

North Yorkshire Council

Selby and Ainsty Area Constituency Committee

Minutes of the meeting of the Selby and Ainsty Area Constituency Committee held at Selby District Council Offices, Selby on 21st September 2023 at 10am.

Present:-

Members:-

Councillors Melanie Davies (Chair), Karl Arthur, Stephanie Duckett, Tim Grogan, Mike Jordan, Andrew Lee, Cliff Lunn, Andy Paraskos, Kirsty Poskitt, Jack Proud, and Arnold Warneken.

Keir Mather, MP – at the invitation of the Chair.

Apologies

Apologies for absence were submitted by Councillors John Cattanach, Mark Crane, Bob Packham and Steve Shaw-Wright

Officers:-

Daniel Harry (Manager Democratic Services), Steve Loach and Gina Muldering (Democratic Services), Aimi Brookes (Senior Development Manager – Waste Management)

Matt Robinson - Head of Resilience and Emergencies – Attended remotely

There were six members of the public present.

Copies of all documents considered are in the Minute Book

26. Minutes

Resolved -

That the Minutes of the meeting held on 15th June 2023, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

27. Appointment of Vice-Chair

It was noted that Councillor John Cattanach had resigned from the position of Vice-Chair to the Committee.

Resolved –

That Councillor Kirsty Poskitt be appointed as Vice-Chair of the Committee until the first meeting following the Annual Council meeting in May 2024.

28. Declarations of Interest

There were no declarations of interest at this stage of the meeting.

29. Public Questions or Statements

Question from Carl Halstad, Beal

The Retreat, on Marsh Lane has an ongoing dispute with the council over a PROW. The council has already removed two illegal obstructions put up by them on the Riverdale entrance to stop the public accessing the PROW.

Previous owners in 2007 built extensions that covered the definitive line of the PROW, and the council failed to enforce it being re directed.

The new owners, Campey estates, and the Tennant, have now erected gates fences and padlocks to stop access, from the marsh lane entrance.

In answer to their proposed planning application they received a response from NYC which stipulated the PROW should remain accessible to the general public, and that the public have the right to deviate on the owners land to access it.

The gates on marsh lane were open on Saturday 16th of September 2023. A group of peaceful villagers took the opportunity to walk to the PROW but that end was also padlocked. The Tennant called the Police and the group were told by officer 1742 that they were trespassing. The officer was shown the council document and ignored the stipulations and issued a verbal section 69 to leave the car park .

My question is has anything changed regarding the public's right to gain access to the PROW.

A response to the issues raised was provided as follows:-.

As has been previously advised we can only take action on the definitive line of the Public Footpath. The newly installed fences and gates that have now been padlocked are on a walked route, and there is no clear legal basis which would allow the Authority to take enforcement action against these structures, as they are on a route that members of the Public have used to deviate around the building extensions, which obstruct the definitive line.

Members of the Public have a Public Right to use the definitive line of the Footpath only.

Trespass is a civil matter that needs to be dealt with between the landowner and the individuals, however, as NYC were not privy to the conversations or events between the Police and the residents over the weekend relating to aggravated trespass, this is not something we can advise on. The Common Law right to deviate around an obstruction, only exists where the deviation is made on to other land of the landowner responsible for the obstruction. There is no right to go onto land of another landowner to avoid the obstruction.

The Countryside Access Service were consulted on the change of use planning application and sent our standard comments. We understand that the application is yet to be determined however any specific questions relating to the planning application must be raised directly with the Selby Planning Team.

I appreciate the situation is frustrating however as a resolution to these matters will take a long time due to the legal requirements we have to conform to and at this stage there is no further information we are able to provide in addition to what we have previously advised Mr Halstad.

Members discussed the issues raised and highlighted the following:-

- A Member noted that this Public Right of Way (PROW) was in his electoral division and that the footpath had been used for a number of years. However, since a new Landlord had taken over at the pub the path had been closed, as access was through the pub and the alternative route goes across land owned by the pub. He noted that the issue had been referred to legal officers but the issue was very complex. It was suggested that the matter required a resolution as soon as possible. The Member stated that he was currently attempting to broker an agreement between the land owner and the Council on this matter.

30. Appointment to Outside Body

A report was submitted by the Assistant Chief Executive (Legal and Democratic Services) inviting Members to make an appointment to the First Ainsty Drainage Board.

It was clarified that the position was available for someone suitably qualified but did not have to be a North Yorkshire Councillor.

In view of this, as the Board required additional representation, and a full review of Outside Body representation was currently taking place, it was suggested that no appointment be made at this meeting, with further consideration given at the next meeting of the Committee to coincide with the review.

Resolved –

That no appointment be made at this meeting, with further consideration given at the next meeting of the Committee in relation to this and any other appointments to Outside Bodies, to coincide with the review.

31. Introduction to new Constituency MP - Keir Mather

The new MP was unavoidably delayed in attending the meeting but introduced himself to Members upon arrival. He stated he was currently sorting out his back office team and had taken ownership of an office, locally, which would provide a place of contact. He stated that it was a privilege to serve the local community, and he would assist, locally, in anyway he could.

Prior to the MPs arrival it had been noted that, previously, the Committee had voted to receive a report from the previous local MP, rather than have him attend, and it was asked whether Members wished to reverse that decision.

Members stated that they were minded to provide an opportunity to attend meetings of the ACC, when the MP was available, and, as with the previous MP, provide an opportunity for a nominated assistant of the MP to attend ACC meetings on his behalf.

Resolved –

That the MP be given an opportunity to attend meetings of the ACC, when he was available, and, a nominated assistant of the MP to attend ACC meetings on his behalf, when he was unable to attend.

32. Changes to Parliamentary boundaries - potential impact on ACC

It was noted that the Members who had requested that this issue be debated at this meeting were now unable to attend and, therefore, it was suggested that the issue be deferred for consideration at a subsequent meeting and that the Members be advised of their need to attend to debate this matter.

It was further suggested that more details were required to assist the debate including maps of how the proposals were being processed and the likely changes to the boundaries identified to give context to the discussions.

Resolved –

The issue be deferred for consideration at a subsequent meeting with additional details provided to assist Members with their discussions.

33. Civil Parking Enforcement

The Clerk read out the following statement from the Head of Parking Services:-

“As you are most probably aware, the former Selby District Council area received its parking enforcement as a result of Service Level Agreements that existed between Harrogate Borough Council and Selby District Council for Off – Street Enforcement and subsequently, Harrogate Borough Council and North Yorkshire County Council for On – Street Enforcement. Up to vesting day that remained the case and enforcement was delivered in accordance with those agreements and then, since vesting day and up until now it is business as usual. It should be noted that equal arrangements exist for Scarborough who service SLA’s with NYCC, Hambleton, Ryedale and Richmond. To that end Parking Services continues to deliver enforcement to the former Selby District Council area with the original agreed number of staff that being 2 Civil Enforcement Officers (CEO’s). For some time, we have had a vacancy in that area and subsequent recruitment campaigns failed to yield any results but this area, i.e., CEO recruitment is especially difficult and has been since COVID and to give some perspective on that we also have 4 vacancies at both Harrogate and Scarborough for example. I am delighted to report, however, that we have successfully recruited a new member of staff for Selby who will begin training shortly making the number back up to the original 2 as mentioned earlier in this report.

The situation going forward. The Environment Directorate has now completed the HoS level of its transition and now those newly appointed HoS have begun the next level of the transition, which is to appoint service managers, the consultation for which, is about to start. Once that is complete the next phase will be to construct an operating model for the service and execute the final piece of the transition puzzle. The Directorate is working towards it all being complete by the end of the calendar year. During the forming of the operating model phase assessments will be made as to the number of enforcement staff being required to successfully service the whole council area, so the Local Transport Plan (LTP), number of restrictions and times of operation of those restrictions and available budget will all be determining factors in the final figures. Please be assured that Parking Services continues to provide the best Service possible to your area.”

A Member stated that despite the recent recruitment there were still insufficient resources to cover the whole area, with many outlying villages receiving little or no coverage. Consideration should be given to how to move this forward and it was suggested that Members should be provided with an input into the review of Civil Parking Enforcement, to allow area issues to be raised.

Resolved –

That appropriate representations be made in respect of Member involvement in the review of Civil Parking Enforcement.

34. Public Transport

The Clerk read out the following statements from officers in Passenger Transport Services:-

Rail

Stations

1. Selby
 - a. Gateway Project – currently reviewing the scheme and costs
 - b. Access for All Project – new bridge and lifts : work continues but there has been a delay due to a few new issues but hopeful of delivery soon
 - c. Ticket Office Closure – NYC responded to the Transport Focus – Ticket Office Closures Consultation which ended 1st September. The Executive Member has written to all Councillors with the response
2. Church Fenton
 - a. Issues with the approach road leading to the car park/station are part of a revised planning application from the housing developer
 - b. The Station has been a focus for Northern I terms of maintenance and cleaning – programme of works to improve the station continues
3. Ulleskelf
 - a. The station has had a partial repaint of the bridge onto the platforms and again a clean of the station is/has been carried out
 - b. The process has also started to see whether the local residents would like to create a station adoption group
4. Both the above stations are part of the Trans-Pennine Route Upgrade and NYC are part of a Station Working Group and there may be future opportunities for small scale improvements

Timetable / Performance

1. The Industrial Action on the railway continues, at the time of writing this no new dates for strike action have been announced. However, issues with Rest Day Working, overtimes and sickness levels have impacted on both Trans-Pennine Trains and more recently Northern.
2. Trans-Pennine Trains (TPT) performance has been poor though improving and is still at higher levels than would be expected.

As part of stabilising the timetable TPT are proposing from December 2023 Timetable, to remove one set of rolling stock (Nova 3) whilst this type of stock does not operate to/from Selby, it is likely to lead to a reduction in capacity across the North and potentially longer journey times on services from Selby to Manchester (not Liverpool) as they stop at intermediate stations. At the time of writing we are awaiting full details of the timetable and train capacity.

3. Northern

Performance has been relatively good, however there have been some issues in the last month and aware that this has led to issues with connections especially at Church Fenton.

Cost is still an issue and there have been some minor changes to the December 2023 timetable mostly around reducing capacity, increasing services and capacity and increasing costs were not considered as part of this timetable.

For York Race days the services into York are reviewed and where possible capacity is increased.

4. Sherburn in Elmet

Trans-Pennine Trains will start a limited service Huddersfield – Wakefield – Castleford – York service, NYC have been lobbying for these trains to stop at Sherburn in Elmet however there are some technical issues and potential cost and this has not been progressed. There is a meeting/workshop planned for October with the Train Operators, Business Park and NYC to understand how we can get trains to stop at Sherburn – in - Elmet in the future/

Other

1. Hull Trains – recently a meeting was held with them and regular meetings will now take place, they have started talking to the Inward Investment team and Visit Selby to work more in partnership
2. Goole – Leeds line: work continues on improving the level of services on this line, cost of the service is an issue and there is more work being done on improving the service in the longer-term

Local bus services in the Selby & Ainsty area:

Arriva Yorkshire made a number of changes to local bus routes in the Selby area from 23 July:

- From the start of September term, Selby College are operating their own transport in place of Services 1,2 and 3 that were previously run by Arriva. As a result, Arriva have introduced a new Service 400 and made changes to Service 401, mainly to accommodate students travelling in from East Yorkshire.
- There was also a major timetable change for Service 164 (Leeds – Sherburn Industrial Estate / Monk Fryston – Selby – Abbots Road) to improve punctuality and most journeys will now run at different times; between Cross Gates and Colton, the service is diverted via The Springs and Thorpe Park.
- Service 415 (York – Designer Outlet – Escrick – Riccall – Selby): additional morning peak journeys were introduced increasing the frequency from every 20 minutes to every 15 minutes and other timetable changes to improve reliability.

Harrogate Bus Company have altered timings of afternoon journeys on Service 8 (Harrogate – Knaresborough – Wetherby) from 04 September which will affect Little Ribston, North Deighton & Kirk Deighton. This is to improve reliability.

Full details can be found via the NYC website at Public transport | North Yorkshire Council

There are no further planned changes to bus services in the Selby & Ainsty area that officers are currently aware of.

Also, the Department for Transport have extended the £2 bus fare cap scheme until 31 October 2023 after which there will be a new capped price of £2.50 per journey which will be in place until November 2024.

LTP Update:

Public engagement for the new Local Transport Plan, under the 'Let's Talk: Transport' brand launched on 22 May 2023 and concluded on 17 July 2023. Analysis is underway and initial figures suggest that more than 4,500 survey responses have been received.

In addition to the online survey paper-based options, including translations, braille and easy read versions, were also available. Further, officers attended 18 public events across the county which varied in type, but included markets, coffee mornings, older people's meetings and youth groups with a view to encouraging completion of the survey, but also to offering opportunities for discussion with NYC officers. Around 250 conversations were held through these events.

A first round of elected member discussion sessions have now taken place on an area constituency committee (ACC) basis. These sessions, which have been held informally between members and officers, provided information on the LTP process, and then offered opportunity for debate and sharing of views. Officers are planning to hold further sessions with members as the plan moves forward and at key stages in its development.

Stakeholder engagement launched over the summer, with stakeholders being contacted initially by email and invited to complete an online survey. Approximately 750 emails were sent out to stakeholders, including around 500 to parish, town and city councils. The YNYLEP have also issued the invitation to participate in the stakeholder engagement through their own existing channels.

Stakeholders have also been offered other opportunities for participation including a stakeholder working group, which like the member discussion sessions, would help to influence the development of the new LTP. Officers are also exploring the potential for thematic stakeholder groups to help guide the development of the plan. It is envisaged that stakeholder engagement will continue throughout the development of the plan, and beyond that as we move into the new LTP delivery phase.

Staff engagement, including a staff in person event, and a staff webinar were held in August and will allow officers working in the highways and transportation directorate, alongside colleagues from other teams to input into the process.

Members highlighted the following issues:-

- Concern was raised regarding the large amount of detail in the statement which may have been difficult to understand on the public broadcast.
- Issues were continuing in Tadcaster with busses running through the town full, particularly the Coastliner service, due, in the main, to the £2 capped fare.

- A Member noted that the West Yorkshire Passenger Transport Strategy had implications for the Constituency area in terms of the potential for additional train services to be provided. The potential had been discussed with the appropriate Executive Member and it was suggested that this be referred back to him to ensure that there was joint planning on these potential services with West Yorkshire.

Resolved –

That the updates, and issues raised, be noted, and any action be undertaken, accordingly.

35. North Yorkshire Councils role in responding and recovering to emergencies

The Head of Resilience and Emergencies was to give a presentation relating to the role of Members and the ACC in responding to and recovering from emergency situations from a remote location, but, unfortunately, there was a problem with the sound and the presentation had to be aborted.

It was suggested that, at this stage, Members contact the officer directly with any questions they wished to raise. Members raised concern regarding the remote communication systems which failed on a regular basis and asked that the position be sorted as soon as possible.

The following issues were raised by Members:-

- The need for effective communications and contact to be in place for the forthcoming winter season was emphasised.
- Contact with local Parish Councils was important to the development of an effective service, and it was suggested that Members could feed in the emerging concerns from their areas through their Parish Council contacts. These could be co-ordinated and circulated via the Clerk.

Resolved –

That the position regarding the presentation be noted and the action suggested be undertaken accordingly.

36. SEND Provision Selby - Selby Special Free School Update

The Head of SEND Strategic Planning and Resources provided an update highlighting the following:-

- Whilst there had been considerable delays to the building of the school, in recent weeks progress had been made in moving the plans forward.
- Recently the DfE had awarded the contract for the construction of the school to a main contractor. A period of public engagement on the plans for the school's construction prior to a planning application later in the autumn would be undertaken over the coming weeks.
- The school itself would be run by Wellspring Multi Academy Trust and would be built to the latest sustainability standards should planning approval be given. It was anticipated that opening of the school will take place in the 2025/26 academic year.
- The school would provide 100 places for children across the age range of 3-19 years and would see a genuine local option being provided for children so they were able to attend school closer to home.

Unfortunately the officer had been unable to attend the meeting to present the report.

Member raised the following issues:-

- Members highlighted how they had been pushing for this provision for a number of years, which had been held up by the DfE, however, the new school development was welcomed, wholeheartedly.
- The Chair stated that a meeting, that would allow both parents and school representatives an opportunity to outline the impact the delays had caused, was required.
- She noted that the current update did not provide a timeline for the provision and it was imperative that this was in place. A Member stated that he had submitted a Freedom of Information request in respect of the delays to the project but was yet to receive a response.
- A Member stated that he had attended a recent exhibition of proposals for the new school and, although impressed, still had concerns relating to additional traffic problems that would be created at the location. Another Member stated that it was good to see the parents of the children affected at the exhibition, and the provision created would enable their children to attend a local school rather than having to travel long distances to get the schooling they required. It was suggested that no further barriers should be put in front of the proposal to ensure the much needed facility was delivered as soon as possible.
- In terms of the meeting the Chair stated that she would like parents, school representatives (Governors and Teachers), local Members, officers and the local MP, to be invited, to discuss, openly, the issues caused by the delays to the school. The Manager of Democratic Services sought clarity on the status of the Meeting, emphasising that a Meeting of the ACC would be bound by the Constitution and would limit speaking times for those involved. However, an ACC meeting was the appropriate arena for feedback to be provided to the Executive. A Public Meeting would not be tied to speaking times but would not provide an appropriate opportunity for feedback. In relation to this it was stated that the Chair would discuss the arrangements with Democratic Services to determine the status of the meeting and advise Members accordingly. It was expected that the meeting would be held in the evening in October.

Resolved –

That the update be noted and a meeting be arranged involving parents, school representatives (Governors and Teachers), local Members, officers and the local MP, the status of which was to be determined by the Chair, in conjunction with Democratic Services officers, with Members advised accordingly.

37. Selby Area Garden Waste Service

The Senior Development Manager – Waste Management presented a report providing an update on the implementation of a subscription garden waste service in the Selby area.

The following details were outlined in the report:-

- Public Consultation
- Service Options
- Communication and Engagement Campaign
- Subscription Levels
- Alternative Garden Waste Disposal Options

An update to the report was provided and it was noted that by the end of week 4 there had been 18709 subscriptions to the service, which was 53.5% of the former district area, which was best level of take-up in North Yorkshire.

Further monitoring was taking place and details on the affect the subscription service has had on fly tipping, in comparison to previous years, would be reported back alongside other details in respect of the service.

It had already been determined that there had been a significant decrease in the amount of contaminated material within green bins.

Composting bins were still available to purchase from the Council.

Members discussed the report and the following issues were highlighted:-

- Members congratulated officers on the development and successful implementation of the subscription service.
- It was clarified that the Compost Bins were available throughout North Yorkshire and were offered at a subsidised rate by the Council.
- Concern was raised on behalf of a disabled person who considered the charges were not appropriate in terms of their limited usage of the subscription. It was also suggested that thought should be given as to the design of the bins for disabled users. In response it was stated that limited amounts of green waste could be placed into the general recycling bin, for those with limited usage, and contact details were requested to allow the service to communicate with the client to outline those amounts. The issue regarding the design of the bin would be taken account of.
- A Member welcomed the improvements that had been made to the service, particularly their communication with the public.
- It was asked why the subscription service had been introduced part way through the year rather than at the beginning of the next financial year. It was explained that there was a need to bring Selby in line with the rest of North Yorkshire as soon as possible to ensure that all areas were operating on an equal basis, and, the budget for 2023/24 included the revenue brought in from the subscription charges. A Member noted that it had not been made clear when the subscription was undertaken that this would only operate 9 months of the year. In response it was stated that the leaflet provided to all households in relation to this made clear the collection dates.

Resolved –

That the report, update and issues raised be noted.

38. Work Programme

Considered -

The report of the Assistant Chief Executive (Legal and Democratic Services) providing a Work Programme for Members to consider, develop and adapt.

Members discussed the following issues:-

- It was suggested that Local Plan Development was an issue that most Members wanted to be brought to the ACC for consideration, preferably to the next meeting. The Leader of the Council, present at the meeting, noted that

this issue had yet to pass through the Executive and was unsure whether it would be available for the next meeting of the ACC.

- It was suggested that Planning Policy engagement be considered at a forthcoming meeting alongside the Local Plan development.
- Reports for information could be circulated well in advance of meetings to allow a focus on the issues that members wish to raise to be determined prior to the meeting, ensuring the discussion had a focus.
- A Member stated that he would like to have reports on water quality and air quality brought to the next meeting of the Committee. The Manager of Democratic and Scrutiny Services stated that more definition was required of what information wished to obtain from such reports as air quality and water quality were issues with huge parameters. The Member stated that he would provide details of the issues he would like to consider outside of the meeting.
- The Chair noted that there were a large amount of issues to be covered by the ACC, with relatively few scheduled meetings and stated that the use of specific virtual meetings, task and finish groups and additional, special meetings would be essential to ensure the interests of the ACC were fully covered. It was noted that virtual meetings in relation to highway enforcement by the Police, the Local Transport Plan and the Council Budget had been arranged. The mid cycle briefing would also be utilised to co-ordinate the various meetings and determine items and their format for consideration, going forward.

Resolved –

- (i) That the issues highlighted above be included in the future work programme, the work programme be adapted accordingly, and consideration be given to the use of a variety of meetings to assist with delivery of the programme;
- (ii) That further consideration be given as to the items to be considered at the next meeting of the ACC at the forthcoming mid-cycle briefing.

39. Next Meeting

Resolved -

That the next meeting of the Committee be held at 2.00pm on Friday 19th January 2024 at Selby Civic Centre.

The meeting concluded at 4.15pm.

SML