

North Yorkshire Council

Executive

Minutes of the meeting held on Tuesday, 19th September, 2023 commencing at 11.00 am.

Councillor Carl Les in the Chair. plus Councillors Gareth Dadd, Derek Bastiman, Michael Harrison, Simon Myers, Janet Sanderson, David Chance, Keane Duncan and Greg White.

In attendance: Councillors Paul Haslam & George Jabbour.

Officers present: Richard Flinton, Barry Khan, Gary Fielding, Karl Battersby, Nic Harne, Richard Webb, Melanie Carr, Daniel Harry, Janet Crawford, Catherine Price, Paul Thompson and Paul Gilmore.

Apologies: Councillor Annabel Wilkinson, and Stuart Carlton.

Copies of all documents considered are in the Minute Book

309 Apologies for Absence

Apologies were received from Councillor Annabel Wilkinson.

310 Minutes of the Meeting held on 29 August 2023

Resolved –

That the public Minutes of the meeting held on 29 August 2023, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

311 Declarations of Interest

There were no declarations of interest.

312 Public Participation

There was one public statement submitted by Mr David Mitchell, on behalf of Harrogate Cycle Action as follows:

'Transforming Cities Fund (TCF) Harrogate Station Gateway is North Yorkshire Council's flagship active travel project. We have supported it throughout the 4 years of its development and continue to do so.'

Judicial Review and Democratic Process

A private individual or company is entitled to ensure that the council has followed all the correct procedures, including through legal action if they deem that appropriate and can pay the fees. On the other hand, council transport policy should be decided by the council through the democratic process and in the public interest, not by a private company through the courts.

The Executive made clear at its meeting on 30th May 2023 that it was committed to the

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ambitious Station Gateway scheme as designed by the TCF team. It should uphold that commitment rather than designing a scheme specifically to appease the applicant for judicial review. We fully understand that there may need to be some compromise, but we do not accept that the scheme should be so stripped of ambition as to be a homeopathic version of the original.

The aims of the TCF funding are to:

- improve public transport and active travel options*
- take a significant number of car trips off the road*
- contribute to jobs and the economy*
- support connectivity to housing and employment sites and*
- tackle inequality*

Option 1 before the Executive today involves:

- changing the traffic lights to enable more motor traffic to go along Station Parade faster*
- different paving stones on the pedestrian areas and*
- no cycle infrastructure at all*

It does not meet the objectives of the Transforming Cities Fund and it would let down:

- the people who asked for better cycling and walking facilities in the 2019 Congestion Survey (77% of 15,500 respondents) and*
- the 832 people who said in the 3rd Station Gateway consultation that the proposed walking and cycling infrastructure would have a positive effect on their travel, vs 743 people who said that it would be negative*

Our message to the Executive is that we understand it isn't easy to deliver this scheme, but it's the right thing to do. The scheme as originally designed meets the objectives of the Transforming Cities Fund, which Council Leader Carl Les signed up to 2019. It also makes a start on achieving the transport decarbonisation goals in the Routemap to Carbon Negative, which has been endorsed by NYC. We are relying on you to use the Transforming Cities Fund money to deliver a transformative scheme.'

As Mr Mitchell was not present at the meeting, the Chair noted that all Executive Members had received the statement prior to the meeting and had the opportunity to consider it in full. He therefore chose not to have the statement read out.

Councillor Keane Duncan acknowledged the submission and gave assurance that it would be taken account of at the appropriate time through the decision making process, as the Authority looked at the options moving forward for the TCF Programme in Harrogate.

313 Harrogate Transforming Cities Fund (TCF) Project Delivery Options

Considered – A report of the Corporate Director for Environment providing an update on the Harrogate Station Gateway Transforming Cities Fund Project and seeking support for further work on options for the project.

Councillor Keane Duncan introduced the report, drawing attention to the current project position following the rescinding of the Executive's previous decision to move forward with the Gateway as a result of a legal challenge.

Having acknowledged the collective will across the Council to try and secure investment for Harrogate, and not lose the £11m TCF funding, he welcomed the proposal to undertake further work on the possible options for the project and agreed it was right to take a step back to consider all of those options to better understand what was deliverable.

Having voted in favour of the recommendation within the report, it was

Resolved – That the current project position be noted, and that further work be undertaken on possible options for the Project, with a further report brought to Executive in October/November setting out those options for consideration.

314 Neighbourhood Planning - Making of the Bradleys Both Neighbourhood Development Plan

Considered – A report of the Corporate Director of Community Development presenting the results of the Bradleys Both Neighbourhood Development Plan (NDP) referendum and the requirements of North Yorkshire Council as the Local Planning Authority to formally 'make' or adopt the Bradleys Both Neighbourhood Development Plan. The report also presented the Regulation 19 Decision Statement at Appendix A, which set out the Local Planning Authorities' decision in terms of making or adopting the Bradleys Both Neighbourhood Development Plan and the reasons for making that decision.

Councillor Derek Bastiman introduced the report and drew attention to the findings of the independent examiner and the results of the referendum held in July 2023, as detailed in the report. He also noted the next steps required and the minimal timeframe available to make the Bradleys Both NDP, which had led to the proposal within the report that the Chief Executive, exercise his power, in an emergency, to make any decision which could be taken by the Council in order to ensure that the Bradleys Both NDP was made on or before the 22 September 2023, thereby complying with the Neighbourhood Planning (General) Regulations 2012 (as amended).

Barry Khan, Assistant Chief Executive – Legal & Democratic Services confirmed that as there were likely to be a number of such decisions required in the future, work to revise the Constitution would be undertaken to ensure those future decisions could be taken by the Executive within a short timeframe, without the need for consideration by Full Council.

Resolved – That it be recommended to the Chief Executive that he exercise his power pursuant to paragraph 5.7 of Schedule 4 of the Constitution, in an emergency, to make any decision which could be taken by Council to:

- i) make the Bradleys Both NDP on or before the 22 September 2023
- ii) approve the Decision Statement set out at Appendix A to the report.

315 Bus Service Improvement Plan (BSIP+) - Grant Funding Acceptance

Considered – A report of the Corporate Director for Environment seeking acceptance of a Bus Service Improvement Plan (BSIP+) grant totalling £2,927,376 from the Department for Transport, broken down into two equal allocations of £1,463,688 for 2023/24 and 2024/25.

Councillor Keane Duncan introduced the report and drew attention to previous concerns about the sustainability of some bus services following a decline in passenger numbers as a result of the pandemic, leaving 79 routes at risk. He went on to confirm that as a result of the Authority's action plan and close working with bus operators, the outlook was now much more positive, with no service having been lost due to being commercial unviable. He acknowledged the hard work of the passenger transport team and noted the previous £3.9m support from DfT that had proved to be a lifeline to services. He also noted the popularity of the £2 bus fare cap which had helped maintain and build on existing service levels.

Councillor Paul Haslam welcomed the funding but drew attention to the loss of a bus service in Bilton and expressed hope that the further funding could be used to improve the

local bus services in the Bilton area.

The Executive welcomed the additional funding, and it was

Resolved – That the grant of £2.93m be accepted

316 Footway Lighting Energy Reduction

Considered – A report of the Corporate Director for Environment seeking approval for a 3-step plan to address significant ongoing maintenance and energy issues associated with Footway and Amenity lighting that has transferred to North Yorkshire Council following the recent Local Government Reorganisation.

Councillor Keane Duncan introduced the report confirming the Executive were being asked to consider an Invest to Save opportunity and to approve a £2.497million Capital investment that had the potential to deliver £440k annual energy savings (at current energy rates). He also confirmed the Authority had three years to deliver the project, which covered all lighting inherited from the District & Borough Councils, including car park lighting.

Members noted the benefits of having all street lighting maintained by one Authority, the environmental benefits the investment would bring, and the financial return on the investment. It was suggested that should there be a future proposal to extend the scheme, a business case would be required to ensure probity and transparency.

Councillor Paul Haslam suggested that the use of sensor active lighting in appropriate places should be considered as part of the plan.

Having welcomed the proposal, the Executive

Resolved – That:

- i. A £2.497million capital investment be approved to replace former District/Borough Council footway lighting with new energy efficient LED technology. This includes the replacement of obsolete concrete lighting columns and cast-iron wall/post bracket.
- ii. The part-night lighting be introduced in the areas that were covered by footway lighting provided by the former district and borough councils wherever possible.

317 Forward Plan

Considered –

The Forward Plan for the period 11 September 2023 to 30 September 2024 was presented and it was noted that a report on the Harrogate Gateway Options was to be added for a meeting of the Executive in November 2023.

Resolved - That the Forward Plan be noted.

318 Date of Next Meeting - 17 October 2023 @ 11am

The meeting concluded at 11.27 am.