3 of the report relating to the Landscape Enterprise Networks project. He queried why there was no reference to the Northern Forest project in the report. Matthew Millington said that he was working hard to engage the White Rose Forest Partnership particularly in respect of opportunities at Selby Drax plant and a site in the Escrick area.
- County Councillor David Jeffels referred to paragraph 4.5 of the report relating to the Discoveries on Doorstep project. He commented that the County's Access Forum was keen to see this develop with primary schools in order to give children from an early age an interest in the environment including in the historical environment as well.
- County Councillor Caroline Patmore referred to paragraph 4.4 of the report relating to anaerobic digestion (AD). She said that if sited in the right area, AD could bring about positive benefits but in rural areas it was more difficult to balance the specific benefits of creating a market for grassland products against the cost to local communities. Numerous HGV journeys were required along minor roads to and from the facility and valuable agricultural land was then not being used to grow crops to feed the population. Matthew Millington said that the intention was for the AD operations to be small-scale in nature and to bring benefits to the local economy. The AD facility needed to be sited near to where the grass was grown as it could not be transported long distances. If the AD facility could create a fuel it could then reduce the emissions of the vehicles being used to transport the material to the facility. He went on to refer to the physical trial that had been undertaken in Lincolnshire using grass cuttings from road side verges to be used as biofuel. County Councillor Caroline Patmore said that there was a need for a graph to be produced

showing benefits versus non-benefits. Matthew Millington said that in the first instance the economic viability of using AD to create a market for grassland products would be considered which would then be balanced against wider issues.

- County Councillor Andy Paraskos commented that there was potential for the creation of a sustainable market for grassland products using AD to be a success. Extensive areas in North Yorkshire's rural areas had a lot of verges that were currently not being cut. However the scheme would need to be cost neutral.
- County Councillor John McCartney queried the sustainability of the AD scheme, noting that a vast area of grassland would need to be cut. Matthew Millington noted that there was a 30% mix of grass in the overall mix of the Lincolnshire trail cost council. Three AD companies there had bought machinery to cut the verges. Meadows that were not being used for livestock grazing could also be used.

84. Work Programme

Considered -

The report of the Principal Scrutiny Officer asking the Committee to confirm, amend or add to the areas of the work listed in the Work Programme schedule (Appendix 1 to the report).

Jonathan Spencer introduced the report.

Resolved -

That the work programme be noted.

The meeting concluded at 12.12pm

JS