

North Yorkshire County Council

Executive

Minutes of the remote meeting held on Tuesday, 8th November 2022 commencing at 11.00 am.

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

In attendance: County Councillors Paul Haslam & John Mann.

Officers present: Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Melanie Carr, Neil Irving, Vanessa Glover, Karen Iveson, Chris Reynolds and Barrie Mason, Laura Wilson and Daniel Harry.

Other Attendees: Mr Stuart Minting, Mr Andy Wilson, Mr Nick Booth & Ms Helen Ashworth.

Apologies: Karl Battersby.

Copies of all documents considered are in the Minute Book

105 Introductions

County Councillor Carl Les welcomed everyone to the meeting.

106 Minutes of the Meetings held on 18 October 2022 and 25 October 2022

Resolved –

That the public Minutes of the meetings held on 18 October 2022 and 25 October 2022, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

107 Declarations of Interest

There were no declarations of interest.

108 Exclusion of the public from the meeting during consideration of each of the items of business listed in Column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph(s) specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006:

Resolved –

That on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local government (Access to Information) (Variation) Order 2006, the public was excluded from the meeting during consideration of Agenda item 15 – Private Minute from

the meeting held on 25 October 2022.

109 Public Questions and Statements

There were two public statements presented at the meeting. The first from Mr Andrew Wilson as follows:

'Why did NYCC, according to multiple contacts with the officers, contractors and sub-contractors responsible and the Fol data provided, carry out the recent work to speed the drainage of York Road, Thirsk across the flatts into Cod Beck:

- despite the fact that there are no recent records of York Road being closed due to flooding;
- without any consultation with the public, but with repeated conversations with private land managers;
- without any environmental data on the habitats that would be destroyed,
- without awareness of the Protected Species in and around the Beck,
- without consideration of the negative impact of draining rare wet grassland and increasing the rate of flow into the beck;
- without awareness on the part of those carrying out the work of the RoW on the flatts that would be affected;
- in a manner which facilitates damaging development against the public interest;
- with additional uncostered work at the public expense to the satisfaction of the land agent;
- with inappropriate aftercare work;
- at nearly double the original estimated cost;
- and will it undertake to take better care of Cod Beck and its surrounds in the future?'

In response, County Councillor Keane Duncan made the following statement:

"Thank you for your question. In compiling a response to the issues you have raised I have consulted with Stuart Grimston, improvement manager at the Area 2 Highways team, based in Thirsk.

The York Road drainage scheme is part of the 2022/23 capital programme, which involves replacing/renewing the existing highway drainage between the A19/A168 interchange and White Mare roundabout, along the A170 in Thirsk, much of which was found to be beyond repair.

The requirement for a drainage scheme was first identified in financial year 2016/17, due to ongoing issues with blocked gullies and standing water on York Road causing disruption and road safety issues. Investigations since then, including CCTV surveys, have proved that much of the existing system had failed or was in a very poor state of repair. While standing water eventually dissipates, highways officers expressed concern that some of this water was likely to be undermining the foundation of the carriageway pavement, bringing with it the associated risks of voids/sinkholes and contributing to the poor surface condition. York Road is in need of resurfacing, however, the council is unable to implement such a scheme without first renewing the drainage assets.

Under Section 41 of the Highways Act of 1980, North Yorkshire County Council, as the local highway authority, has a statutory duty to maintain the highway. We do not consult the public on maintenance schemes, although we do notify the travelling public of the work, as well as residents and businesses within the site extents.

However, in this instance we did consult the owners of the land that we intended to re-lay the drain across. One of the land owners asked if we could amend the drainage alignment slightly in order to accommodate their future development proposals, so that the drain ran

down the edge of the field (as opposed to through the centre). Given that the scheme was still in design, and construction works had not started, it made sense to accommodate this request in order to futureproof our asset.

Section 100 of the Highways Act gives a Highway Authority powers to construct/lay drains across private land. In exercising this power, it is essential to work with landowners where possible as they are entitled to claim compensation for any "damage" suffered and can also charge a licence fee for the use of their land as a compound. In this instance, we agreed to amend the drainage alignment, and in exchange the only stipulation on NYCC was that we leave the land as we found it. Given experiences elsewhere in the county, where developers have severed similar drainage located on third party land, leading to flooding, road closures and over pumping, and then implementing remedial solutions both within and outside of the highway boundary with all of the additional costs involved, officers stand by the decision here as being the correct one.

With regard to the Public Rights of Way, the alignment of the drainage installation did not follow the route of any of the public footpaths in their entirety, but did cross these footpaths at various points. However, no closures were applied for as the contractor felt that they could easily manage pedestrians through the site, with there being plenty of space to locally divert pedestrians around the works.

In response to the ecological and environmental concerns that have been raised, NYCC's principal ecologist Julia Casterton is satisfied that no ecological or environmental breaches have occurred. There are no special designations (Sites of Special Scientific Interest, for example) that would trigger the need for an ecological assessment here, and the council has not damaged or removed any trees or hedges during the works.

In terms of aftercare, works to re-instate the field housing the site compound have not been undertaken as yet, as the scheme is not complete. However, appropriate measures will be taken in due course, as this is the only condition that has been placed on us by the land owner for the use of their field.

Highway officers within Area 2 welcome further contact from you if required and would be happy to address any further queries you may have about the scheme.

The second public statement was submitted by Pannal and Burn Bridge Parish Council and presented by County Councillor John Mann, as follows:

*'The relative lack of progress by NYCC Highways in any tangible way to address the traffic problems associated with the Western Arc of Harrogate's explosion in housing was confirmed unanimously by councillors at the Harrogate and Knaresborough Constituency meeting on 12th October and referred to your good selves. We suggested any NYCC Highways work relating to Maltkiln (a decade away probably) be suspended until solutions have been found for the extant problems to the west of Harrogate. There was never a suggestion on our part for the abandonment of the Maltkiln work, merely to shelve it temporarily: the absolute congestion in the West of Harrogate is as a consequence of **no** meaningful consultation having been conducted over the years for this area.*

The initial statement from our Parish Council at the Area Constituency Meeting was not addressed adequately and Cllr Howard West's supplementary question did not receive a direct response that answered his points. Platitudes about increased bus services and active travel will do nothing whatsoever to mitigate the congestion and danger on narrow roads leading to/from the Western Arc to the A61 to Leeds or the A658 to Bradford or York.

We understand the constraints in funding but see other projects elsewhere getting the go-ahead while the lack of foresight of HBC in not having an effective Local Plan (with

associated and relevant road infrastructure) for the best part of a decade remaining unsolved and, by all accounts, apparently ignored. This was highlighted by the Harrogate Local Plan government inspector who insisted on the West Harrogate Parameters Plan – STILL without any provision for tackling previous congestion and huge projected increases in traffic.

We have volunteered our local knowledge to assist NYCC and HBC almost since the inception of our Parish Council in 2016 but the net result is to have been rebuffed by both councils, and yet we have nothing concrete other than a few suggested junction improvements. New or vastly improved roads are required, not merely a few modified junctions. Previous “consultation” meetings have been little more than HBC/NYCC outlining the few junction modifications planned, plus a great deal of promotion for cycle and pedestrian paths, plus increased bus services that wouldn’t come into operation until all the developments are finished. Active travel and buses in and out of Harrogate from Western Arc developments will do nothing to alleviate the daily commute, rat-running and school runs through our parish.

Pannal and Burn Bridge Parish Council - in conjunction with North Rigton and Beckwithshaw Parish Councils and residents’ association HAPARA - appeal to NYCC Members to speed up the work of the Highways Department and insist they provide real solutions now.

Would Cllr Duncan also please scotch any rumours of reconsidering a Park and Ride anywhere near Pannal golf club or the Mercedes showroom. That was demonstratively rejected by his predecessor Cllr Mackenzie. To increase congestion in Pannal as a result of such an inappropriate notion instead of mitigating it, is the wrong approach. There is only one solution for the A61 P&R and that is near Buttersyke roundabout with its junction with the A658.

Could Cllr Duncan also please provide us with the detailed written remit to the consultants, RPS, so that our residents know exactly what was demanded of this company by NYCC/HBC.

Excerpt from the draft minutes of the constituency meeting:

*Supplementary Question from Pannal and Burn Bridge Parish Council:
Parish Councillor Howard West commented that there were actually 4,000 new houses, rather than 2,500 as mentioned in the response. Parish Councillor Howard West asked where - in all the work carried out by the County Council, Borough Council and developers - was there any clarity or commitment on deliverables that would truly offset the effects of the excessive developments proposed for the western arc of Harrogate. So far, everything the Parish Council was seeing constituted tinkering around the edges, is process driven, and lacks real solutions. Compare this with what has happened in Maltkiln. Two totally different worlds.*

Allan McVeigh (Head of Network Strategy, Highways and Transportation) responded that a huge amount of work was already in progress regarding junction mitigation. This is the RPS study mentioned by Louise Neale. Officers are also pushing the process very hard in relation to Active Travel and Sustainable Transport. Proposals were coming forward which included bus service improvements too. An awful lot of work is on-going but, at the moment, it is still ‘work in progress’. - This response does not answer our question.’

In response, County Councillor Keane Duncan made the following statement:

“Thank you for your question. The county council is working to address congestion in and around Harrogate, now and in advance of the planned development in the west of

Harrogate, which will see an extra 2,500 homes constructed between now and 2035. This major, strategic development is key to providing much-needed housing and promoting Harrogate's future economic growth, as is the proposed Maltkiln development. It is vital, therefore, that the council continues essential work on both of these schemes in parallel.

While the west of Harrogate development is spread over several sites and a number of separate planning applications, a unified approach is being taken to delivery of essential infrastructure and mitigation of traffic impacts. We are working with the land promotors and their consultants, who have been instructed to look at traffic impacts cumulatively and this will be documented in a Transport Strategy. As part of the planning application process, promotors must also produce Travel Plans as part of the pre-application process to show commitment to promoting sustainable travel into the future. We continue to work with and support Harrogate Borough Council through this process.

The Transport Strategy work has already identified a number of junctions where capacity would be exceeded once development traffic has been factored in. These junctions will require mitigation, and this will be funded by the developers and delivered by the county council. This work is significant and will cost developers between £15-25 million.

As this work continues, community consultation will be critically important and stakeholder events will be convened to allow local people to receive information and give their views. I have asked officers to ensure dates of these sessions are shared with the parish council when they are available. The Transport Strategy will also be submitted alongside the individual planning applications giving all stakeholders a formal opportunity to comment on it as part of the planning process.

Consultants RPS have been commissioned to carry out a "buildability check" of all mitigation proposals to assess basic design parameters, determine the achievability of constructing the proposal and to provide construction costings for each of the proposed mitigation measures. I have asked council officers to share a copy of the brief for this work with the parish council.

With regard to a potential park and ride facility in Harrogate, a number of sites across the town are being considered, and their ability to reduce congestion forms part of these considerations. No decisions have been taken and the work is still very much in the feasibility stage and will be included in a report detailing the findings. Given this, it would be wrong to rule out or rule in any particular sites at this stage.

The county council would value input from the parish council over coming months and years. We would be happy to provide further updates as work progresses, take on board suggestions and respond to any further questions you may have."

110 Fees and Charges Policy and approach to establishing charges for the new Council, including proposed inflationary uplift(s) for the 23/24 financial year to support budgeting and medium term financial planning.

Considered: A report of the Corporate Director for Strategic Resources seeking approval for the proposed Fees and Charges Policy for North Yorkshire Council and the approach to setting fees and charges for 23/24.

County Councillor Gareth Dadd introduced the report, and Karen Iveson, Assistant Director for Strategic Resources confirmed the new strategy had been drafted in consultation with the Section 151 Officer Group. She also drew attention to the two areas of harmonisation i.e. Taxi Licences and Court Fees, and the proposed annual inflationary uplift of 6%.

Resolved - That:

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- i. The Fees and Charges Policy set out in Appendix A of the report be approved;
- ii. The proposed inflationary uplift of 6% for 2023/24 on relevant income budgets be approved;
- iii. The consultation on taxi licensing fees, consideration of the consultation responses and the final decision to adopt taxi licensing fees, be delegated to the S151 Officer, in consultation with the Executive Member for Open for Business.

111 North Yorkshire Council Branding

Considered – A report of the Chief Executive of North Yorkshire County Council outlining a recommended best value approach to the brand design and brand deployment for the new North Yorkshire Council, based on four main criteria, as detailed in the report.

County Councillor Carl Les introduced the report and confirmed the proposed re-branding for the new Council took a minimal approach resulting in good value for money

Richard Flinton, Chief Executive confirmed the need to establish a new identity for the new Council and confirmed the recommended approach was proportionate and in line with other similar exercises elsewhere. He noted the work undertaken to explore the approaches and costs incurred by other unitised councils, and outlined the proposed deployment approach, which would minimise the costs – in the region of £400K.

Executive Members welcomed the proposed pragmatic approach, which would see the vast majority of assets that carried branding only being replaced as they wore out, and accepted it would result in many public-facing assets carrying retired brands for many years.

They noted that the vast majority of the costs associated with rebranding and system output changes were legal requirements, with a much smaller proportion of the costs being for signage and staff I.D. They were also pleased to note that all the councils had been involved in the discussions.

In regard to the colour of the proposed branding, it was noted the original officer recommendation had proposed all blue. However, following a proposal put forward by a non-Executive member, the images within the report had subsequently been amended to blue and green branding, in line with that proposal.

The Executive thanked the officer work group for their work, and it was

Resolved – That in line with the original officer recommendation, the following be approved:

- i. The all blue brand design for North Yorkshire Council;
- li The approach and costs outlined for the deployment of branding.

112 Electric Vehicle Rollout Strategy

Considered: A report of the Corporate Director – Business and Environmental Services providing an update on the development of an Electric Vehicle (EV) Public Charging Infrastructure Rollout Strategy for North Yorkshire, and seeking approval to launch a public consultation regarding the proposed Strategy.

County Councillor Keane Duncan introduced the report and drew attention to the key issues affecting North Yorkshire, as outlined in paragraph 4.1 of the report. He noted North Yorkshire had received more funding than other areas as 3000 charging points were required, with over half to be delivered by the public sector.

County Councillor Paul Haslam welcomed the report and drew attention to the critical success factor of prioritising site selection where EVCPs should be delivered. He suggested that gender was an important issue that had not been factored in, and expressed some concern over the questionnaire suggesting it would be hard to analyse.

Barrie Mason, Assistant Director for Highways & Transportation confirmed the questionnaire had not been piloted but was only the start of an ongoing consultation process. He also confirmed that where locations were particularly problematic, other charging solutions would be considered e.g. hydro-electric power.

County Councillor Gareth Dadd urged people to recognise the full costs involved in providing the right level of coverage for a county as large and rural as North Yorkshire. In response, County Councillor Keane Duncan reassured Members that the cost would be covered by central government funding. He also reiterated the LEP was seeking to achieve carbon negativity by 2040, and accepted that whilst the Council could not do everything, it still had a significant part to play.

County Councillor Greg White acknowledged the proposed initiatives were not scalable at the price currently being charged. He also drew attention to another key Government target - to increase bus travel, which he did not believe was workable in North Yorkshire.

Resolved – That:

- i. The proposed public consultation draft of the Electric Vehicle (EV) Public Charging Infrastructure Rollout Strategy for North Yorkshire, be approved.
- ii. A public consultation on the priority actions and measures contained in the strategy be launched.

113 Double Devolution - process for the consideration of identifying pilot town/parish Councils

Considered: A report of the Assistant Director for Policy, Partnerships & Communities seeking agreement for a pilot, inviting town and parish councils to submit expressions of interest in managing services and assets on behalf of North Yorkshire Council, commonly known as double devolution.

County Councillor Greg White introduced the report and highlighted the key points detailed in the report. He noted that for the proposed pilot the intention was to keep the number of participants selected to a maximum of six, noting there would be opportunities for others to participate later. He also drew attention to the proposed timetable detailed in the report and encouraged possible participants to talk to the Council before formally submitting an expression of interest.

Executive Members were supportive of the principle and noted expressions of interest could be for a wide range of services and assets. County Councillor Gareth Dadd drew attention to Thirsk Town Council's eagerness to take on the running of Thirsk Market and questioned whether there was any way it could be expedited. In response, County Councillor Greg White confirmed it could be considered if it could be guaranteed that it would be done correctly. He stressed the importance of ensuring that any transferred services did not subsequently have to be returned due to previously unidentified

difficulties.

County Councillor Michael Harrison recalled the early concern from some Parish and Town Council that the Council was seeking to off-load the delivery of some services, and was pleased to note the report gave reassurance that this was not the case.

Neil Irving Assistant Director for Policy, Partnerships & Communities, confirmed the likely process for the selection of suitable bids would be officer selection based on set criteria, followed by Executive approval. He also confirmed the intention that current budget would be ring-fenced and transferred to maintain the same level of service delivery. Any enhancements to the service would require a precept by the relevant Parish/Town Council.

County Councillor Carl Les welcomed the report and proposal, and it was

Resolved – That:

- i. A pilot inviting town and parish councils to submit expressions of interest in managing services and assets on behalf of North Yorkshire Council be agreed.
- ii. The process, criteria and outline timetable as set out in the report be agreed.

114 Report on progress since the publication of the report of the North Yorkshire Rural Commission in July 2021

Considered: A report of the Assistant Director for Policy, Partnerships & Communities providing an update on progress since the launch of the Rural Commission report in July 2021.

Richard Flinton - Chef Executive, introduced the report outlining the background to the Commission and highlighting the work of the Task Force and the 47 actions arising, as detailed in the Appendix to the report. He drew attention to:

- The work to date and ongoing, to deliver the 47 actions;
- The key achievements in some areas;
- The consultation on the double devolution deal, and;
- Some of the challenges faced by rural communities

County Councillor Gareth Dadd admitted his early scepticism of the Rural Commission but acknowledged it had brought forward the key issues affecting rural communities. He also noted the move to unitary would help with supporting rural communities.

Executive Members expressed gratitude for the work of the Commission and agreed the campaigning and lobbying of central government would need to continue, if the issues affecting rural residents were to be addressed.

Resolved – That:

- i. The report on progress since publication of the report of the North Yorkshire Rural Commission in July 2021 be noted.
- ii. The challenges set out by the Rural Commission and the work undertaken by the Rural Task Force be integrated into the strategy and delivery of North Yorkshire Council.
- iii. The Government be lobbied again on the need for it to recognise the distinctive challenges experienced by rural communities and place the rural dimension and rural problems at the heart of the national policy framework. In particular, by the provision of fairer funding for super-sparse schools, more support for electric vehicle charging

infrastructure, more support for the farming sector and additional resources to achieve digital inclusion in rural communities.

115 Review of Special Educational Needs and Disabilities Provision

Considered - A report of the Corporate Director for Children & Young People's Services seeking a decision on proposals published by North Yorkshire County Council to cease residential provision at Brompton Hall School, extend the designation of the school to co-educational, and increase the number of day places at the school.

County Councillor Annabel Wilkinson introduced the report confirming the proposals came as a result of the reduced demand for residential provision and She also drew attention to the proposed changes detailed in paragraph 4.1 of the report, and the findings from the statutory consultation.

Executive Members expressed support for the proposed changes, and it was

Resolved – That:

- i. The four key issues listed in paragraph 7.3 of the report had been satisfied and therefore the proposals could be determined;
- ii. The following proposals be approved:
 - To remove residential (boarding) provision at Brompton Hall School from 1 September 2024, with no new residential placements made from September 2023.
 - To change from single-sex (boys) to co-educational provision at Brompton Hall School from 1 September 2023.
 - To introduce a phased increase in the number of day places at Brompton Hall School from 67 to up to 85 from 1 September 2023

116 Area Constituency Committee Feedback Report

Considered – A report of the Assistant Chief Executive (Legal & Democratic Services) providing an overview of the key issues considered at a recent meetings of the Area Constituency Committees.

Executive Members noted the feedback on urban growth and the request from 20's Plenty made at the recent Harrogate & Knaresborough Area Constituency Committee (ACC) meeting. They recognised the 20's Plenty request represented a radical departure from the Council's existing Policy and therefore agreed an assessment of the implementation of the existing policy and implications arising from it would be helpful. The Leader therefore proposed that the Executive Member for Highways & Transportation progress that suggestion, in order to develop an informed response to the ACC proposal.

Members also noted the feedback from the Harrogate & Knaresborough Area Constituency Committee on the Cultural Strategy.

Resolved - That the report be noted.

117 Appointments To Outside Bodies

Considered – A report of the Assistant Chief Executive (Legal and Democratic Services) seeking approval for an appointment to the Harrogate and District NHS Foundation Trust Council of Governors

At the meeting, County Councillor Carl Les proposed the following:

- Councillor Nick Brown to replace Councillor John Mann on the Harrogate and District NHS Foundation Trust Council of Governors;
- Councillor Heather Moorhouse to replace Councillor Angus Thompson on the Tees Esk & Wear Valley NHS Foundation Trust;
- Councillors Carl Les & Gareth Dadd to be appointed to the Joint Devolution Committee, with Councillors George Jabbour and Tim Grogan as substitutes;

Resolved: That the proposed changes to appointments as detailed above, be approved

118 Forward Plan

Considered –

The Forward Plan for the period 31 October 2022 to 31 October 2023 was presented.

Resolved - That the Forward Plan be noted.

119 Confidential Minute of the Meeting held on 25 October 2022

Resolved – That the confidential Minute from the meeting held on 25 October 2022 having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

The meeting concluded at 12.28 pm.