



**North Yorkshire
County Council**

Agenda

Meeting: Audit Committee

**Venue: Brierley Room, County Hall,
Northallerton DL7 8AD**

**Date: Thursday 20 December 2018 at
1.30pm, or on the rising of the
informal meeting with the External
and Internal Auditors, whichever is
the later**

**Note: Members are invited to attend a
private meeting with the External and
Internal Auditors to be held at 1pm in
the Brierley Room**

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Business

Enquiries relating to this agenda please contact Ruth Gladstone **Tel: 01609 532555**
Fax: **01609 797141** or e-mail ruth.gladstone@northyorks.gov.uk
www.northyorks.gov.uk

1. **Minutes of the meeting held on 10 October 2018** **(Pages 5 to 10)**
2. **Any Declarations of Interest**
3. **Public Questions or Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice, including the text of the question/statement, to Ruth Gladstone of Democratic Services (*contact details at the foot of the first page of this Agenda*) by midday on Monday 17 December 2018. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

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

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct those taking a recording to cease while you speak.

4. **Progress on Issues Raised by the Committee** – Joint report of the Corporate Director – Strategic Resources and the Assistant Chief Executive (Legal and Democratic Services) **(Pages 11 to 12)**
5. **Review of the Procurement and Contract Procedure Rules** – Report of the Corporate Director – Strategic Resources **(Pages 13 to 74)**
6. **Risk Management – Progress Report** – Report of the Corporate Director – Strategic Resources **(Pages 75 to 98)**

The following item of business will not be considered before 2.30pm

7. **Business and Environmental Services Directorate:-**
 - (a) **Internal Audit Work** – Report of the Head of Internal Audit **(Pages 99 to 104)**
 - (b) **Internal Control Matters** – Report of the Corporate Director – Business and Environmental Services **(Pages 105 to 123)**
8. **Audit Committee Programme of Work 2018/19** **(Page 124)**
9. **Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances**

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)

County Hall
Northallerton

Notes:

Emergency Procedures for Meetings

Fire

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

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

Accident or Illness

First Aid treatment can be obtained by telephoning Extension 7575.

AUDIT COMMITTEE

1. Membership

County Councillors (8)					
	<i>Councillors Names</i>			<i>Political Group</i>	
1	ARTHUR, Karl			Conservative	
2	ATKINSON, Margaret		Vice-Chairman	Conservative	
3	BAKER, Robert			Conservative	
4	CLARK, Jim			Conservative	
5	HUGILL, David			Conservative	
6	LUNN, Cliff		Chairman	Conservative	
7	MACKAY, Don			NY Independents	
8	WEBBER, Geoff			Liberal Democrat	
Members other than County Councillors (Non-voting) (3)					
1	PORTLOCK, David				
2	MARSH, David				
3	GRUBB, Nick				
Total Membership – (11)				Quorum – (3) County Councillors	
Con	Lib Dem	NY Ind	Labour	Ind	Total
6	1	1	0	0	8

2. Substitute Members

Conservative		Liberal Democrat	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	BACKHOUSE, Andrew	1	BROADBANK, Philip
2	COOPER, Richard	2	
3	THOMPSON, Angus	3	
4	PARASKOS, Andy	4	
5	PATMORE, Caroline	5	
NY Independent			
	<i>Councillors Names</i>		
1			
2			
3			
4			
5			

North Yorkshire County Council

Audit Committee

Minutes of the meeting held on Wednesday 10 October 2018 at 3.00pm at County Hall, Northallerton

Present:-

County Councillor Members of the Committee:-

County Councillor Cliff Lunn (Chair); County Councillors Karl Arthur, Margaret Atkinson, Jim Clark, Don Mackay and Geoff Webber

Independent Members of the Committee:-

Mr David Marsh, Mr David Portlock and Mr Nick Grubb

In Attendance:-

Deloitte: Nick Raynor / Paul Thomson

Veritau Ltd: Stuart Cutts (Internal Audit Manager)

County Council Officers: Gary Fielding (Corporate Director – Strategic Resources),
Richard Webb (Corporate Director – Health & Adult Services)
Anton Hodge (AD – Strategic Resources HAS)
Robert Ling (AD – Technology & Change)
Neil Irving (AD – Policy & Partnerships)
Melanie Carr (Democratic Services)

Apology for Absence:-

Apologies for absence were received from County Councillors Robert Baker and David Hugill.

Copies of all documents considered are in the Minute Book

83. Minutes

Resolved -

That the Minutes of the meeting held on 26 July 2018, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

84. Declarations of Interest

There were no declarations of interest.

85. Public Questions or Statements

There were no questions or statements from members of the public.

86. Progress on Issues Raised by the Committee

Considered -

A joint report of the Corporate Director – Strategic Resources and the Assistant Chief Executive (Legal & Democratic Services) which advised of progress on issues which the Committee had raised at previous meetings, together with an update on other matters that related to the work of the Committee.

The Corporate Director – Strategic Resources introduced the report, advising of progress with the two new property funds, and an overview of the work undertaken to rebalance North Yorkshire Pension Fund investment. Committee members also noted the ongoing work to provide Treasury Management support to both Ryedale District Council and Align Property Partners.

Resolved -

That the report be noted.

87. Health and Adult Services Directorate Internal Audit Work & Control Matters

Considered -

- A report of the Head of Internal Audit on internal audit performance during the year ending 31 August 2018 for the Health & Adult Services (HAS) Directorate which reported that the overall opinion of the Head of Internal Audit concerning the framework of governance, risk management and control operated within that Directorate was that it provided Substantial Assurance.
- The report of the Corporate Director – Health & Adult Services which outlined some of the key service risks and governance developments within the Directorate and provided details of the updated Risk Register for the Health & Adult Services Directorate.

Stuart Cutts (Veritau Manager) confirmed the excellent engagement and support from the Health & Adult Services Directorate and together with Richard Webb (Corporate Director – Health & Adult Services), responded to Members' questions, confirming that:

- Regulators provided national oversight of large providers to ensure they were working in a fit and proper way.
- Residential care controls were not in the original scope of works but a detailed piece of work had been scheduled in response to recognised weaknesses in the bed returns process, the results from which would be known early next year. An audit would also be undertaken to identify whether progress had been made.
- In regard to the audit of Direct Payments, the work of the Fraud team had only just concluded, so the follow up audit was yet to start.
- Previous fraud cases had led to prosecutions. The decision to prosecute was a decision following conversations between Legal, Veritau, the Directorate and the Corporate Director - Strategic Resources.
- The population of North Yorkshire generally lived to a good age (80+) which was higher than the national average. There was a high prevalence of early onset dementia and those with complex medical problems were living longer, to which the care market needed to respond.
- Work is undertaken regularly to map access to domiciliary care across the region.
- The transfer of Care from the NHS to Local Authorities means that future reforms will impact on Local Authorities, and evidence shows that Health and Care integrations are more expensive.
- Care sector funding sources are complex and require comprehensive reform.

- Quality Assurance Officers carry out contract and quality inspections and failing providers are supported – closure being a final resort.

Committee members noted the key risks and risk reduction actions detailed in the Directorate Risk Register, and Richard Webb (Corporate Director – Health & Adult Services Directorate) outlined a number of likely key risks beyond 2020 and the action plan in place to tackle the overspend within Care and Support.

Referring to the slides provided at the meeting on addressing the £4m overspend (as set out in the Q1 report), Richard Webb outlined the work undertaken to date and the need for identifying those resources that individuals could access independently, so that directorate resources could be refocused on the provision of additional support and the design of care packages based only on that additional need.

In response to Members' queries about whether interim milestones were in place to track progress on long term actions, and whether the Authority was being too optimistic with some of its post risk reduction assessments, officers expressed their confidence in the Extra Care programme and the Authority's ability to achieve the identified savings.

Officers also confirmed other issues to be addressed included increasing productivity and sickness absence.

Resolved -

- (a) That it be noted that the Committee, having considered the report of the Head of Internal Audit, was satisfied that the internal control environment operating in the Health & Adult Services Directorate was both adequate and effective.
- (b) That the updated Risk Register for the Health & Adult Services Directorate be noted.

88. Internal Audit Report on Information Technology, Corporate Themes and Contracts

Considered -

A report of the Head of the Internal Audit on the internal audit work completed during the year to 31 August 2018 in respect of information technology (IT), corporate themes and contracts and reported that the overall opinion of the Head of Internal Audit concerning the framework of governance, risk management and control operated across the three functional areas was that it provided Substantial Assurance.

Robert Ling (Assistant Director Technology & Change) confirmed that all the necessary skills were held in-house to provide the necessary level of IT internal support to the organisation.

In response to questions raised, it was also confirmed that:

- In regard to Transparency, Veritau were close to finalising the audit on compliance.
- Improvements in transparency had been identified and going forward the right approach was in place to ensure easier online access to information.
- Cyber security was to be discussed at a later time, and it was expected that the LGA would report on how it looked across all Local Authorities in the near future.
- More Member training on cyber security would be required as scams became more and more sophisticated.

Resolved -

That the Committee, having considered the report of the Head of Internal Audit, was satisfied that the internal control environment operating across the three functional areas in IT was both adequate and effective.

89. Business Continuity – Update Report

Considered –

The report of the Head of Resilience and Emergencies which provided an overview of the County Council's current resilience and business continuity arrangements and advised of the continued assurance for the management of risk within Directorates and service areas.

In introducing the report, the Neil Irving (Assistant Director – Policy, Partnerships & Communities) highlighted that the provision of a structured framework for communication and management of information across all Directorates during any disruption allowed informed strategic management decisions to be made across the organisation, thereby identifying priorities in the restoration of critical services. Neil Irving gave a number of examples of how business continuity had been tested – Gas supply issues in Bedale and Helmsley in December 2017, and the Northallerton School incident.

Another example was given by Robert Ling (Assistant Director Technology & Change), who confirmed that during a recent period of severe weather, NYCC's IT system was able to manage over 2000 staff members logging on remotely in one day, peaking at 1500 at one time, made possible by increasing the number of servers ahead of time in preparation.

Gary Fielding (Corporate Director - Strategic Resources) acknowledged that business continuity planning was an on-going process and suggested that Brexit would be a real-life continuity test for NYCC services etc.

It was noted that the Resilience and Emergencies Team and Directorates would continue to work together within the identified structures to ensure robust well-planned and exercised business continuity arrangements were in place to provide the required assurance across the organisation.

Resolved -

That the current business continuity, planning and resilience arrangements within North Yorkshire County Council, and the Management Board endorsement of the County Council's Corporate Business Continuity Plan, be noted.

90. Annual Audit Letter 2017/18

Considered -

KPMG's Annual Audit Letter 2017/18 which summarised the outcome from the audit work carried out by KPMG in respect of the year ended 31 March 2018.

Resolved -

That the Annual Audit Letter be noted

91. Progress on 2018/19 Internal Audit Plan

Considered -

The report of the Head of Internal Audit which advised of progress made in delivering the 2018/19 Internal Audit Plan and any developments likely to impact on the Plan throughout the remainder of the financial year.

Stuart Cutts (Veritau Audit Manager) outlined the authorised variations to the plan since the last progress report. He also drew attention to the forthcoming external assessment of Veritau to be undertaken in November 2018, and highlighted the independent nature of the process.

Resolved -

That the Committee noted:

- The progress made in delivering the 2018/19 Internal Audit programme of work and the variations agreed by the client officer.
- The planned external quality assessment of audit working practices by the South West Audit Partnership

92. Annual Report of the Audit Committee

Considered -

The report of the Chair of the Audit Committee which invited members to consider the draft Annual Report for the year ended 30 September 2018 prior to its submission to the County Council.

The Chair thanked officers for their input in drafting the report.

Resolved -

- (a) That the report be noted.
- (b) That the draft Annual Report of the Audit Committee, as appended to the report, be approved for submission to the County Council.

93. Audit Committee Terms of Reference/Review of Effectiveness

Considered -

The report of the Corporate Director - Strategic Resources asking members to consider whether any changes were required to the Audit Committee's terms of reference, in line with the requirement to review those terms of reference on an annual basis. The Committee was also asked to consider whether to proceed with a review of the Committee's effectiveness and the form and scope of any such review.

Gary Fielding (Corporate Director - Strategic Resources) highlighted the proposed minor changes to the Committee's terms of reference which reflected the updated CIPFA guidance. In regard to the proposed review, he also outlined the various options available to the Committee and the possible ways for conducting such a review i.e. setting up a working group or requesting a peer review.

During discussion, the difference in the role of the Audit Committee to that of an overview and scrutiny committee was noted, together with the arrangements in place to ensure the appropriate audit of the County Council's governance arrangements.

Resolved -

- (a) That it be recommended to the County Council that the proposed changes to the terms of reference of the Audit Committee, as set out in Appendix 1 to the report, be approved.
- (b) That a working group be set up to undertake a review of the Committee's effectiveness, and;
- (c) That the Chair and Gary Fielding seek working group volunteers via email.

94. Audit Committee Work Programme

Considered -

The Committee's Work Programme for 2018/19 which now included the committee meeting dates up to December 2019, as requested at the previous meeting.

Resolved -

That the Work Programme be approved.

The meeting concluded at 4:30 pm.

MLC

NORTH YORKSHIRE COUNTY COUNCIL

AUDIT COMMITTEE

20 December 2018

PROGRESS ON ISSUES RAISED BY THE COMMITTEE

Joint Report of the Corporate Director – Strategic Resources
and the Assistant Chief Executive (Legal and Democratic Services)**1.0 PURPOSE OF THE REPORT**

1.1 To advise Members of

- (i) progress on issues which the Committee has raised at previous meetings
- (ii) other matters that have arisen since the last meeting and that relate to the work of the Committee

2.0 BACKGROUND

2.1 This report is submitted to each meeting listing the Committee's previous Resolutions and / or when it requested further information be submitted to future meetings. The table below represents the list of issues which were identified at previous Audit Committee meetings and which have not yet been resolved. The table also indicates where the issues are regarded as completed and will therefore not be carried forward to this agenda item at the next Audit Committee meeting.

Date	Minute number and subject	Audit Committee Resolution	Comment	Complete?
10.10.18	93 – Audit Committee Terms of Reference / Review of Effectiveness	That a working group be set up to undertake a review of the Committee's effectiveness and that the Chair and Gary Fielding seek working group volunteers via email.	Not progressed as yet – post December meeting issue	X

3.0 TREASURY MANAGEMENT

- 3.1 The Bank of England's Monetary Policy Committee (MPC) voted unanimously to maintain Bank Rate at 0.75% when they met on 01 November 2018.
- 3.2 Following on from the Bank of England's decision to keep interest rates on hold, Link Asset Services – Treasury Management updated their interest rate forecast on 06 November 2018. Link are now forecasting a first bank rate in June 2019, to be followed by further increases in March 2020, December 2020 and July 2021 in order to reach 2.0% by the end of March 2022.

4.0 RECOMMENDATION

4.1 That the Committee considers whether any further follow-up action is required on any of the matters referred to in this report.

GARY FIELDING
Corporate Director – Strategic Resources

BARRY KHAN
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
NORTHALLERTON

20 December 2018

Background Documents: Report to, and Minutes of, Audit Committee meeting held on 10 October 2018

NORTH YORKSHIRE COUNTY COUNCIL

AUDIT COMMITTEE

20th December 2018

REVIEW OF THE PROCUREMENT AND CONTRACT PROCEDURE RULES

Report of the Corporate Director – Strategic Resources

1.0 PURPOSE OF REPORT

- 1.1. To inform Members on the latest thinking relating to potential changes to the Procurement and Contract Procedure Rules (the Rules).

2.0 BACKGROUND

- 2.1. According to the Audit Committee Terms of Reference, the Audit Committee is to review and recommend to the Executive, changes to the Contract Procedure Rules.
- 2.2. A comprehensive review of the Rules takes place following County Council elections every four years; however it is recognised that in the interim there is a need to ensure the Rules are kept up to date for organisational and legal reasons.
- 2.3. This report identifies specific changes to the Rules, set out in **Appendix 1**, for subsequent referral to the Executive. The complete proposed Rules are set out in **Appendix 2**.
- 2.4. As a result of the proposed changes to the Procurement and Contract Procedure Rules, it has been identified that minor amendments will be required to other areas of the Council's Constitution. These are set out in **Appendix 3**.
- 2.5. This report seeks to give members of the Audit Committee an overview of the thinking behind the proposed changes which will take effect from the 1st April 2019, subject to Executive and Full Council approval.

3.0 PROPOSED FUTURE CHANGES

- 3.1. The Rules govern how we procure goods, works and services and align to The Public Contract Regulations 2015.
- 3.2. The Public Contract Regulations 2015 and the Council's Rules aim to:
- Simplify the procurement process

- Speed up the procurement process
- Provide more cost effective procurement processes
- Promote sustainable procurement
- Drive supplier engagement and innovation

3.3. The Procurement and Contract Management Strategy sets the vision of “working collaboratively to deliver efficiencies, value for money and sustainable quality through a proactive commercial approach to procurement and commissioning for the communities of North Yorkshire”. The Public Contract Regulations 2015 support the Council in delivering this vision and the amendments to the Rules in 2016 embraced the new flexibilities. After operating under the new governance for a number of years, and based on consultation feedback from Officers undertaking low value procurements and procurement professionals delivering high value / complex procedures, further changes are recommended. The changes aim to provide clarity and support the Council’s commercial ambitions.

4.0 KEY CHANGES

Powers and Key Decisions

4.1. The wording in the Rules has remained the same however further guidance on the application of Article 13, Decision Making, has been included in the Constitution to provide clarity on circumstances in which a key decision is required. To supplement this further additional operational guidance will be drafted to ensure appropriate application of key decisions in relation to procurement and contract award decisions.

OJEU Tenders

4.2. A new Rule has been included, Rule 11.9, to offer clarity on the process where a contract is terminated within the first 6 months of the contract commencement. This Rule allows for the contract to be awarded to the second placed supplier, with agreement of the Head of Procurement in consultation with the ACE (LDS) provided this demonstrates best value and none of the original award criteria has changed. This rarely happens, however the introduction of this Rule provides clarity in relation to what action officers can take.

Contract Management

4.3. Additional requirements related to contract management have been introduced to reinforce the importance of effectively monitoring and managing contracts.

Authorisations

4.4. Rule 18.1 has been amended and includes a table to clearly outline the officer approvals required in relation to each “gate” within the procurement gateway process. Due to the high value, potential complexity and procurement risks

associated with these procurements, a Director or delegated officer; CD-SR or delegated officer and Assistant Chief Executive Legal & Democratic Services approval is required.

Grants

- 4.5. Whilst additions were made previously in relation to the administering of grants which has proven helpful to officers, it is acknowledged that there remains a degree of ambiguity in relation to the circumstances in which allocating a grant is permissible. This Rule has been expanded further to clearly outline the circumstances in which a grant would be a preferable means to achieving the Council's objectives rather than following a competitive bid / tender process. This guidance is based on best practice from the National Audit Office and other local authorities.
- 4.6. Further to this, for clarity a new Rule has been included to outline the financial threshold where a competitive grants process must be completed.

Quotes

- 4.7. Rule 8 is a new addition to the Procurement and Contract Procedure Rules. The inclusion of guidance around the quote process will provide clarity to Officers specifically related to procuring low value contracts i.e. below £25,000. It also provides clarity on use of the best value form.

Transparency

- 4.8. We will continue to ensure transparency of forthcoming expenditure for contracts using the Forward Procurement Plan (FPP) and the national Contracts Finder system, which is published to all potential suppliers to raise awareness of opportunities to work with the Council.
- 4.9. Where the procurement is subject to the OJEU threshold the opportunity will be published in the official journal. As such all of the above will ensure openness and transparency.

Small and Medium Enterprise (SMEs)

- 4.10. Through our procurement initiatives, including the Corporate Procurement Strategy, we are continuing to ensure that SMEs have access to NYCC contract opportunities, encouraging ways to make it easier for them to do business with us and therefore aiming to increase spend either directly or in supply chains, which goes to SMEs and the local economy.
- 4.11. Through transparency, such as the procurement pipeline, we continue to give businesses timely information, to support investment in skills and capabilities to deliver contracts. We are actively encouraging SMEs to work collaboratively, where deemed appropriate, to deliver contracts.

- 4.12. The prominence of market engagement continues to gain momentum and through our commissioning and procurement cycle, early market intelligence from SMEs and the voluntary and community sector in particular is helping to develop the overarching strategy forward. Moving forward this intelligence will be instrumental in the development of category sourcing strategies in terms of identifying innovative approaches to meeting customer and business needs.
- 4.13. The simplified processes introduced through the last round of changes continue to operate and as such support SMEs as the process is less bureaucratic; time/resource intensive and less costly.

5.0 RECOMMENDATIONS

- 5.1. Members of the Audit Committee are requested to note the contents of the report and to offer any observations in advance of a formal request for changes to the Rules.

Gary Fielding
Corporate Director, Strategic Resources

Author of Report –

Kevin Draisey
Head of Procurement and Contract Management
10 December 2018

Appendix 1CONTRACT PROCEDURE RULESSUGGESTED AMENDMENTS

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		Contract Procedure Rules	Procurement and Contract Procedure Rules	To provide clarity.
		Not currently included	8. Quotes <i>(please note, the insertion of this Rule at section 8 means that all subsequent rule numbering has been amended)</i>	To reflect additional Rule regarding quotes which provides clarity on process.
		15. Exceptions to Contract Procedure Rules	16. Exceptions to Procurement and Contract Procedure Rules	To reflect change as above.
1.1	1.1	These terms will have the following meanings in the Contract Procedure Rules	These terms will have the following meanings in the Procurement and Contract Procedure Rules.	To reflect change as above.
		Best Value Form means the form to be completed to capture the rationale for not seeking bids in accordance with Rule 8.1	Best Value Form means the form to be completed to capture the rationale for not seeking bids in accordance with Rule 8.3	To reflect additional Rule regarding quotes which provides clarity on process.
		CM – means Corporate Contract Manager	CM – means the Contract Manager	To provide clarity.
		Contract Register – means the register of Contract maintained by the Council as set out in Rule 16.8	Contract Register – means the register of Contract maintained by the Council as set out in Rule 17.8	To reflect change to Rule references.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		Directors Recommendation – means a written record of the decision and justification to apply one of the exceptions set out in Rule 15.1 to be signed and kept by the relevant Director	Directors Recommendation – means a written record of the decision and justification to apply one of the exceptions set out in Rule 16.1 to be signed and kept by the relevant Director	To reflect change to Rule references.
		Not currently included	Contract Management Practitioners Group means the Council's practitioner group responsible for improving contract management standards, chaired by the Contracts Manager	To ensure the new practitioner group is sufficiently referenced in the Rules and provide clarity.
		Gateway Process means the Council's value based gateway procurement process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points in the procurement cycle	Gateway Process means the Council's value based gateway commissioning and procurement process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points in the commissioning and procurement cycle	To provide clarity. This change reflects the role of commissioning in this process.
		Not currently included	ITQ means an invitation to quote	To provide clarity.
		Procurement Strategy means the Council's Procurement Strategy as agreed from time to time	Procurement and Contract Management Strategy means the Council's approved Procurement and Contract Management Strategy as agreed from time to time	To provide clarity.
		Rules means these Contract Procedure Rules	Rules means these Procurement and Contract Procedure Rules	To reflect change as above.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		Not currently included	Scheme of Delegation means a record of all duties and responsibilities as delegated under these Rules which is to be maintained by each Director, the CD-SR and the ACE(LDS)	To provide clarity. This change reflects the process in place and ensures an open and transparent list of signatories for audit purposes.
		Waiver Request Form – means the prescribed form to be completed when requesting a waiver in accordance with Rule 15.4	Waiver Request Form – means the prescribed form to be completed when requesting a waiver in accordance with Rule 16.4	To reflect change to Rule references.
N/A	1.2	Not currently included	These Procurement and Contract Procedure Rules form part of the overall control framework within which North Yorkshire County Council operates. They aim to facilitate sound, innovative service delivery by setting out best practice for the administration of all procurement and contract management matters throughout the Council, ensuring a high quality of procurement and contract management information, robust procurement and contract management and enabling good decision making. They should not be viewed as a barrier to executive action and are constantly kept under review to ensure that they remain relevant to the day to day activities of the Council and contribute to the delivery of value for money.	To provide clarity on the role and function of the service.
1.2 (e) (i)	1.3 (e) (i)	Director – Rules 8.6, 15.1(d), (g) and (h), 15.3(b) and 17.1	Director – Rules 9.6, 16.1(d), (g) and (h), and 16.3(b)	To provide clarity. This change reflects that the

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
				Director can delegate their authority in relation to Rule 18.1, therefore removed from this section. Rule 8.6 is now Rule 9.6.
1.2 (e) (ii)	1.3 (e) (ii)	CD-SR – Rules 2.1, 2.4, 2.5, 8.6, 15.1(d), (g) and (h), 15.3(b), 15.4, 15.5, 16.2 and 17.1	CD-SR – Rules 2.1, 2.4, 2.5, 9.6, 16.1(d), (g) and (h), 16.3(b), 16.4, and 16.5	To provide clarity. This change reflects that the CD-SR can delegate their authority in relation to Rule 18.1 therefore removed from this section. Rule 8.6 is now Rule 9.6.
1.2 (e) (iii)	1.3 (e) (iii)	ACE(LDS) - Rules 2.1, 2.4, 8.6, 15.3(b), 15.4 and 17.1	ACE(LDS) - Rules 2.1, 2.4, 9.6, 16.3(b), 16.4 and 18.1	To provide clarity. This change reflects that the CD-SR can delegate their authority in relation to Rule 18.1 therefore removed from this section.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
				Rule 8.6 is now Rule 9.6.
2.1	2.1	These Rules are made by the Council on the advice of the CD-SR (in consultation with the ACE(LDS)) under Article 14.02 of the Constitution.	These Rules are made by the Council on the advice of the CD-SR (in consultation with the ACE(LDS)) under Article 14.02 of the Constitution and define the correct procedures to be followed when the Council enters into any contractual arrangement and should be read in conjunction with the Finance Procedure Rules under Article 14.01 of the Constitution.	Includes reference to Finance Procedure Rules to provide clarity that these Rules relate to the Finance Procedure Rules. .
2.3	N/A	The Council has made Financial Procedure Rules under Article 14.01 of the Constitution which shall be applied in conjunction with these rules.	Delete	This has been incorporated into Rule 2.1 above.
2.8	2.7	Directors shall ensure that all documentation relating to Contracts and procurement processes (including quotations) is retained in accordance with the Council's Records Retention and Destruction Schedule.	Directors and the HoP shall ensure that all documentation relating to Contracts and procurement processes is retained in accordance with the Council's Records Retention and Destruction Schedule.	Includes reference to HoP for clarity. Reference to quotations has also been removed. The rule applies to all documentation so no requirement to separate out quotations.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
2.9	2.8	Where the Council has awarded a contract to any person to supervise or otherwise manage a contract on its behalf such a person shall be required to comply with these Rules as if he were an Officer of the Council.	Where the Council has awarded a contract to any person to supervise or otherwise manage a contract on its behalf such a person shall be required to comply with these Rules as if they were an Officer of the Council.	Replaced 'he' with 'they' to ensure gender-neutral.
2.10	2.9	Wherever appropriate procurement should be undertaken using the standard precedent documents contained in the Procurement Manual applying to SQ's, ITT's or ITB's. Wherever alternative documents are to be used they must be approved by the CD-SR and where appropriate the ACE(LDS).	Wherever appropriate procurement should be undertaken using the standard precedent documents contained in the Procurement Manual applying to SQ's, ITT's or ITB's. Wherever alternative documents are to be used they must be approved by the HoP and where appropriate the ACE(LDS).	Replaced CD-SR with HoP to provide clarity.
N/A	2.10	Not currently included	All Officers shall adhere to the approved Procurement and Contract Management Strategy of the Council.	To ensure a robust process and provide clarity.
N/A	2.11	Not currently included	Where the Council is procuring in partnership with another Authority who are the lead procurer, subject to agreement from the HoP, the Council will follow the lead procurers Procurement and Contract Procedure Rules or equivalent.	To ensure a robust process and provide clarity.
2.11	2.12	Where the total Contract value for procurement is within the values in the first column of Tables 1-3, below, the award procedure in the second column must be followed.	Where the total Contract value for procurement is within the values in the first column of Tables 1-4 , below, the award procedure in the second column must be followed.	To reflect addition of table 4 being added.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
2.11	2.12 Table 1	<p>Up to £25,000 Award Procedure Bids not mandatory. Best Value Form to be completed where Bids are not invited.</p> <p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf).</p>	<p>Up to £25,000 Award Procedure Quotes should be invited in accordance with Rule 8. Quotes do not need to be advertised using the E-Sourcing system or Contracts Finder. If Quotes are not obtained, the Best Value Form must be completed.</p> <p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf, as defined in the Scheme of Delegation).</p>	To ensure a robust process and provide clarity.
2.11	2.12 Table 1	<p>£25,000 up to EU Threshold Award Procedure Bids must be invited in accordance with Rule 8. These must be advertised using the E-Sourcing system and published to Contracts Finder.</p> <p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf).</p>	<p>£25,000 up to EU Threshold Award Procedure Bids must be invited in accordance with Rule 9. These must be advertised using the E-Sourcing system and published to Contracts Finder.</p> <p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf, as defined in the Scheme of Delegation).</p>	To ensure a robust process and provide clarity and to reflect additional Rule at Rule 8.
2.11	2.12 Table 1	<p>Above EU Threshold Award Procedure</p>	<p>Above EU Threshold Award Procedure</p>	To ensure a robust process and

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		<p>Follow the appropriate EU Procedure as set out in Rules 10 and 11. The Director must be informed of the procurement and approval sought through the Gateway Process.</p> <p>Signature / Sealing Contract Two signatures: The Director (or by an Officer authorised by the Director to sign on the Directors behalf).</p> <p>AND The ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf).</p> <p>Sealing (where appropriate) ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf) in accordance with Rule 6.</p>	<p>Follow the appropriate EU Procedure as set out in Rules 11 and 12. Approval must be sought through the Gateway Process.</p> <p>Signature / Sealing Contract Two signatures: The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).</p> <p>AND The ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation).</p> <p>Sealing (where appropriate) ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6.</p>	<p>provide clarity and to reflect additional Rule at Rule 8.</p>
2.11	2.12 Table 2	<p>Up to £25,000 Award Procedure Bids not mandatory. Best Value Form to be completed where Bids are not invited.</p>	<p>Up to £25,000 Award Procedure Quotes should be invited in accordance with Rule 8. Quotes do not need to be advertised using the E-Sourcing system or Contracts Finder. If Quotes are not obtained, the Best Value Form must be completed.</p>	<p>To ensure a robust process and provide clarity.</p>

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		<p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf).</p>	<p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf, as defined in the Scheme of Delegation).</p>	
2.11	2.12 Table 2	<p>£25,001 up to EU Threshold</p> <p>Award Procedure Bids must be invited in accordance with Rule 8. These must be advertised using the E-Sourcing system and published to Contracts Finder.</p> <p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf).</p>	<p>£25,001 up to EU Threshold</p> <p>Award Procedure Bids must be invited in accordance with Rule 9. These must be advertised using the E-Sourcing system and published to Contracts Finder.</p> <p>For Contracts with a value of £1m+, approval must be sought through the Gateway Process</p> <p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf, as defined in the Scheme of Delegation).</p> <p>Contracts with a value in excess of £1m must be sealed by ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6.</p>	To ensure a robust process and provide clarity and to reflect additional Rule at Rule 8.
2.11	2.12 Table 2	<p>Above EU Threshold</p> <p>Award Procedure Follow the appropriate EU Procedure as set out in Rules 10</p>	<p>Above EU Threshold</p> <p>Award Procedure Follow the appropriate EU Procedure as set out in Rules 11 and 12. Approval must be sought through the Gateway Process.</p>	To ensure a robust process and provide clarity and

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		<p>and 11. The Director must be informed of the procurement and approval sought through the Gateway Process.</p> <p>Signature / Sealing Contract Contracts must be sealed by ACE(LDS) (or by an Officer authorised by the ACE(LDS) to sign on his behalf) in accordance with Rule 6.</p>	<p>Signature / Sealing Contract Contracts must be sealed by ACE(LDS) (or by an Officer authorised by the ACE(LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6.</p>	to reflect additional Rule at Rule 8.
2.11	2.12 Table 3	<p>Up to £25,000 Award Procedure Bids not mandatory. Best Value Form to be completed where Bids are not invited.</p> <p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf).</p>	<p>Up to £25,000 Award Procedure Quotes should be invited in accordance with Rule 8. Quotes do not need to be advertised using the E-Sourcing system or Contracts Finder. If Quotes are not obtained, the Best Value Form must be completed.</p> <p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf, as defined in the Scheme of Delegation).</p>	To ensure a robust process and provide clarity.
2.11	2.12 Table 3	<p>£25,000 up to EU Threshold Award Procedure Bids must be invited in accordance with Rule 8. These must be advertised using the E-</p>	<p>£25,000 up to EU Threshold Award Procedure Bids must be invited in accordance with Rule 9. These must be advertised using the E-Sourcing system and published to Contracts Finder.</p>	To ensure a robust process and provide clarity and to reflect additional Rule at Rule 8.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		<p>Sourcing system and published to Contracts Finder.</p> <p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf).</p>	<p>Signature / Sealing Contracts One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Director's behalf, as defined in the Scheme of Delegation).</p>	
2.11	2.12 Table 3	<p>Above EU Threshold</p> <p>Award Procedure Follow the appropriate EU Procedure as set out in Rules 10 and 11. The Director must be informed of the procurement and approval sought through the Gateway Process.</p> <p>Signature / Sealing Contract Two signatures: The Director (or by an Officer authorised by the Director to sign on the Directors behalf).</p> <p>AND The ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf).</p>	<p>Above EU Threshold</p> <p>Award Procedure Follow the appropriate EU Procedure as set out in Rules 11 and 12. Approval must be sought through the Gateway Process.</p> <p>Signature / Sealing Contract Two signatures: The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).</p> <p>AND The ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation).</p> <p>Sealing (where appropriate)</p>	To ensure a robust process and provide clarity and to reflect additional Rule at Rule 8.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		Sealing (where appropriate) ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf) in accordance with Rule 6 .	ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6 .	
2.11	2.12 Table 4	Not currently included	<p>Up to £175,000 over three years</p> <p>Award Procedure A competitive application process should be completed in accordance with Rule 22. Competitive applications do not need to be advertised using the E-Sourcing system or Contracts Finder. If competitive applications are not obtained the Best Value Form must be completed.</p> <p>Signature / Sealing Contract The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).</p>	To ensure a robust process and provide clarity and to reflect additional Rule at Rule 8.
2.11	2.12 Table 4	Not currently included	<p>Above £175,000 – relevant EU Threshold</p> <p>Award Procedure A competitive application process should be completed in accordance with Rule 22. This should be advertised using the E-Sourcing system. The use of Contracts Finder is not mandatory.</p> <p>Signature / Sealing Contract</p>	To ensure a robust process and provide clarity and to reflect additional Rule at Rule 8.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
			The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).	
2.11	2.12 Table 4	Not currently included	<p>Above EU Threshold</p> <p>Award Procedure</p> <p>Where the grant value meets the relevant EU Threshold the Gateway Process must be completed.</p> <p>A competitive process must be completed.</p> <p>The opportunity must be advertised using the E-Sourcing system.</p> <p>The use of Contract Finder is not mandatory.</p> <p>Signature / Sealing Contract</p> <p>Two signatures</p> <p>The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).</p> <p>AND</p> <p>The ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation).</p> <p>Sealing (where appropriate)</p> <p>ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf), as defined in the Scheme of Delegation) in accordance with Rule 6.</p>	To ensure a robust process and provide clarity in relation to allocation of grants.
5.1	5.1	Every contract shall be evidenced in writing (by the use of a purchase order, exchange of correspondence or other written medium).	Every contract shall be evidenced in writing (by the use of a purchase order, exchange of correspondence or other written medium). A signed contract must be in place on or before the service commencement date, unless otherwise agreed by the HoP or ACE(LDS).	To ensure a robust process and provide clarity.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
5.5	5.5	The standard clauses contained in the Procurement Manual relating to the Freedom of Information Act 2000 and the Data Protection Act 1998 shall, wherever possible, be included in all Contracts exceeding £25,000 in value.	The standard clauses contained in the Procurement Manual relating to the Freedom of Information Act 2000 and the Data Protection Act 2018 shall, wherever possible, be included in all Contracts exceeding £25,000 in value.	Replaced 1998 with 2018 to reflect new Data Protection Act legislation.
6.1	6.1	Every written Contract must be either signed or sealed in accordance with this Rule.	Every written Contract must be either signed or sealed in accordance with this Rule. The ACE(LDS) (or an Officer authorised by the ACE(LDS)) will determine whether a Contract must be signed or sealed.	To provide clarity on who has responsibility for determining whether a contract is signed or sealed as a deed.
6.3	6.3	The ACE(LDS) also authorises such Contracts to be signed as outlined in Rule 2.11, Tables 1-3 provided that:-	The ACE(LDS) also authorises such Contracts to be signed as outlined in Rule 2.12, Tables 1-4 and Rule 1.3(e) provided that:-	To reflect additional table 4 being added and the inclusion of the Scheme of Delegation within Rule 1.2(e).
N/A	8.	Not currently included	8. Quotes	To reflect additional Rule regarding quotes.
N/A	8.1	Not currently included	Where the estimated value of a contract is £25,000 or less (taking into account the whole life cost of the contract, including extensions and / or variations and excluding VAT) a minimum of three quotes should be sought. There is no requirement to use	To ensure a robust process and provide clarity regarding quotes

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
			the E-Sourcing system or publish the opportunity on Contracts Finder.	to support a fully auditable process.
N/A	8.2	Not currently included	It is the Officer's responsibility to keep a record of quotes sought for audit purposes and to demonstrate best value has been achieved.	To ensure a robust process and provide clarity regarding quotes to support a fully auditable process.
N/A	8.3	Not currently included	If three quotes are not sought, the contract may be directly awarded using the Best Value Form. It is the Officer's responsibility to complete the Best Value Form.	To ensure a robust process and provide clarity regarding quotes to support a fully auditable process.
8.1	N/A	Where the estimated value of a contract is £25,000 or less, the invitation of Bids is not mandatory but written Bids should be invited where appropriate and best value should always be sought. If an Officer is not seeking three bids then the Best Value Form must be completed to capture the rationale for this decision.	Delete	This is now reflected within Rule 8 Quotes.
8.7	9.6	A Bid cannot be accepted where the value exceeds the relevant EU Threshold. If the value of the Bid exceeds the EU Threshold a Director must seek tenders in	A Bid cannot be accepted where the value exceeds the relevant EU Threshold. If the value of the Bid exceeds the EU Threshold a Director must seek tenders in accordance with Rules 11 and 12 .	To reflect change to Rule references.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		accordance with Rules 10 and 11.		
8.9	9.8	Bids may be altered only in accordance with Rule 9.	Bids may be altered only in accordance with Rule 10.	To reflect change to Rule references.
N/A	9.9	Not currently included	Where a Contract is terminated within the first six months of the contract commencement date, the Council may award the contract to the second placed supplier, provided that this demonstrates Best Value and with agreement from the HoP in consultation with the appropriate SCM.	To provide clarity in relation to flexibilities and ensure these are managed in a robust manner which supports an auditable processes.
9.1	10.1	Post Bid negotiations may not be undertaken where the value of the Contract exceeds the relevant EU Threshold. If the value of the Bid exceeds the EU Threshold, the Director must invite tenders in accordance with Rules 10 and 11.	Post Bid negotiations may not be undertaken where the value of the Contract exceeds the relevant EU Threshold. If the value of the Bid exceeds the EU Threshold, the Director must invite tenders in accordance with Rules 11 and 12.	To reflect change to Rule references.
9.3	10.3	Rules 9.1 and 9.2 shall not operate to prevent clarification of all or part of any Bid to the extent permitted by law and where such clarifications are sought the provisions of Rules 9.2 (c) and 9.2 (d) shall apply, except that the word “clarification” shall be	Rules 10.1 and 10.2 shall not operate to prevent clarification of all or part of any Bid to the extent permitted by law and where such clarifications are sought the provisions of Rules 10.2 (c) and 10.2 (d) shall apply, except that the word “clarification” shall be substituted for the word “negotiation” in these rules.	To reflect change to Rule references

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		substituted for the work “negotiation” in these rules.		
10.1	11.1	Tenders for Contracts which exceed the EU Threshold shall be invited and awarded in accordance with the PCR’s and as prescribed in Rule 10 and 11 .	Tenders for Contracts which exceed the EU Threshold shall be invited and awarded in accordance with the PCR’s and as prescribed in Rule 11 and 12 .	To reflect change to Rule references
10.7	11.7	All Tenders undertaken in accordance with Rule 10 shall have a minimum of 3 appropriate Officers (excluding the Procurement and Contract Management Service representative) to undertake the evaluation process.	All Tenders undertaken in accordance with Rule 11 shall have a minimum of 3 appropriate Officers (excluding the Procurement and Contract Management Service representative) to undertake the evaluation process.	To reflect change to Rule references
N/A	11.8	Not currently included	All evaluation panel members must have completed the evaluation training prior to completing any evaluation process.	To ensure a robust process and provide clarity.
N/A	11.9	Not currently included	Where a Contract is terminated within the first six months of the contract commencement date, the Council may award the contract to the second placed supplier with agreement from the HoP in consultation with the ACE(LDS) provided that this demonstrated Best Value and none of the original award criteria has changed.	To ensure a robust process and support a fully auditable process.
11.1 (xi)	12.1 (xi)	Light Touch Regime (as prescribed by Regulations 74-76)	Social and Other Specific Services (Light Touch Regime) (as prescribed by Regulations 74-76)	Regulations 74-76 refer to Social and Other Specific Services, rather than Light Touch

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
				Regime and so has been changed for consistency.
12.1 (c)	13.1 (c)	(subject to Rule 12.4) it has been received by the OJEU Tender closing date and time.	(subject to Rule 13.4) it has been received by the OJEU Tender closing date and time.	To reflect change to Rule references.
12.4	13.4	If an OJEU Tender is received after the specified closing date and time it may not be considered unless the ACE(LDS) is satisfied that the OJEU Tender was submitted electronically or posted or otherwise dispatched in sufficient time to be delivered before the specified time but that delivery was prevented by an event beyond the control of the Participant.	If an OJEU Tender is received after the specified closing date and time it may not be considered unless the HoP is satisfied that the OJEU Tender was submitted electronically or posted or otherwise dispatched in sufficient time to be delivered before the specified time but that delivery was prevented by an event beyond the control of the Participant.	Replaced CD-SR with HoP to provide clarity.
13.1	14.1	The Responsible Officer shall evaluate OJEU Tenders using the evaluation model published in accordance with Rule 10.2 .	The Responsible Officer shall evaluate OJEU Tenders using the evaluation model published in accordance with Rule 11.2 .	To reflect change to Rule references
13.5	14.5	On completion of the evaluation of the OJEU Tenders received and once all internal approvals have been obtained through the Gateway Process (Gate 3), the HoP shall write to all Participants informing them of the outcome of	On completion of the evaluation of the OJEU Tenders received and once all internal approvals have been obtained through the Gateway Process (Gate 3), the HoP (or an Officer authorised by the HoP) shall write to all Participants informing them of the outcome of the OJEU Tender evaluation and providing feedback on the content of their submission, in accordance with Regulation 55 of the PCR's.	To ensure a robust process and provide clarity.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		the OJEU Tender evaluation and providing feedback on the content of their submission, in accordance with Regulation 55 of the PCR's.		
13.6	14.6	The HoP shall wait a minimum of ten days (15 days if not sent electronically) from the date of issue of the letters notifying the Participants of the result of the evaluation before completing the Contract with the successful Participant.	The HoP (or an Officer authorised by the HoP) shall wait a minimum of ten days (15 days if not sent electronically) from the date of issue of the letters notifying the Participants of the result of the evaluation before completing the Contract with the successful Participant.	To ensure a robust process and provide clarity.
13.7	14.7	The HoP shall send for publication a Contract Award Notice stating the outcome of the procurement procedure no more than 30 days after the award of the Contract.	The HoP (or an Officer authorised by the HoP) shall send for publication a Contract Award Notice stating the outcome of the procurement procedure no more than 30 days after the award of the Contract.	To ensure a robust process and provide clarity.
14.1	15.1	The Local Government (Contracts) Act 1997 clarified the power of local authorities to enter into certain contracts, including Private Finance Initiative Contracts. Where Contracts need to be certified under the 1997 Act, only the following Officers are authorised to do so: the Corporate Director Children and	The Local Government (Contracts) Act (LGCA) 1997 clarified the power of local authorities to enter into certain contracts, including Private Finance Initiative Contracts. Where Contracts need to be certified under the 1997 Act, only the following Officers are authorised to do so: the Corporate Director Children and Young People's Service, the Corporate Director Business and Environmental Services, the Corporate Director Health and Adult Services, the Director of Public Health, the ACE(LDS) and the CD-SR. Any contract which requires certifying as a LGCA contract, must have approval from the Council's Executive.	To ensure a robust process and provide clarity that these contracts must have approval from the Council's Executive.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		Young People's Service, the Corporate Director Business and Environmental Services, the Corporate Director Health and Adult Services, the Director of Public Health, the ACE(LDS) and the CD-SR.		
15.0	16.0	Exceptions to contract procedure rules	Exceptions to procurement and contract procedure rules	To reflect change to Rule references and to amend the Rule title.
15.1	16.1	A Director does not need to invite bids in accordance with Rule 8 in the following circumstances:-	A Director does not need to invite bids in accordance with Rule 9 in the following circumstances:-	To reflect change to Rule references
15.3	16.3	A Director does not need to invite OJEU Tenders in accordance with Rule 10 and 11 in the following circumstances:-	A Director does not need to invite OJEU Tenders in accordance with Rule 11 and 12 in the following circumstances:-	To reflect change to Rule references.
15.4	16.4	Specific exceptions to Rule 8 are permitted in such other circumstances as the CD-SR and the ACE(LDS) may agree.	Specific exceptions to Rule 9 are permitted in such other circumstances as the CD-SR and the ACE(LDS) may agree.	To reflect change to Rule references
15.6	16.6	The CD-SR shall maintain a register of all requests made under this Rule and the responses given to them.	Any requests for waivers shall be made in consultation with the relevant SCM's, and be signed, dated and kept. The Procurement and Contract Management Service shall maintain a register of all waivers made under this Rule.	To ensure a robust process and provide clarity.
16.1	17.1	Every officer shall comply with these Rules and any	Every Officer shall comply with these Rules and any unauthorised failure to do so may lead to disciplinary action.	officer changed to Officer to reflect

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		unauthorised failure to do so may lead to disciplinary action.		defined term for clarity.
N/A	17.9	Not currently included	All Responsible Officers will notify the Procurement and Contract Management Service of any contract awarded below £25,000. The Responsible Officer will use the format prescribed by the Procurement and Contract Management Service and report this information quarterly.	To ensure a robust process and improve visibility of contracts.
16.9 (a)	17.10 (a)	All relevant Contracts (including those Contracts to which Rule 15 applies) are entered onto the Contract Register.	All relevant Contracts (including those Contracts to which Rule 16 applies) are entered onto the Contract Register.	To reflect change to Rule references
16.10	17.11	When a Contract in excess of £25,000 is awarded the Procurement and Contract Management Service shall ensure that such information as is prescribed in the PCR's is published on Contracts Finder via the E-Sourcing system.	When a Procurement leading to a Contract in excess of £25,000 is awarded the Procurement and Contract Management Service shall ensure that such information as is prescribed in the PCR's is published on Contracts Finder via the E-Sourcing system. This does not apply to Grants as detailed in Rule 2.12 Table 4 .	To ensure a robust process and provide clarity on the process for grants
17.1	18.1	When a procurement is being considered which is expected to exceed the financial value thresholds specified in Rule 17.2 the Gateway Process must be completed and signed off by the relevant Officers, as detailed in Table 4 below.	When a procurement is being considered which is expected to exceed the financial value thresholds specified in Rule 18.2 the Gateway Process must be completed and signed off by the relevant Officers, as detailed in Table 5 below.	To reflect change to Rule references

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
17.1 Table 4	18.1 Table 5	Gateway Process gate Gate 1 – Options Appraisal / Project Initiation Document	Gateway Process gate Gate 1 – Commissioning and Procurement Options Appraisal	To clarify use of the document.
17.1 Table 4	18.1 Table 5	Gate 1 – Approval process PAB AND The relevant Director or <i>Procurement Assurance Board to decide as appropriate</i> AND The ACE(LDS)	Gate 1 – Approval process PAB AND The relevant Director or delegated Assistant Director AND Finance – CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate</i> AND The ACE(LDS)	To ensure a robust process and provide clarity in relation to the scheme of delegation.
17.1 Table 4	18.1 Table 5	Gate 3 – Approval process PAB AND The relevant Director or <i>Procurement Assurance Board to decide as appropriate</i>	Gate 3 – Approval process PAB AND The relevant Director or delegated Assistant Director AND Finance – CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate</i>	To ensure a robust process and provide clarity in relation to the scheme of delegation.
17.1 Table 4	18.1 Table 5	Gate 4(a) – Approval process PAB AND The relevant Director or <i>Procurement Assurance Board to decide as appropriate</i> AND The ACE(LDS) – only in cases where the extension is not part of	Gate 4(a) – Approval process PAB AND The relevant Director or delegated Assistant Director AND Finance – CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate</i> AND The ACE(LDS) – only in cases where the extension is not part of the original contract.	To ensure a robust process and provide clarity in relation to the scheme of delegation.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		the original contract, or where the variation is a material change.		
17.1 Table 4	18.1 Table 5	Gate 4(b) – Approval process PAB AND The relevant Director or DMT <i>Procurement Assurance Board to decide as appropriate</i>	Gate 4(b) – Approval process PAB AND The relevant Director or delegated Assistant Director AND Finance – CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate</i>	To ensure a robust process and provide clarity in relation to the scheme of delegation.
17.2	18.2	The whole contract financial value thresholds for the purposes of Rule 17.1 are:	The whole contract financial value thresholds for the purposes of Rule 18.1 are:	To reflect change to Rule references.
17.3	18.3	No action leading towards procurement, including any steps to undertake a further competition under an existing PSBOs framework arrangement or other legally compliant framework agreement accessible by the Council, shall be undertaken until confirmation of the process has been given under the terms set out in Rule 17.1 .	No action leading towards procurement, including any steps to undertake a further competition under an existing PSBOs framework arrangement or other legally compliant framework agreement accessible by the Council, shall be undertaken until confirmation of the process has been given under the terms set out in Rule 18.1 .	To reflect change to Rule references.
18.	19.	18. Contract Monitoring	19. Contract Management	To reflect change to Rule references and title amended from monitoring to management.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
18.1	19.1	The Responsible Officer and the CM, in relation to all corporate contracts shall take all such steps as are appropriate to monitor and review the performance of the Contract, having regard to its value, nature, duration and subject matter. As part of the monitoring and review process the Responsible Officer shall maintain adequate records of Contract performance and details of review meetings with the Contractor. Such records and details shall be made available to Internal Audit whenever required and shall be recorded in any relevant Gateway Process report (Gate 4). Such records shall also be used on the basis for any permitted extension to the Contract.	The Responsible Officer shall take all such steps as are appropriate to monitor and review the performance of the Contract, having regard to its value, nature, duration and subject matter. As part of the monitoring and review process the Responsible Officer shall maintain adequate records of Contract performance and details of review meetings with the Contractor. Such records and details shall be made available to Internal Audit whenever required and shall be recorded in any relevant Gateway Process report (Gate 4). Such records shall also be used on the basis for any permitted extension to the Contract.	Removed reference to Corporate Contract Manager as they are the Responsible Officer for corporate contracts. This is to provide clarity.
N/A	19.2	Not currently included	Where appropriate the Responsible Officer involved in contract management shall have received a level of formal training commensurate with the nature of the contract.	To ensure a robust process and emphasise the importance of contract management.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
N/A	19.3	Not currently included	Where appropriate the Responsible Officer will attend the Contract Management Practitioners Group.	This change reflects the implementation of the Group and supports the importance of contract management
18.3	19.5	Contracts with a value in excess of the relevant EU Threshold may be varied or extended in accordance with the terms of that Contract or as outlined in Regulation 72 of the PCR's. Approval must be sought in accordance with Rule 17.1 , (Table 4 – Gateway Process – Authorisation to Approve Gate 4a).	Contracts with a value in excess of the relevant EU Threshold may be varied or extended in accordance with the terms of that Contract or as outlined in Regulation 72 of the PCR's. Approval must be sought in accordance with Rule 18.1 , (Table 5 – Gateway Process – Authorisation to Approve Gate 4a).	To reflect change to Rule references.
18.4	19.6	If an Officer requires a Contract which exceeds the financial values stated in Rule 17.2 to be terminated then this must be done in accordance with the terms of the Contract or as outlined in Regulation 72 of the PCRs. Approval must be sought in accordance with Rule 17.1 ,	If an Officer requires a Contract which exceeds the financial values stated in Rule 18.2 to be terminated then this must be done in accordance with the terms of the Contract or as outlined in Regulation 72 of the PCRs. Approval must be sought in accordance with Rule 18.1 , (Table 5 – Gateway Process – Authorisation to Approve Gate 4b)	To reflect change to Rule references.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		(Table 4 – Gateway Process – Authorisation to Approve Gate 4b)		
N/A	21.1	Not currently included	To ensure that persons involved in the procurement process are aware of, and adhere to the principles of impartiality and professional standards when dealing with, and completing commercial undertakings, a Conflict of Interest and Confidentiality Undertaking Declaration form is required. This must be completed by all members of the evaluation panel upon commencement of the project.	To ensure a robust and fully auditable process through the implementation of the relevant form.
20.1	21.2	If it comes to the knowledge of a Member, Responsible Officer or other Officer that a Contract in which he has an interest (determined in accordance with the Members' and / or Officer's Code of Conduct as appropriate) has been or is proposed to be entered into by the Council, he shall immediately give written notice to the ACE(LDS).	If it comes to the knowledge of a Member, Responsible Officer or other Officer that a Contract in which they have an interest (determined in accordance with the Members' and / or Officer's Code of Conduct as appropriate) has been or is proposed to be entered into by the Council, they shall immediately give written notice to the ACE(LDS).	Replaced 'he' to 'they' to be gender-neutral.
N/A	22.1	Not currently included	The Council cannot procure services which it is itself required to deliver by means of a grant. The Council may grant-fund third party organisations to help deliver community cohesion or to provide complementary activities.	To ensure a robust process and provide clarity regarding grant funding.
21.1	22.2	Director shall consider when procuring the provision of the Services, Supplies Works or Social & Other Specific Services,	Taking into account 21.1 above Directors and the HoP shall consider when procuring the provision of the Services, Supplies Works or Social & Other Specific Services, whether a grant would be a preferable means to achieving its objectives rather	To ensure a robust process and provide clarity

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		<p>whether a grant would be a preferable means to achieving its objectives rather than following a competitive Bid process. A grant may only be awarded in circumstances where:</p> <ul style="list-style-type: none"> • There is the legal power to make a grant for the purpose envisaged; • It does not contravene EU rules on state aid. 	<p>than following a competitive Bid process. A grant may only be awarded in circumstances where:</p> <ul style="list-style-type: none"> • There is the legal power to make a grant for the purpose envisaged; • It does not contravene EU rules on state aid. 	<p>regarding grant funding.</p>
21.2	22.3	<p>Where the value of a Grant exceeds £25,000, the Director shall have the discretion to conduct a competitive application process for the award of that Grant if doing so demonstrates best value for the Council. If a Director is not conducting a competitive application process then the Best Value Form must be completed to capture the rationale for the decision.</p>	<p>Where the value of a Grant is less than £175,000 over 3 years, the Director shall have the discretion to conduct a competitive application process for the award of that Grant if doing so demonstrates best value for the Council. If a Director is not conducting a competitive application process then the Best Value Form must be completed to capture the rationale for the decision.</p>	<p>To ensure a robust process and provide clarity regarding grant funding.</p>
N/A	22.4	<p>Not currently included</p>	<p>Where the value of the Grant exceeds £175,000 over 3 years but is less than the relevant EU Threshold detailed in Rule 2.12 Table 4 a competitive grants process must be completed. The opportunity must be advertised on the Council's E-Sourcing system.</p>	<p>To ensure a robust process and provide clarity regarding grant funding.</p>

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
21.3	22.5	Where the value of a Grant exceeds the relevant EU Thresholds, the Director shall complete the Gateway Process in accordance with Rule 17 .	Where the value of a Grant exceeds the relevant EU Thresholds, the Gateway Process must be completed in accordance with Rule 18 . A competitive process must be completed and the opportunity must be advertised on the council E-Sourcing system.	To ensure a robust process and provide clarity regarding grant funding and to reflect change to Rule references.

Procurement and Contract Procedure Rules

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*These Rules constitute the Council's Standing Orders in relation to contracts under Section 135 of the Local Government Act 1972 and apply to all contracts (excluding those stated in **Rule 2.2**), including those made in the course of the discharge of functions which are the responsibility of the Executive.*

1 INTRODUCTION

1.1 These terms will have the following meanings in the Procurement and Contract Procedure Rules:-

ACE(LDS)	means Assistant Chief Executive (Legal and Democratic Services)
Best Value Form	means the form to be completed to capture the rationale for not seeking bids in accordance with Rule 8.3
CD-SR	means the Corporate Director - Strategic Resources
CM	means the Contracts Manager
Constitution	means the Council's Constitution of which these Rules form part
Contract	means any agreement made between the Council and any other person which is intended to be legally enforceable and involves the acceptance of an offer made by one party to commit itself to an action or series of actions and subject to the exceptions in Rule 2.2
Contracts Finder	means the web-based portal as described in the PCRs
Contract Register	means the register of Contracts maintained by the Council as set out in Rule 17.8
Contract Management Practitioners Group	means the Council's practitioner group responsible for improving contract management standards, chaired by the Contracts Manager
Contractor	means a person or entity with whom the Council has a Contract
Council	means North Yorkshire County Council
Director	means the Chief Executive Officer; Corporate Director Business and Environmental Services; Corporate Director Health and Adult Services; Corporate Director Children and Young People's Service; Corporate Director - Strategic Resources as the context requires
Directors Recommendation	means a written record of the decision and justification to apply one of the exceptions set out in Rule 16.1 to be signed and kept by the relevant Director

DMT	means the Directorate Management Team
Electronic Signatures	means an advanced electronic signature which is: <ul style="list-style-type: none"> (i) uniquely linked to the signatory; and (ii) capable of identifying the signatory; and (iii) created using means that the signatory can maintain under his/her sole control; and (iv) linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.
E-Sourcing system	means the Council's chosen E-sourcing system (currently YORtender) or an approved alternative
EU	means the European Union
EU Threshold	means the current threshold above which the PCR's apply, currently £181,302 for services and supplies £615,278 for social and other specific services and £4,511,413 for works
FPP	means the Forward Procurement Plan which outlines all future procurement requirements of the Council
Framework Agreement	means an agreement with one or more contracting authorities and one or more economic operator which establishes an arrangement for: <ul style="list-style-type: none"> (i) multiple orders to be placed with one Contractor (a single supplier framework), or (ii) a framework of multiple Contractors to engage in further competitions (a multiple supplier framework)
Gateway Process	means the Council's value based gateway commissioning and procurement process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points in the commissioning and procurement cycle
HoP	means the Head of Procurement
Internal Audit	means the Council's appointed internal auditors (currently Veritau)
ITB	means an Invitation to Bid
ITQ	means an Invitation to Quote

ITT	means an Invitation to Tender
Key Decision	means a decision made in connection with the discharge of a function which is the responsibility of the Executive set out in Article 13.03(b) of the Constitution [http://democracy.northyorks.gov.uk/]
Leasing Agreement	means a Contract for the provision of finance to enable goods or services to be obtained and where ownership in those goods does not automatically pass to the Council at the end of the Contract period
LDSO	means a Legal and Democratic Services Officer
MEAT	means the Most Economically Advantageous Tender
Member	means a member of the Council or co-opted member on a Council committee
Officer	means a Council employee or other authorised agent
OJEU	means the Official Journal of the European Union
OJEU Tender	means the procurement process to be followed where the estimated whole life value of a Contract exceeds the relevant EU Threshold
PAB	means the Procurement Assurance Board, chaired by the HoP
Participant	means a person or entity participating in a procurement process, who has expressed an interest in tendering for a Contract or who has tendered for a Contract
PSBO	means Public Sector Buying Organisation
PCR	means the Public Contracts Regulations 2015
Person	means any individual, partnership, company, trust, other local authority, Government department or agency
Procurement Manual	means the manual to accompany these Rules which provides detailed guidance on procurement techniques and the effect of the Rules
Procurement and Contract Management Strategy	means the Council's approved Procurement and Contract Management Strategy as agreed from time to time
Property Contract	means a Contract which creates an estate or interest in land or buildings
Responsible Officer	means the Officer who is responsible for the procurement and/or management of a Contract

Rules	means these Procurement and Contract Procedure Rules
SCM	means Senior Category Manager
Scheme of Delegation	means a record of all duties and responsibilities as delegated under these Rules which is to be maintained by each Director, the CD-SR and the ACE(LDS)
Services or Supplies	means as defined in Regulation 2 of the PCRs
Social and Other Specific Services	means those services defined as such in Schedule 3 of the PCRs
SQ	means the Selection Questionnaire
Waiver Request Form	means the prescribed form to be completed when requesting a waiver in accordance with Rule 16.4
Works	means as defined in Regulation 2 of the PCRs

1.2 These **Procurement and Contract Procedure Rules** form part of the overall control framework within which North Yorkshire County Council operates. They aim to facilitate sound, innovative service delivery by setting out best practice for the administration of all procurement and contract management matters throughout the Council, ensuring a high quality of procurement and contract management information, robust procurement and contract management and enabling good decision making. They should not be viewed as a barrier to executive action and are constantly kept under review to ensure that they remain relevant to the day to day activities of the Council and contribute to the delivery of value for money.

1.3 References in these Rules to:-

- (a) any legislation (e.g. Act, Statutory Instrument, EU Directive) include a reference to any amendment or re-enactment of such legislation;
- (b) the value of any Contract are to the total estimated aggregate gross value payable over the full period of the Contract including any options or extensions to the Contract without any deduction for income due to the Contractor or the Council;
- (c) the singular include the plural and vice versa;
- (d) the masculine include the feminine and vice versa;
- (e) Directors, the CD-SR and the ACE(LDS) shall be taken to include such Officers as are designated by those officers to undertake the duties and responsibilities set out in these Rules, except in the case of the following Rules:-

- (i) Director - **Rules 9.6, 16.1(d), (g) and (h), and 16.3(b)**
- (ii) CD-SR - **Rules 2.1, 2.4, 2.5, 9.6, 16.1(d), (g) and (h), 16.3(b), 16.4, 16.5, and 17.2**
- (iii) ACE(LDS) - **Rules 2.1, 2.4, 9.6, 16.3(b), 16.4 and 18.1**

where delegation is not permitted. A record of all duties and responsibilities as delegated under these Rules is to be maintained by each Director, the CD-SR and the ACE(LDS).

2 GENERAL

- 2.1 These Rules are made by the Council on the advice of the CD-SR (in consultation with the ACE(LDS)) under Article 14.02 of the Constitution and define the correct procedures to be followed when the Council enters into any contractual arrangement and should be read in conjunction with the Financial Procedure Rules under Article 14.01 of the Constitution.
- 2.2 These Rules apply to all Contracts for Works, Supplies, Services or Social and Other Specific Services but do not apply to:-
 - (a) contracts of employment;
 - (b) property contracts (which are covered by the Property Procedure Rules); and
 - (c) financial instruments (including, but without limitation, shares, bonds, bills of exchange, future or options contracts) (which are covered by the Financial Procedure Rules).
- 2.3 The CD-SR (in consultation with the ACE(LDS)) shall review the application and effect of these Rules and make an annual report or as required but no less than once per year to the Audit Committee recommending such amendments to the Rules as are considered appropriate.
- 2.4 The CD-SR has produced a Procurement Manual which sets out important issues to be considered in the procurement context. These Rules should be read in conjunction with the Procurement Manual.
- 2.5 The CD-SR has also produced a Finance Manual which gives advice on financial procedures.
- 2.6 Where a Contract for the acquisition or hire of goods or services involves any form of Leasing Agreement to finance the transaction then the CD-SR shall undertake the negotiation of terms and authorise the arrangement in accordance with Rule 9.3 of the Financial Procedure Rules.
- 2.7 Directors and the HoP shall ensure that all documentation relating to Contracts and procurement processes is retained in accordance with the Council's Records Retention and Destruction Schedule.
- 2.8 Where the Council has awarded a Contract to any person to supervise or otherwise manage a Contract on its behalf such a person shall be required to comply with these Rules as if they were an Officer of the Council.
- 2.9 Wherever appropriate procurement shall be undertaken using the standard precedent documents contained in the Procurement Manual applying to SQ's, ITT's or ITBs. Wherever alternative documents are to be used they must be approved by the HoP and where appropriate the ACE(LDS).

- 2.10 All Officers shall adhere to the approved Procurement and Contract Management Strategy of the Council.
- 2.11 Where the Council is procuring in partnership with another Authority who are the lead procurer, subject to agreement from the HoP, the Council will follow the lead procurers Procurement and Contract Procedure Rules or equivalent.
- 2.12 Where the total Contract value for procurement is within the values in the first column of Tables 1-4, below, the award procedure in the second column must be followed.

Table 1: Goods and Services (excluding Social & Other Specific Services)

Total Contract Value	Award Procedure	Signature/Sealing Contract
Up to £25,000	Quotes should be invited in accordance with Rule 8 . Quotes do not need to be advertised using the E-Sourcing system or Contracts Finder. If Quotes are not obtained the Best Value Form must be completed.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
£25,001 up to EU Threshold (currently £181,302)	Bids must be invited in accordance with Rule 9 . These must be advertised using the E-Sourcing system and published to Contracts Finder.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
Above EU Threshold (currently £181,302)	Follow the appropriate EU Procedure as set out in Rules 11 and 12 . Approval must be sought through the Gateway Process.	Two signatures: The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation). AND The ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation). Sealing (where appropriate) ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6 .

Table 2: Works

Total Contract Value	Award Procedure	Signature/Sealing Contract
Up to £25,000	Quotes should be invited in accordance with Rule 8 . Quotes do not need to be advertised using the E-	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign

Total Contract Value	Award Procedure	Signature/Sealing Contract
	Sourcing system or Contracts Finder. If Quotes are not obtained the Best Value Form must be completed.	on the Directors behalf, as defined in the Scheme of Delegation).
£25,001 up to EU Threshold (currently £4,511,413 for Works)	Bids must be invited in accordance with Rule 9 . These must be advertised using the E-Sourcing system and published to Contracts Finder. For Contracts with a value of £1m+, approval must be sought through the Gateway Process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation). Contracts with a value in excess of £1m must be sealed by ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6 .
Above EU Threshold (currently £4,511,413 for Works)	Follow the appropriate EU Procedure as set out in Rules 11 and 12 . Approval must be sought through the Gateway Process.	Contracts must be sealed by ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6 .

Table 3: Social & Other Specific Services

Total Contract Value	Award Procedure	Signature/Sealing Contract
Up to £25,000	Quotes should be invited in accordance with Rule 8 . Quotes do not need to be advertised using the E-Sourcing system or Contracts Finder. If Quotes are not obtained the Best Value Form must be completed.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
£25,001 up to EU Threshold (currently £615,278)	Bids must be invited in accordance with Rule 9 . These must be advertised using the E-Sourcing system and published to Contracts Finder.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
Above EU Threshold (currently £615,278)	Follow the appropriate EU Procedure as set out in Rules 11 and 12 . Approval must be sought through the Gateway Process.	Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation). AND The ACE(LDS) (or by an Officer authorised by the ACE (LDS) to

		<p>sign on his behalf, as defined in the Scheme of Delegation).</p> <p>Sealing (where appropriate) ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6.</p>
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Table 4: Grants

Total Contract Value	Award Procedure	Signature/Sealing of Contract
Up to £175,000 over 3 years	<p>A competitive application process should be completed in accordance with Rule 22. Competitive applications do not need to be advertised using the E-Sourcing system or Contracts Finder.</p> <p>If competitive applications are not obtained the Best Value Form must be completed.</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).</p>
Above - £175,000 – relevant EU Threshold	<p>A competitive application process must be completed. This should be advertised using the E-Sourcing system. The use of Contracts Finder is not mandatory.</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).</p>
Above EU Threshold	<p>Where the grant value meets the relevant EU Threshold the Gateway Process must be completed. A competitive process must be completed. The opportunity must be advertised using the E-Sourcing system. The use of Contracts Finder is not mandatory.</p>	<p>Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation). AND The ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation).</p> <p>Sealing (where appropriate) ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf), as defined in the Scheme of Delegation) in accordance with Rule 6.</p>

3 COMPLIANCE WITH LEGISLATION AND STANDARDS

3.1 Every Contract shall comply with all relevant applicable legislation and government guidance including:-

- (a) EU Law;
 - (b) Acts of Parliament;
 - (c) Statutory Instruments including, but without limitation, the Public Contracts Regulations 2015.
- 3.2 Where relevant, every Contract shall specify that materials used, goods provided, services supplied or works undertaken (as the case may be) shall comply with applicable standards. Such standards are, in order of priority:-
- (a) EU Standards;
 - (b) British Standards implementing international standards;
 - (c) British Standards.

4 POWERS AND KEY DECISIONS

- 4.1 In consultation with the ACE(LDS) Directors shall ensure that the Council has the legal power to enter into any Contract and that in respect of all Contracts, regardless of whether they involve the procurement or provision by the Council of Works, Supplies, Services or Social and Other Specific Services Directors shall ensure that no Contract shall be entered into which is ultra vires.
- 4.2 Directors shall ensure that a written record of the decision to procure a Contract is made in accordance with the Gateway Process where **Rule 18** applies. Where such a decision comprises a Key Decision under the Constitution, Directors shall ensure that it is entered on to the Forward Plan and treated as a Key Decision in all respects.

5 FORM OF CONTRACT

- 5.1 Every Contract shall be evidenced in writing (by the use of a purchase order, exchange of correspondence or other written medium). A signed Contract must be in place on or before the service commencement date, unless otherwise agreed by the HoP or ACE(LDS).
- 5.2 Wherever appropriate, and for all Contracts exceeding £25,000 in value, such written agreements shall be made on the basis of terms and conditions agreed by the ACE(LDS). Such terms and conditions may be incorporated into standard order conditions. The Council may accept different terms and conditions proposed by a Contractor provided that the advice of the ACE(LDS) or CD-SR as to their effect has been sought and considered.
- 5.3 The written form of agreement must clearly specify the obligations of the Council and the Contractor and shall include:-
- (a) the work to be done or the Supplies, Services or Social and Other Specific Services to be provided;
 - (b) the standards which will apply to what is provided;
 - (c) the price or other consideration payable;

- (d) the time in which the Contract is to be carried out;
- (e) the remedies which will apply to any breach of Contract.

5.4 The written form of agreement for all Contracts exceeding £25,000 in value must include the following or equivalent wording:-

(a) "If the Contractor:-

- (i) Has offered any gift or consideration of any kind as an inducement or disincentive for doing anything in respect of this Contract or any other Contract with the Council; or
- (ii) Has committed any offence under the Bribery Act 2010; or
- (iii) Has committed an offence under Section 117 (2) of the Local Government Act 1972;

the Council may terminate the Contract immediately and will be entitled to recover all losses resulting from such termination".

(b) "If the Contractor is in persistent and/or material breach of Contract the Council may terminate the Contract and purchase the Supplies, Works, Services or Social and Other Specific Services from a third party and the Council may recover the cost of doing so from the Contractor."

5.5 The standard clauses contained in the Procurement Manual relating to the Freedom of Information Act 2000 and the Data Protection Act 2018 shall, wherever possible, be included in all Contracts exceeding £25,000 in value.

5.6 Other standard clauses are contained in the Procurement Manual relating to, for example, equalities, the Public Services (Social Value) Act 2012, sustainability and best value; these are not mandatory for each such written agreement referred to in **Rule 5.4** above, but should be included where appropriate.

6 SIGNATURE/SEALING OF CONTRACTS

6.1 Every written Contract must be either signed or sealed in accordance with this Rule. The ACE(LDS) (or an Officer authorised by the ACE(LDS)) will determine whether a Contract must be signed or sealed.

6.2 The ACE(LDS) and such of his staff as he may designate are authorised to sign any such Contract.

6.3 The ACE(LDS) also authorises such Contracts to be signed as outlined in **Rule 2.12**, **Tables 1-4** and **Rule 1.3 (e)** provided that:-

(a) appropriate authority exists for the Council to enter into the Contract; and

(b) the Contract is either:-

- (i) in a nationally recognised form; or

- (ii) a standard form prepared or approved by the ACE(LDS); or
 - (iii) is otherwise in a form approved by the ACE(LDS); and
 - (c) any variations to approved forms of Contract must themselves be approved by the ACE(LDS), whether or not they are effected by amending the Contract itself or by correspondence.
- 6.4 Only the ACE(LDS) (or a Legal and Democratic Services' Officer (LDSO) authorised by the ACE(LDS)) may seal a Contract on behalf of the Council, in each case being satisfied that there is appropriate authority to do so.
- 6.5 Signatures may be affixed to a Contract either using physical, handwritten means or an Electronic Signature, as appropriate and in accordance with both UK and European law.
- 6.6 Electronic Signatures may only be affixed using the Council's chosen electronic signature system or an approved alternative.
- 6.7 The use of Electronic Signatures is not permitted in circumstances where:
- (a) the Contract is to be sealed;
 - (b) a physical handwritten signature needs to be filed;
 - (c) there is a proviso in the Contract which prevents the use of an Electronic Signature;
 - (d) the Contract may need to be enforced in a jurisdiction where Electronic Signatures are not accepted;
 - (e) the Contract needs to be notarised.

7 BONDS AND LIQUIDATED DAMAGES

- 7.1 Where appropriate Directors (in consultation with the CD-SR) shall consider whether to include provision for the payment of liquidated damages by a Contractor for breach of Contract. Such consideration shall be recorded in the Gateway Process (Stage 1).
- 7.2 Where considered appropriate by a Director (in consultation with the CD-SR), the Contractor will be required to provide a performance bond to secure the performance of the Contract. Such performance bonds should provide for a sum of not less than 10% of the total value of the Contract or such other sum as the CD-SR considers appropriate.
- 7.3 Agreements made under Section 38 (adoption of new highways) or Section 278 (development of existing highways) of the Highways Act 1980 shall always include provision for a bond in respect of such sum as the Corporate Director Business and Environmental Services shall consider appropriate except where:-
- (a) the identity of the developer renders the need for a bond unnecessary; or
 - (b) adequate alternative security is provided; or
 - (c) the Corporate Director Business and Environmental Services (in consultation with the CD-SR) agrees that it is inappropriate for a bond to be required.

8 QUOTES

- 8.1 Where the estimated value of a Contract is £25,000 or less (taking into account the whole life cost of the Contract, including extensions and/or variations and excluding VAT) a minimum of three quotes should be sought. There is no requirement to use the E-Sourcing system or publish the opportunity on Contracts Finder.
- 8.2 It is the Officers responsibility to keep a record of quotes sought for audit purposes and to demonstrate that best value has been achieved.
- 8.3 If three quotes are not sought the Contract may be directly awarded using the Best Value Form. It is the Officers responsibility to complete the Best Value Form.

9 BIDS

- 9.1 If the estimated value of a Contract exceeds £25,000 but is less than the appropriate EU Threshold, Bids must be invited from all potential Contractors in accordance with **Rule 2.12, Tables 1-4**. A notice advertising the opportunity shall be published through the E-Sourcing System and on Contracts Finder and, if considered appropriate, a local newspaper and a suitable professional or trade journal or website. The form of advertising shall take into account the value, location and subject matter of the Contract. The notice shall specify brief details of the Contract, how the ITB documents may be obtained and the closing date for receipts of Bids by the Council.
- 9.2 All potential Contractors invited to submit Bids shall be provided in all instances with identical information and instructions. Where considered appropriate, Directors may permit potential Contractors who have been invited to submit Bids under **Rule 9.1** to also submit variant Bids (i.e. Bids which do not comply with some or all of the requirements of the primary Bid). The same opportunity to submit variant Bids must be given to all potential Contractors.
- 9.3 A written Bid may only be considered if:-
 - (a) it has been received electronically through the E-Sourcing System, or
 - (b) (where permitted in exceptional circumstances) it has been received in a sealed envelope marked "Bid" and indicating the subject matter of the Bid and
 - (c) it has been opened after the expiry of the deadline for submissions and at the same time as other Bids for the same subject matter in the presence of at least two Officers authorised to open Bids.
- 9.4 Before Bids with a value in excess of £25,000 are requested the evaluation criteria must be recorded in writing in the ITB evaluation model. The evaluation criteria must be identified and the weighting between price and quality established and stated in the request for Bids sent to Participants.
- 9.5 If a Bid other than the lowest or the most economically advantageous Bid is to be accepted, the written approval of the Director (in consultation with the CD-SR or if the relevant Director is the CD-SR, in consultation with the Chief Executive) shall be sought and obtained before the Bid is accepted.

- 9.6 A Bid cannot be accepted where the value exceeds the relevant EU Threshold. If the value of the Bid exceeds the relevant EU Threshold a Director must seek tenders in accordance with **Rules 11 and 12**.
- 9.7 Before a Contract is awarded after a Bid exercise such steps shall be taken by the Responsible Officer, in conjunction with the CD-SR, as are reasonably necessary (having regard to the subject matter, value, duration of the Contract and other relevant factors) to complete a risk assessment of the potential Contractor's financial stability.
- 9.8 Bids may be altered only in accordance with **Rule 10**.
- 9.9 Where a Contract is terminated within the first 6 months of the Contract commencement date, the Council may award the Contract to the second-placed supplier, provided this demonstrates Best Value and with agreement from the HoP in consultation with the appropriate SCM.

10 POST BID NEGOTIATION AND CLARIFICATION

- 10.1 Post Bid negotiations may not be undertaken where the value of the Contract exceeds the relevant EU Threshold. If the value of the Bid exceeds the relevant EU Threshold, the Director must invite tenders in accordance with **Rules 11 and 12**.
- 10.2 Post Bid negotiations with selected Participants shall only be carried out where:-
- (a) post tender negotiations are permitted by law; and
 - (b) the Director in consultation with the HoP considers that added value may be obtained; and
 - (c) post Bid negotiations are conducted by a team of suitably experienced Officers approved by the Director and who have been trained in post Bid negotiations; and
 - (d) a comprehensive, written record of the post Bid negotiations is kept by the Director; and
 - (e) a clear record of the added value to be obtained as a result of the post Bid negotiations is incorporated into the Contract with the successful Participant.
- 10.3 **Rules 10.1 and 10.2** shall not operate to prevent clarification of all or part of any Bid to the extent permitted by law and where such clarifications are sought the provisions of **Rules 10.2(c) and 10.2(d)** shall apply, except that the word "clarification" shall be substituted for the word "negotiation" in these Rules.

11 OJEU TENDERS

- 11.1 Tenders for Contracts which exceed the EU Threshold shall be invited and awarded in accordance with the PCRs and as prescribed in **Rules 11 and 12**.

General Requirements

- 11.2 Before an OJEU Tender is requested the evaluation criteria to be applied to the OJEU Tender must be recorded in writing in the ITT evaluation model. The evaluation criteria must be identified and the weighting between price and quality established and stated in the ITT sent to Participants.
- 11.3 Irrespective of the procurement process being undertaken an OJEU notice must be published through the E-Sourcing system.
- 11.4 All Participants invited to submit OJEU Tenders shall be provided in all instances with identical instructions and information.
- 11.5 Where considered appropriate, the HoP may, in consultation with the SCM, permit Participants to submit variant OJEU Tenders (i.e. tenders which do not comply with some or all of the requirements of the primary tender). The same opportunity to submit variant OJEU Tenders shall be given to all Participants. Variant OJEU Tenders shall only be considered if the Participant also submits a compliant primary tender.
- 11.6 The evaluation of the OJEU Tender submissions shall be carried out by Officers who are considered appropriate having regard for the subject matter and value of the Contract.
- 11.7 All Tenders undertaken in accordance with **Rule 11** shall have a minimum of 3 appropriate Officers (excluding the Procurement and Contract Management Service representative) to undertake the evaluation process. The evaluation process will include:
- Individual evaluation assessment and scoring
 - Consensus marking exercise, chaired by a member of the Procurement and Contract Management Service
 - Moderation, where required
 - Independent verification, where required and in accordance with the Gateway Process, Gate 3.
- 11.8 All evaluation panel members must have completed the evaluation training prior to completing any evaluation process.
- 11.9 Where a Contract is terminated within the first 6 months of the Contract commencement date, the Council may award the Contract to the second-placed supplier, with agreement of the HoP in consultation with the ACE(LDS) provided this demonstrates Best Value and none of the original award criteria has changed.

12 OPTIONS FOR OJEU TENDER

- 12.1 The Gateway Process shall identify which of the following OJEU Tender processes shall be used to invite tenders for Contracts with a value in excess of the relevant EU Threshold:
- (i) the Open Procedure (as prescribed by Regulation 27)
 - (ii) the Restricted Procedure (as prescribed by Regulation 28)
 - (iii) the Competitive Procedure with Negotiation (as prescribed by Regulation 29)

- (iv) the Competitive Dialogue Procedure (as prescribed by Regulation 30)
- (v) the Innovation Partnership Procurement (as prescribed by Regulation 31)
- (vi) Negotiated Procedure without prior publication (as prescribed by Regulation 32)
- (vii) Framework Agreement (as prescribed by Regulation 33)
- (viii) Dynamic Purchasing System (as prescribed by Regulation 34)
- (ix) Electronic auctions (as prescribed by Regulation 35)
- (x) Electronic catalogues (as prescribed by Regulation 36)
- (xi) Social and Other Specific Services (Light Touch Regime) (as prescribed by Regulations 74-76)

and such identified process shall be used for the invitation of OJEU Tenders in accordance with the requirements of the PCR's.

13 RECEIPT AND OPENING OF OJEU TENDERS

13.1 A written OJEU Tender may only be considered if:-

- (a) it has been received electronically through the E-Sourcing System; or
- (b) (where permitted under Regulation 84(h)) it has been received in hard copy in a sealed envelope marked "OJEU Tender" and indicating the subject matter of the OJEU Tender, and the identity of the Participant cannot be ascertained from the tender envelope; and
- (c) (subject to **Rule 13.4**) it has been received by the OJEU Tender closing date and time.

13.2 The CD-SR (or a person designated by him) shall be responsible for the reception and safe custody of OJEU Tenders until they are opened.

13.3 OJEU Tenders, whether electronic or hard copy must be opened at the same time and in the presence of the CD-SR (or a person designated by him) or, where the Procurement and Contract Management Services is undertaking the procurement, the ACE(LDS) (or an Officer designated by him). The E-Sourcing System records the date and time of OJEU Tender opening, the identity of the Officer(s) present, the identities of Participants and the tendered sums. Where permitted under Regulation 84(h) of the PCRs and OJEU Tenders are returned in hard copy format a written record shall be maintained by the HoP, of the OJEU Tenders received. Such a record shall include the date and time of OJEU Tender opening, the identity of the Officer(s) present, the identities of Participants and the tendered sums (where readily ascertainable).

13.4 If an OJEU Tender is received after the specified closing date and time it may not be considered unless the HoP is satisfied that the OJEU Tender was submitted electronically or posted or otherwise dispatched in sufficient time to be delivered before the specified time but that delivery was prevented by an event beyond the control of the Participant.

14 OJEU TENDER EVALUATION AND ACCEPTANCE

- 14.1 The Responsible Officer shall evaluate OJEU Tenders using the evaluation model published in accordance with **Rule 11.2**.
- 14.2 Only in circumstances where an OJEU Tender is agreed by the CD-SR to be an abnormally low tender in accordance with the PCR's can an OJEU Tender other than the MEAT be accepted. In those circumstances a signed and dated record of the reasons for the action taken shall be made within the Gateway Process (Gate 3).
- 14.3 If, as a result of the OJEU Tender evaluation process the HoP is satisfied that an arithmetical error has been made inadvertently by a Participant such an error may, after clarification with the Participant, be corrected. The HoP shall record any such clarification in writing.
- 14.4 Before a Contract is awarded the HoP shall, in consultation with the SCMs, determine whether it is proportionate and appropriate to complete a risk assessment to ascertain the financial stability of the successful Participant. The risk assessment shall take into account the subject matter, complexity, duration, value and any other such factors as may be deemed to be relevant. This shall be recorded in accordance with the Gateway Process (Gate 3) where appropriate.
- 14.5 On completion of the evaluation of the OJEU Tenders received and once all internal approvals have been obtained through the Gateway Process (Gate 3), the HoP (or an Officer authorised by the HoP) shall write to all Participants informing them of the outcome of the OJEU Tender evaluation and providing feedback on the content of their submission, in accordance with Regulation 55 of the PCR's.
- 14.6 The HoP (or an Officer authorised by the HoP) shall wait a minimum of ten days (15 days if not sent electronically) from the date of issue of the letters notifying the Participants of the result of the evaluation before completing the Contract with the successful Participant.
- 14.7 The HoP (or an Officer authorised by the HoP) shall send for publication a Contract Award Notice stating the outcome of the procurement procedure no more than 30 days after the award of the Contract.

15 CERTIFICATION OF CONTRACTS

- 15.1 The Local Government (Contracts) Act (LGCA) 1997 clarified the power of local authorities to enter into certain Contracts, including Private Finance Initiative Contracts. Where Contracts need to be certified under the 1997 Act, only the following Officers are authorised to do so: the Corporate Director Children and Young People's Service, the Corporate Director Business and Environmental Services, the Corporate Director Health and Adult Services, the Director of Public Health, the ACE(LDS) and the CD-SR. Any Contract which requires certifying as a LGCA Contract, must have approval from the Council's Executive.

16 EXCEPTIONS TO PROCUREMENT AND CONTRACT PROCEDURE RULES

16.1 A Director does not need to invite bids in accordance with **Rule 9** in the following circumstances:-

- (a) purchases via Framework Agreements which have been established either by the Council or by other public sector bodies or consortia (including, but not limited to PSBOs) and where such framework agreements are lawfully accessible to the Council. Contracts awarded from such Framework Agreements shall be awarded in accordance with the provisions of that Framework Agreement; or
- (b) the instruction of Counsel by the ACE(LDS); or
- (c) where a grant or other external funding is received by the Council, either in its own right or as an accountable body, and the terms of such grant or other external funding state that such grant or other external funding must be applied in accordance with the terms of such grant or other external funding; or
- (d) purchases at public auctions (including internet auction sites, e.g. Ebay) where the Director is satisfied that value for money will be achieved; or
- (e) the purchase of Supplies, Works, Services or Social and Other Specific Services which are of such a specialised nature as to be obtainable from one Contractor only; or
- (f) repairs to or the supply of parts for existing proprietary machinery or plant where to obtain such supplies from an alternative supplier would invalidate the warranty or contractual provisions with the existing supplier; or
- (g) Social or Other Specific Services Contracts where:-
 - (i) the service is currently supplied by a Contractor to the satisfaction of the relevant Corporate Director, is considered to be offering value for money and where the foreseeable disruption to service users cannot justify the invitation of further bids; or
 - (ii) the service is of a specialist or personal nature and where service users must be involved in the selection of the Contractor and where the Corporate Director Health and Adult Services and the Corporate Director Children and Young People's Service considers it inappropriate for bids to be invited; or
 - (iii) where the relevant Corporate Director is satisfied that the urgency of the need for the service prevents the invitation of bids in which case consideration shall be given to the duration of that service; or
- (h) Contracts where the Director with the agreement of the HoP agree that for reasons of extreme urgency brought about by unforeseeable events unattributable to the Council, the timescales for obtaining bids cannot be met. A written record shall be signed and dated by the Director, whenever this Rule applies.

16.2 Where any of the exceptions set out in **(d) to (h)** above are applied a Directors Recommendation, in consultation with the relevant SCMs, shall be signed, dated and kept. The Procurement and Contract Management Service shall maintain a register of all recommendations made under this Rule.

16.3 A Director does not need to invite OJEU Tenders in accordance with **Rule 11 and 12**, in the following circumstances:-

(a) purchases via Framework Agreements which have been established either by the Council or by other public sector bodies or consortia (including, but not limited to PSBO's) and where such Framework Agreements are lawfully accessible to the Council. Contracts awarded from such Framework Agreements shall be awarded in accordance with the provisions of that Framework Agreement. Where appropriate Officers should apply a minimum 10 day standstill period for all call-off Contracts awarded under an existing Framework Agreement. This is not mandatory but is deemed best practice; or

(b) where:-

(i) Regulations 12 or 72 of the PCRs apply; or

(ii) any other specific exclusions as set out in the PCRs apply;

and the ACE(LDS), the relevant Director and CD-SR are in agreement. A written record shall be signed and dated whenever this Rule applies and the Procurement and Contract Management Service shall maintain a register of such written records.

Waivers

16.4 Specific exceptions to **Rule 9** are permitted in such other circumstances as the CD-SR and the ACE(LDS) may agree.

16.5 Requests for waivers shall be made using the Waiver Request Form prescribed by the CD-SR which shall specify the reasons for the request.

16.6 Any requests for waivers shall be made in consultation with the relevant SCMs, and be signed, dated and kept. The Procurement and Contract Management Service shall maintain a register of all waivers made under this Rule.

17 COMPLIANCE, CONTRACT REGISTER AND FORWARD PROCUREMENT PLANS

17.1 Every Officer shall comply with these Rules and any unauthorised failure to do so may lead to disciplinary action.

17.2 The CD-SR shall be responsible for monitoring adherence to these Rules.

17.3 The HoP shall nominate a representative to act as a key contact point in relation to procurement matters for spend categories; such representatives shall be termed SCMs.

17.4 Each Director, in conjunction with the HoP, shall take all such steps as are reasonably necessary to ensure that Officers within their Directorate are aware of and comply with these Rules, the Procurement Manual and the Finance Manual referred to in **Rule 2.5**.

17.5 SCMs are responsible for the production of a spend category FPP which will be completed in such format as the HoP shall require.

- 17.6 The SCMs shall each present an updated category FPP to the relevant directorate management teams every 6 months for approval.
- 17.7 An annual report on procurement matters, such report to include an annual procurement plan and actions arising from the annual procurement plan, will be presented to a meeting of the Audit Committee.
- 17.8 The Council maintains a Contract Register the purpose of which is to record key details of all Contracts with an aggregate value of £25,000 or more.
- 17.9 All Responsible Officers will notify the Procurement and Contract Management Service of any Contract awarded below £25,000. The Responsible Officer will use the format prescribed by the Procurement and Contract Management Service and report this information quarterly.
- 17.10 The CM shall ensure that:-
- (a) all relevant Contracts (including those Contracts to which **Rule 16** applies) are entered onto the Contract Register
 - (b) the Contract Register is maintained by entering new Contracts onto it and removing expired Contracts from it in line with the Council's Records Retention and Destruction Schedule.

Contracts Finder

- 17.11 When a Procurement leading to a Contract in excess of £25,000 is awarded the Procurement and Contract Management Service shall ensure that such information as is prescribed in the PCRs is published on Contracts Finder via the E-Sourcing system. This does not apply to Grants as detailed in **Rule 2.12 Table 4**.

18 GATEWAY PROCESS REPORTS INCLUDING NOTIFICATION OF SECTION 151 OFFICER AND MONITORING OFFICER

- 18.1 When a procurement is being considered which is expected to exceed the financial value thresholds specified in **Rule 18.2** the Gateway Process must be completed and signed off by the relevant Officers, as detailed in Table 5 below.

Table 5: Gateway Process - Authorisation to Approve

Gateway Process Gate	Approval process
Gate 1 – Commissioning and Procurement Options Appraisal	PAB AND The relevant Director or delegated Assistant Director AND Finance – CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate.</i> AND The ACE(LDS)
Gate 2 – Authorisation of Documents	SCM

Gate 3 – Contract Award	PAB AND The relevant Director or delegated Assistant Director AND Finance – CD-SR or delegated Assistant Director – <i>Procurement Assurance Board to decide as appropriate.</i>
Gate 4(a) – Contract Extension/Variation	PAB AND The relevant Director or delegated Assistant Director AND Finance – CD-SR or delegated Assistant Director – <i>Procurement Assurance Board to decide as appropriate.</i> AND, where appropriate ACE(LDS) – <i>only in cases where the extension is not part of the original Contract.</i>
Gate 4(b) – Contract Termination (during the Contract period)	PAB AND The relevant Director or delegated Assistant Director AND Finance – CD-SR or delegated Assistant Director – <i>Procurement Assurance Board to decide as appropriate.</i>

18.2 The whole Contract financial value thresholds for the purposes of **Rule 18.1** are:

- (a) Works Contracts - £1m
- (b) Social and Other Specific Services Contracts - £615,278
- (c) Supplies and Services Contracts - £181,302.

18.3 No action leading towards procurement, including any steps to undertake a further competition under an existing PSBOs framework arrangement or other legally compliant framework agreement accessible by the Council, shall be undertaken until confirmation of the process has been given under the terms set out in **Rule 18.1**.

19 CONTRACT MANAGEMENT

19.1 The Responsible Officer, shall take all such steps as are appropriate to monitor and review the performance of the Contract, having regard to its value, nature, duration and subject matter. As part of the monitoring and review process the Responsible Officer shall maintain adequate records of Contract performance and details of review meetings with the Contractor. Such records and details shall be made available to Internal Audit whenever required and shall be recorded in any relevant Gateway Process report

(Gate 4). Such records shall also be used on the basis for any permitted extension to the Contract.

19.2 Where appropriate the Responsible Officer involved in contract management shall have received a level of formal training commensurate with the nature of the Contract.

19.3 Where appropriate the Responsible Officer will attend the Contract Management Practitioners Group.

Contract Variation

19.4 Contracts with a value below the relevant EU Threshold may be varied or extended in accordance with the terms of that Contract. Any proposed variations which have the effect of materially changing the Contract must be approved by the ACE(LDS), whether or not they are effected by amending the Contract itself or by correspondence.

19.5 Contracts with a value in excess of the relevant EU Threshold may be varied or extended in accordance with the terms of that Contract or as outlined in Regulation 72 of the PCRs. Approval must be sought in accordance with **Rule 18.1**, (Table 5 - Gateway Process - Authorisation to Approve Gate 4a).

Contract Termination

19.6 If an Officer requires a Contract which exceeds the financial values stated in **Rule 18.2** to be terminated then this must be done in accordance with the terms of the Contract. Approval must be sought in accordance with **Rule 18.1**, (Table 5 - Gateway Process - Authorisation to Approve Gate 4b).

20 TRAINING FOR PROCUREMENT

20.1 Where appropriate any Officer involved in procurement activities shall have received a level of formal training commensurate with the nature of the procurement activity being undertaken.

21 DECLARATION OF INTERESTS

21.1 To ensure that persons involved in the procurement process are aware of, and adhere to the principles of impartiality and professional standards when dealing with, and completing commercial undertakings, a Conflict of Interest and Confidentiality Undertaking Declaration form is required. This must be completed by all members of the evaluation panel upon commencement of the project.

21.2 If it comes to the knowledge of a Member, Responsible Officer or other Officer that a Contract in which they have an interest (determined in accordance with the Members' and/or Officers' Code of Conduct as appropriate) has been or is proposed to be entered into by the Council, they shall immediately give written notice to the ACE(LDS).

22 GRANTS

- 22.1 The Council cannot procure services which it is itself required to deliver by means of a grant. The Council may grant-fund third party organisations to help deliver community cohesion or to provide complementary activities.
- 22.2 Taking into account 22.1 above Directors and the HoP shall consider when procuring the provision of the Services, Supplies Works or Social & Other Specific Services, whether a grant would be a preferable means to achieving its objectives rather than following a competitive Bid process. A grant may only be awarded in circumstances where:-
- There is the legal power to make a grant for the purpose envisaged;
 - It does not contravene EU rules on state aid.
- 22.3 Where the value of a Grant is less than £175,000 over 3 years, the Director shall have the discretion to conduct a competitive application process for the award of that Grant if doing so demonstrates best value for the Council. If a Director is not conducting a competitive application process then the Best Value Form must be completed to capture the rationale for the decision.
- 22.4 Where the value of the Grant exceeds £175,000 over 3 years but is less than the relevant EU Threshold detailed in **Rule 2.12 Table 4** a competitive grants process must be completed. The opportunity must be advertised on the Council's E-Sourcing system.
- 22.5 Where the value of a Grant exceeds the relevant EU Thresholds, the Gateway Process must be completed in accordance with **Rule 18**. A competitive process must be completed and the opportunity must be advertised on the Council's E-Sourcing system.
- 22.6 The Responsible Officer shall take all such steps as are appropriate to monitor and review the performance of the grant agreement, having regard to its value, nature, duration and subject matter. As part of the grant monitoring and review process the Responsible Officer shall maintain adequate records of performance and details of review meetings with the grant recipient.

23 HIRING AND ENGAGING STAFF

- 23.1 Where an Officer is hiring or engaging a staff member who is not on the Council payroll there is a legal requirement to determine whether it is the responsibility of the Council to deduct tax and national insurance at source, in accordance with the requirements of the Social Security Contributions (Intermediaries) Regulations 2000, as amended (IR35).

Appendix 3NORTH YORKSHIRE COUNTY COUNCIL CONSTITUTIONSUGGESTED AMENDMENTS

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
Contents (p3)	Contents (p3)	Part 4 – Rules of Procedure Contract Procedure Rules	Part 4 – Rules of Procedure Procurement and Contract Procedure Rules	To reflect change in name of Rule.
Index (p5)	Index (p5)	Contract Procedure Rules	Procurement and Contract Procedure Rules	To reflect change in name of Rule.
Article 13 13.03 Types of Decision	Article 13 13.03 Types of Decision	(a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated. (b) Key decisions. (i) A key decision means a decision made in connection with the discharge of a function which is the responsibility of the Executive and which is likely: ♦ to result in the Council incurring expenditure, or making savings, which are significant having regard to the Council's budget for the service or function to which the decision relates; or	(a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated. (b) Key decisions. (i) A key decision means a decision made in connection with the discharge of a function which is the responsibility of the Executive and which is likely: (aa) to result in the Council incurring expenditure, or making savings, which are significant having regard to the Council's budget for the service or function to which the decision relates; or (bb) to be significant in terms of its effects on more than one community. (ii) For the purposes of (i) (aa) above, savings or expenditure are significant if they are equal to or greater than £500,000 or 20% of the gross expenditure of the relevant budget service area (as explained in the Financial Procedure Rules relating to virement) whichever is the less, but, subject to (i) (bb) above, does not include: • a decision concerning a bid for funding;	To provide clarity on application of the Rule.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		<p>♦ to be significant in terms of its effects on more than one community.</p> <p>(ii) For the purposes of (i) above, savings or expenditure are significant if they are equal to or greater than £500,000 or 20% of the gross expenditure of the relevant budget service area (as explained in the Financial Procedure Rules relating to virement) whichever is the less, but does not include:</p> <ul style="list-style-type: none"> ♦ a decision taken for the purpose of implementing an earlier key decision; ♦ a decision concerning a bid for funding; ♦ a decision taken on expenditure within budget approved by Council on items necessary for normal operational service delivery. <p>Access to information legislation sets out additional requirements upon local authority decision-making in relation to key decisions. These are incorporated in the Council's Access to</p>	<ul style="list-style-type: none"> • a decision taken on expenditure specifically identified within budget approved by Council on items necessary for normal operational service delivery. <p>NB: Where the decision will also have a significant impact on more than one community (as well as the significant financial impact) then the above exclusions should not generally be relied upon.</p> <p>(iii) For the purposes of (i) (aa) and (bb) above, a key decision does not include:</p> <ul style="list-style-type: none"> • a decision taken for the purpose of implementing an earlier key decision. <p>Access to information legislation sets out additional requirements upon local authority decision-making in relation to key decisions. These are incorporated in the Council's Access to Information Procedure Rules in Part 4 of the Constitution.</p> <p>(iv) A decision maker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.</p>	

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		Information Procedure Rules in Part 4 of the Constitution. (iii) A decision maker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.		
Article 14 14.02 Contracts (p57)	Article 14 14.02 Contracts (p57)	Every contract made by the Council will comply either with the Contract Procedure Rules or Property Procedure Rules (set out in Part 4 of this Constitution) as appropriate.	Every contract made by the Council will comply either with the Procurement and Contract Procedure Rules or Property Procedure Rules (set out in Part 4 of this Constitution) as appropriate.	To reflect change in name of Rule.
Part 4 Rules of Procedure (p173)	Part 4 Rules of Procedure (p173)	7 Contract Procedure Rules	7 Procurement and Contract Procedure Rules	To reflect change in name of Rule.
Financial Procedure Rules 1.2 (p249)	Financial Procedure Rules 1.2 (p249)	Contract Procedure Rules	Procurement and Contract Procedure Rules	To reflect change in name of Rule.
Financial Procedure Rules 1.3 (p249)	Financial Procedure Rules 1.3 (p249)	The Constitution defines the rules governing the procedures of the Council including Responsibility for executive and non-executive functions, Access to Information	The Constitution defines the rules governing the procedures of the Council including Responsibility for executive and non-executive functions, Access to Information Procedure Rules, Procurement and Contract Procedure Rules, the Property Procedure Rules and these Financial Procedure Rules.	To reflect change in name of Rule.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
		Procedure Rules, Contract Procedure Rules, the Property Procedure Rules and these Financial Procedure Rules.		
Financial Procedure Rules 1.5 (p249)	Financial Procedure Rules 1.5 (p249)	The Contract Procedure Rules define the correct procedures to be followed when the Council enters into any contractual arrangement and should be read in conjunction with these Rules. The Property Procedure Rules define the correct procedures for the acquisition, disposal and redeployment of land and buildings and also cover other property related matters.	The Procurement and Contract Procedure Rules define the correct procedures to be followed when the Council enters into any contractual arrangement and should be read in conjunction with these Rules. The Property Procedure Rules define the correct procedures for the acquisition, disposal and redeployment of land and buildings and also cover other property related matters.	To reflect change in name of Rule.
Financial Procedure Rules 2.1 (p250)	Financial Procedure Rules 2.1 (p250)	CPR means the Contract Procedure Rules.	PCPR means the Procurement and Contract Procedure Rules.	To reflect change in name of Rule.
Financial Procedure Rules 2.3 (b) (p251)	Financial Procedure Rules 2.3 (b) (p251)	The CPR apply to the procurement of works, supplies and services.	The PCPR apply to the procurement of works, supplies and services.	To reflect change in name of Rule.
Financial Procedure Rules 4.2	Financial Procedure Rules 4.2	These Rules apply to all activities of the Council although the CD-SR may approve variations from the	These Rules apply to all activities of the Council although the CD-SR may approve variations from the Rules to reflect specific circumstances. At present the only approved variations relate to	To reflect change in name of Rule.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
(p252)	(p252)	Rules to reflect specific circumstances. At present the only approved variations relate to primary/secondary/special schools operating under the approved LMS Contract Procedure Rules and LMS Financial Procedure Rules. No other variations from the Rules have currently been approved.	primary/secondary/special schools operating under the approved LMS Procurement and Contract Procedure Rules and LMS Financial Procedure Rules. No other variations from the Rules have currently been approved.	
Financial Procedure Rules 9.0 Preamble (p264)	Financial Procedure Rules 9.0 Preamble (p264)	<i>This Rule refers to the arrangements under which Budget Holders shall undertake the procurement of the services and assets they require and, where relevant, the disposal of surplus assets. They do not apply to Property (ie land and buildings). Property transactions are regulated by the PROPERTY PROCEDURE RULES. These Rules should be read in conjunction with the CONTRACT PROCEDURE RULES which describe in detail the procedures Officers must follow when procuring services, assets and property.</i>	<i>This Rule refers to the arrangements under which Budget Holders shall undertake the procurement of the services and assets they require and, where relevant, the disposal of surplus assets. They do not apply to Property (ie land and buildings). Property transactions are regulated by the PROPERTY PROCEDURE RULES. These Rules should be read in conjunction with the PROCUREMENT AND CONTRACT PROCEDURE RULES which describe in detail the procedures Officers must follow when procuring services, assets and property.</i>	To reflect change in name of Rule.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
Financial Procedure Rules Responsibilities of a Director 9.1 (p264)	Financial Procedure Rules Responsibilities of a Director 9.1 (p264)	the procurement of all supplies, services and assets (but not Property) relating to the provision of services by his Directorate	In conjunction with the HoP, the procurement of all supplies, services and assets (but not Property) relating to the provision of services by his Directorate	To mirror Rule PCPR 17.4 (16.4)
Financial Procedure Rules Responsibilities of a Director 9.1 (p264)	Financial Procedure Rules Responsibilities of a Director 9.1 (p264)	ensuring adherence to the approved Procurement Strategy of the Council	ensuring adherence to the approved Procurement and Contract Management Strategy of the Council	To reflect reference to Contract Management in Strategy.
Financial Procedure Rules Disposal of Assets 9.8 (p265)	Financial Procedure Rules Disposal of Assets 9.8 (p265)	The procedures defined in the Contract Procedure Rules apply to the disposal of any assets of the Council. In particular no quotations or tenders for other than the highest price shall be accepted without reference to Contract Procedure Rules 8.6, 8.8 and 8.10 and/or 9.3 and 12.2 as appropriate. The provisions of Contract Procedure Rule 13 shall also apply to any post tender negotiation or clarification.	The procedures defined in the Procurement and Contract Procedure Rules apply to the disposal of any assets of the Council. In particular no quotations, bids or tenders for other than the highest price shall be accepted without reference to the Procurement and Contract Procedure Rules 9.5 and 9.7 and/or 10.3 and 13.2 as appropriate. The provisions of Procurement and Contract Procedure Rule 14 shall also apply to any post tender negotiation or clarification.	To reflect change in name of Rule and change to Rule references.

Old Rule No.	New Rule No.	Current Wording	Proposed Amendment	Reason
Property Procedure Rules 2.4 (p306)	Property Procedure Rules 2.4 (p306)	The Council has made Financial Procedure Rules ('FPR') which apply to budgetary and other issues relating to property; the FPR shall be applied in conjunction with these Rules. The Council has also made Contract Procedure Rules, but they do not apply to Property Contracts.	The Council has made Financial Procedure Rules ('FPR') which apply to budgetary and other issues relating to property; the FPR shall be applied in conjunction with these Rules. The Council has also made Procurement and Contract Procedure Rules, but they do not apply to Property Contracts.	To reflect change in name of Rule.

AUDIT COMMITTEE

20 December 2018

RISK MANAGEMENT – PROGRESS REPORT

Report of the Corporate Director – Strategic Resources

1.0 PURPOSE OF THE REPORT

- 1.1 To receive details of the updated Corporate Risk Register.
- 1.2 To note progress on other Risk Management related matters

2.0 BACKGROUND

2.1 According to the Terms of Reference of the Audit Committee, its role in risk management is:

- (i) to assess the effectiveness of the authority's risk management arrangements and
- (ii) to review progress on the implementation of risk management throughout the authority.

2.2 Following a recommendation by this Committee, the Leader of the County Council and the Executive Member for Central Services formally approved a revised Corporate Risk Management Policy in 2015 with a provision that it will be reviewed and updated every three years.

2.3 Regular reports to this Committee therefore cover the implementation of the Policy and associated Strategy as well as other related risk management matters in order to fulfill this role.

3.0 CORPORATE RISK REGISTER

3.1 The Corporate Risk Register (CRR) is fully reviewed every year and updated by the Chief Executive and Management Board in September/October. A six monthly review is then carried out in March/May.

3.3 An annual update of the Corporate Risk Register was carried out in November this year – see attached at **Appendix A**. This involved reviewing the risks, risk controls, risk reductions and risk rankings that had been identified for each of the risks and making amendments to the Register where necessary.

3.3 The significant amendments that were made to the Register since last time are as follows:

New risks

- Brexit Arrangements – adding this risk reflects the need to assess the impacts and necessary actions that should be considered as a result of Brexit.

Deleted risks

- Commercial Strategy – this risk has been taken off the corporate risk register but remains on the Central Services Directorate risk register. Reference to the Commercial Strategy continues to be made at the corporate level in the Savings and Transformation Programme risk through an action which states that there is a need to continue to develop effective commercial operations.
- Health and Safety – this risk continues to be referenced in risk registers and managed and controlled at Directorate level across the County Council.

Significantly Changed Risks

- Savings and Transformation Programme – this risk is the refreshed and updated 2020 Change Programme risk and takes into account 'Beyond 2020'.
- Devolution and Growth – it was initially considered whether we take the Growth risk off the corporate risk register, but then it was decided that it would make sense to combine the Growth risk and the Opportunities for Devolution risk together.

The rankings of all the remaining risks stayed the same apart from the Schools Organisation and Funding risk (as shown on the summary in the left hand column of **Appendix A**). The ranking of this risk has declined from 1:4 to 1:2 to reflect the challenges of funding. Please see the table at the bottom of **Appendix A** for an explanation of the left hand column.

3.4 To assist Members interpret **Appendix A**

- Risks are identified by Management Board during a prep meeting and further discussion
- Each risk has then to be ranked based on the following:
 - existing risk controls in place
 - probability of the risk occurring (based on existing controls)
 - impact of the risk occurring (based on existing controls)
 - further risk controls which may reduce current probability or impact
- The prioritisation system follows a fairly traditional risk evaluation approach in that the **probability** and **severity** of risks is measured using High, Medium and Low categories
- However, to facilitate the assessment of the severity of each risk this is done in relation to 4 distinct **impact areas**:-
 - failure to meet key **service objectives** and standards – reflecting current service plans

- **financial** impact
- **service** delivery
- loss of image or **reputation**

As each risk is ranked with reference to current controls and then future controls, the risk prioritisation system can compute a “score” in the range of 1 to 5

- 1 and 2 being a ‘red’ risk
- 3 and 4 being an ‘amber’ risk and
- 5 being a ‘green’ risk

One of the key things to look for in the Register is the movement of the score (described as Classification on the summary in **Appendix A**) as between the ‘Pre’ (i.e. present stage) and ‘Post’ (i.e. after risk mitigations are in place). For certain risks, however, this does not change as the risk mitigations cannot prevent the event (e.g. severe flood) but can address/reduce its impact.

4.0 LINKS BETWEEN CORPORATE AND DIRECTORATE RISK REGISTERS

4.1 As indicated previously, the Corporate Risk Register is the culmination of the identification of key significant risks that are identified at Directorate and Service levels. For information and out of interest, an exercise is carried out to identify the links between Directorate Risk Registers and the Corporate Risk Register. Please find attached a diagram showing these links at **Appendix B**.

5.0 ADDITIONAL RISK PRIORITISATION EXERCISES

5.1 As well as the bi-annual update of Corporate, Directorate and Service risk registers, additional workshops are also carried out to develop risk registers for specific areas of activity in the County Council. At this time these include:

- The Allerton Waste Recovery Park (AWRP) near Knaresborough – the site’s operations, processes and contract management arrangements continue to be reviewed and refined. The risk register supports this work and continues to look at risks including partnership working, finance, communications, and waste volumes.
- Harrogate Rail Line Improvement – a risk register has been developed with our partners Network Rail and Northern Rail, initially to support a bid for LEP funding for improving the rail line between Harrogate and York, looking to increase train frequency and reduce journey time. Following the successful bid the risk register is now being used by the Joint Project Board to manage the delivery risks including partnership working, level crossing issues and potential cost overrun.
- UCI Road World Championships 2019 – building on work done in readiness for the Tour de France Grand Depart and the Tour de Yorkshire in recent years, a register has been developed to prepare for hosting this major event in Yorkshire in 2019. Early risks being considered include event route

condition management, reputation management and arrangements for the sportive and associated public events.

6.0 RECOMMENDATIONS

That the Committee:

- (i) notes the updated Corporate Risk Register (**Appendix A**).
- (ii) notes the position on other Risk Management related matters

GARY FIELDING

Corporate Director – Strategic Resources

County Hall, Northallerton

December 2018

Author of report: Fiona Sowerby, Corporate Risk and Insurance Manager
Tel 01609 532400

Background papers: None

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – summary**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Identity			Person		Classification												Fallback Plan			
Change	Risk Title	Risk Description	Risk Owner	Risk Manager	Pre						RR		Post						FBPlan	Action Manager
					Prob	Obj	Fin	Serv	Rep	Cat	RRs	Next Action	Prob	Obj	Fin	Serv	Rep	Cat		
- new -	20/235 - Brexit Arrangements	The UK leaves the European Union with sub-optimal arrangements resulting in difficulties in recruitment, data protection, price uncertainty and supply chain difficulties, price pressures from contractors, increased demands on services from customers and businesses; and adverse impacts upon the local economy and infrastructure and environmental standards. (Latest version to be reviewed again in January 2019)	Chief Exec	All Mgt Board	H	H	H	H	M	1	12	31/03/2019	H	H	H	H	M	1	Y	Chief Exec
◀▶	20/207 - Savings and Transformation Programme	Failure to design and implement a coherent savings and transformation programme "Beyond 2020" which delivers the forecast funding shortfall resulting in short term and sub optimal savings decisions ie service cuts	Chief Exec	CD SR	H	H	H	H	H	1	13	31/03/2019	M	H	H	H	H	2	Y	All Mgt Board
◀▶	20/1 - Funding Challenges	Inadequate funding available to the County Council to discharge its statutory responsibilities and to meet public expectation for the remainder of the decade resulting in legal challenge, unbalanced budget and public dissatisfaction	Chief Exec	CD SR	H	H	H	H	H	1	9	28/02/2019	M	H	H	M	M	2	Y	All Mgt Board
◀▶	20/194 - Major Failure due to Quality and/or Economic Issues in the Care Market	Major failure of provider/key providers results in the Directorate being unable to meet service user needs. This could be caused by economic performance or resource capabilities including recruitment and retention. The impact could include loss of trust in the Care Market, increased budgetary implications and issues of service user safety.	CD HAS	HAS AD Q&E	H	M	H	M	H	1	12	31/12/2018	H	M	M	M	M	2	Y	HAS AD Q&E
▲	20/205 - Schools Organisation and Funding	Failure to assess and manage the combined effects of changes in the national school policy and funding framework, demographics (both rising and falling as a result of housing market changes) and national and local political circumstances, resulting in a fragmentation of the network of services for children, growing numbers of unsustainable and/or failing schools, insufficient school places, fragmentation due to academisation, increased public dissatisfaction, and loss of confidence in the County Council as local authority.	Chief Exec	CD CYPS	H	M	H	M	M	1	11	31/08/2019	M	M	H	M	M	2	Y	CD CYPS
◀▶	20/187 - Information Governance	Ineffective information governance arrangements lead to unacceptable levels of unauthorised disclosure of personal and sensitive data, poor quality or delayed responses to FoI requests, and inability to locate key data upon which the Council relies resulting in loss of reputation, poor decision making, fine, etc	Chief Exec	CD SR	H	M	M	M	H	1	7	31/12/2018	M	L	M	L	M	4	Y	CD SR
- new -	20/236 - Opportunities for Devolution and Growth in North Yorkshire	Failure to take advantage of Devolution opportunities and to deliver the ambition of Sustainable Economic Growth, through for example the delivery of the right housing and transport whilst protecting the outstanding environment and heritage, resulting in reduced investment and impact on the growth and jobs, inability	Chief Exec	CD BES	H	M	H	H	H	1	9	31/03/2019	M	M	M	M	M	4	Y	CD BES Chief Exec

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – summary**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Identity			Person		Classification												Fallback Plan			
Change	Risk Title	Risk Description	Risk Owner	Risk Manager	Pre						RR		Post						FBPlan	Action Manager
					Prob	Obj	Fin	Serv	Rep	Cat	RRs	Next Action	Prob	Obj	Fin	Serv	Rep	Cat		
		to attract, retain and grow businesses and raise living standards across North Yorkshire																		
	20/47 - Partnership and Integration with the NHS	Failure to shape and drive the configuration of the NHS from both a Commissioner and Provider perspective resulting in suboptimal maximisation of integration across the NYCC footprint, a negative impact on the customer experience and the possibility of fragmented care and poor outcomes	Chief Exec	CD HAS	M	M	H	M	M	2	20	31/12/2018	M	M	H	M	M	2	Y	CD HAS
	20/189 - Safeguarding Arrangements	Failure to have a robust Safeguarding service in place results in risk to vulnerable children, adults and families and not protecting them from harm.	Chief Exec	CD HAS CD CYPS	M	H	M	M	H	2	21	31/12/2018	L	H	M	M	H	3	Y	CD CYPS CD HAS

Key	
	Risk Ranking has worsened since last review.
	Risk Ranking has improved since last review
	Risk Ranking is same as last review
- new -	New or significantly altered risk

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Phase 1 - Identification									
Risk Number	20/235	Risk Title	20/235 - Brexit Arrangements			Risk Owner	Chief Exec	Manager	All Mgt Board
Description	The UK leaves the European Union with sub-optimal arrangements resulting in difficulties in recruitment, data protection, price uncertainty and supply chain difficulties, price pressures from contractors, increased demands on services from customers and businesses; and adverse impacts upon the local economy and infrastructure and environmental standards. (Latest version to be reviewed again in January 2019)					Risk Group	Strategic	Risk Type	

Phase 2 - Current Assessment											
Current Control Measures			Guidance on how to prepare for Brexit issued on specific areas such as trade and procurement, and funding programmes by the Government; NYLRF; Workforce - LGA submission on care sector recruitment put forward; no change in employment law; LEP guarantee of continued funding agreed for projects before Brexit including rural development; domestic legislation to preserve EU law in relation to farm payment to be put in place; State Aid - current approvals for state aid will continue to apply and such acceptances by the European Commission will remain valid and will be transposed into UK law. Public Health - domestic legislation to preserve EU law in relation to labelling tobacco products and e cigarettes local policies with partners to continue delivery in place; Procurement – Many of the processes and procedures will remain the same, but with the Minister for the Cabinet Office replacing current EU reporting/governance. The requirement for fair, open and transparent competition will remain so no favoured nations and use of 'local' may not be widened. A strategy sub theme group on Brexit in place; contract variation gateway in place for contracts over certain values; Trading Standards - Continue to monitor new and amended legislation and identify changes with significant impact for business or consumers; continue to review relevant technical notices and begin to develop new advice or procedures as required. Environmental Standards - domestic legislation to preserve EU law in relation to environmental standards (Environment Bill) to be put in place; contractors encouraged to consider Brexit risks and seek mitigation; Data Protection – Data Protection Act including GDPR;								
Probability	H	Objectives	H	Financial	H	Services	H	Reputation	M	Category	I

Phase 3 - Risk Reduction Actions								
						Action Manager	Action by	Completed
Reduction	20/250 - Workforce: Monitor the potential impact on recruitment including the care sector in particular and put together an appropriate action plan if required					CSD ACE BS	Sun-31-Mar-19	
Reduction	20/400 - LEP funding programmes James/Andrew Leeming to provide next steps, FS suggestion: Ensure guaranteed future funding is received for projects such as EDF, Horizon 2020, together with structural and investment funds					CD BES	Sun-31-Mar-19	
Reduction	20/405 - LEP farming James/Andrew Leeming to provide next steps, FS suggestion: Ensure guaranteed funding for projects up to the end of 2020 is received. FS suggestion: Ensure preserved farm payments are made until new agricultural policies are developed and implemented.					CD BES	Sun-31-Mar-19	

Reduction	20/454 - State Aid: KD suggestion: Monitor details of future trading relationships, and understand the local implications of any guidance provided relating to State Aid. KD suggestion: Act upon guidance issued by the Competition and Markets Authority when more detail is provided on the new regulatory function and how State Aid rules will be enforced.					CSD ACE LDS	Sun-31-Mar-19	
Reduction	20/461 - Public Health: Continue to maintain the same high standards in promoting and protecting the health of the public. Continue to monitor variations post Brexit and put local arrangements in place.					CD HAS	Sun-31-Mar-19	

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Reduction	20/465 - Procurement: Monitor the potential impact on public procurement regulations and action any changes to law and NYCC process as they occur. Links made with Cabinet Office EU/International Procurement Policy Team. Put in place additional contract variation scrutiny for lower value contracts.	CD SR	Sun-31-Mar-19	
Reduction	20/467 - Trading Standards: Develop generic and specialist business advice packages to complement existing business advice strategy. Liaise with Citizens Advice Consumer Service (CACS) to determine their contingency plans and make any necessary adjustments to the NYCC/CACS protocol. Review whether changes are required to the trading standards tasking filter and matrix and report to BES Executive Members in March 2019. Review animal disease plans and amend as necessary.	CD BES	Sun-31-Mar-19	
Reduction	20/470 - Environmental Standards: continue to keep a watching brief, through attendance at relevant groups and receiving updates and briefings. Monitor the progression of the Environment Bill, assess the impact when enacted and put together an action plan for approval by Management Board. Monitor cross border waste movements and tariffs and put together an action plan for local arrangements.	CD BES	Sun-31-Mar-19	
Reduction	20/472 - Data Protection: Put controls in place for data transferred into and out of the UK. Review current cloud service contract and ensure controls are in place to ensure data is held in the UK. Monitor changes to the legal framework governing transfers of personal data.	CD SR	Sun-31-Mar-19	
Reduction	20/478 - Guidance on Brexit – continue to receive notification on emerging guidance on areas affecting Local Government, review impact on the Council and report regularly on this to Management Board.	CSD AD PPC	Sun-31-Mar-19	
Reduction	20/480 - Take part in engagements arranged by and with the DExEU and MHCLG through the County Councils Network, regional post Brexit England Commission roadshow, review impact on the Council and report regularly on this to Management Board.	CSD AD PPC	Sun-31-Mar-19	
Reduction	20/730 - Work as part of North Yorkshire Local Resilience Forum to ensure that civil contingencies issues are identified, evaluated and appropriate planning undertaken.	CSD AD PPC	Sun-31-Mar-19	

Phase 4 - Post Risk Reduction Assessment

Probability	H	Objectives	H	Financial	H	Services	H	Reputation	M	Category	I
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Phase 5 - Fallback Plan

Fallback Plan	20/573 - Revisit in January 2019 and look at emergency measures that need to be put in place.	Action Manager	Chief Exec
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Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Phase 1 - Identification												
Risk Number	20/207	Risk Title	20/207 - Savings and Transformation Programme					Risk Owner	Chief Exec		Manager	CD SR
Description	Failure to design and implement a coherent savings and transformation programme "Beyond 2020" which delivers the forecast funding shortfall resulting in short term and sub optimal savings decisions ie service cuts					Risk Group	Strategic		Risk Type	CS 15/11		
Phase 2 - Current Assessment												
Current Control Measures			Transformation programme; alignment with Council Plan and corporate priorities; Members workshops & political group sessions completed; briefings of Cabinet; regular Mgt Board/Programme Board meetings; staff communication constantly reviewed and cross cutting themes programme board continue to meet and follow the governance structure; quarterly meetings with finance ADs and programme managers to align savings against programme budgets; review carried out of governance and areas of future focus for Programme Board; all major change programmes are captured within this Programme to better manage dependencies and resources; Enhanced Strategic Support service to ensure high quality and robust service and team planning; action plan following peer review monitored;									
Probability	H	Objectives	H	Financial	H	Services	H	Reputation	H	Category	1	
Phase 3 - Risk Reduction Actions												
							Action Manager	Action by	Completed			
Reduction	15/634 - Carry out further transformational conversations with Management Board to potentially lead to identifying new areas of cross cutting programmes (current timeframe to fall in line with Mar 2019 budget savings)						CSD SR AD T&C	Sun-31-Mar-19				
Reduction	15/635 - Fundamental review of projects, reassessment of priority and agree outcomes						CD SR CSD SR AD T&C	Sun-31-Mar-19				
Reduction	15/636 - Continue to deliver existing Programme including Directorate and cross cutting programmes						CD SR CSD SR AD T&C	Wed-31-Jul-19				
Reduction	15/637 - Embed the BEST approach into service planning to identify yearly efficiency savings						CD SR CSD Mgt Team CSD PPC HoS&P	Tue-31-Dec-19				
Reduction	15/639 - Focus reviews on areas of overspend						CSD Mgt Team	Wed-31-Jul-19				
Reduction	15/831 - Continue to monitor delay of Programmes and the effect on benefits (ongoing)						CSD SR AD T&C	Sat-31-Aug-19				
Reduction	20/42 - Review (deep dives) specific high-risk base budgets such as HAS Care and Support, SEN Transport and School Improvement in 2018/19						CD SR	Sun-31-Mar-19				
Reduction	20/52 - Refresh and carry out a revised plan for reviewing base budgets in 2018/19 on a risk based assessment						CD SR	Sun-31-Mar-19				
Reduction	20/386 - Approve detailed business plans for each of the associated businesses: NY Education Services, Yorwaste, Property Services etc. by Shareholder Committee and Brierley Board and put in place a monitoring regime (Forward Plan) for progress						CD SR	Sun-31-Mar-19				
Reduction	20/403 - Carry out monthly monitoring of communications and engagement plan including key messages and themes (ongoing)						CSD HoC	Sat-31-Aug-19				
Reduction	20/491 - Identify and target additional savings through corporate Procurement Strategy (ongoing)						CD SR	Mon-30-Sep-19				
Reduction	20/505 - Carry out a fundamental review of the organisation's design and development programme						All Mgt Board CSD ACE BS	Sun-31-Mar-19				

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Reduction	20/526 - Continue to develop effective Commercial operations (ongoing)					All Mgt Board Chief Exec	Mon-30-Sep-19				
Phase 4 - Post Risk Reduction Assessment											
Probability	M	Objectives	H	Financial	H	Services	H	Reputation	H	Category	2
Phase 5 - Fallback Plan											
Fallback Plan	15/561 - Carry out service cuts							Action Manager			
								All Mgt Board			

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Phase 1 - Identification											
Risk Number	20/1	Risk Title	20/1 - Funding Challenges				Risk Owner	Chief Exec		Manager	CD SR
Description	Inadequate funding available to the County Council to discharge its statutory responsibilities and to meet public expectation for the remainder of the decade resulting in legal challenge, unbalanced budget and public dissatisfaction					Risk Group	Resources		Risk Type		
Phase 2 - Current Assessment											
Current Control Measures			Existing MTFS; Members Budget seminars; 2020 North Yorkshire Programme & constituent elements including service reviews; review of 2020NY in Members seminars, Cabinet, and Overview and Scrutiny Committees where Directorate based; 2020NY Programme Governance; modelling on implications of external funding levels (eg Spending Review Settlement); next phase of savings ideas generated; meetings with traded services' managers completed; interim NYES business plan in place; sustainable additional social care funding; advocacy work including with MPs, CCN and professional networks;								
Probability	H	Objectives	H	Financial	H	Services	H	Reputation	H	Category	1
Phase 3 - Risk Reduction Actions											
							Action Manager	Action by	Completed		
Reduction	15/638 - Deliver against areas identified as housekeeping (negative RSG, fairer funding review, fees and charges, business rates)					CSD SR AD T&C		Sun-31-Mar-19			
Reduction	20/46 - Ensure effective consultation/communication with staff, public and Members about ongoing savings requirements					All Mgt Board		Mon-30-Sep-19			
Reduction	20/402 - Ensure that additional social care funding is used in a sustainable way (ie non recurrent)					CD HAS CD SR		Sun-31-Mar-19			
Reduction	20/616 - Ensure active participation in professional networks and LG pressure groups (for example CCN and LGA) to shape activity in relation to advocacy (ongoing)					All Mgt Board		Mon-30-Sep-19			
Reduction	20/617 - Continue to lobby MPs and Govt for additional social care funding (BCF) (ongoing)					CD HAS CD SR		Sun-31-Mar-19			
Reduction	20/618 - Develop a time limited Beyond 2020 Change Programme to address ongoing savings for the new MTFS.					All Mgt Board		Thu-28-Feb-19			
Reduction	20/728 - Communicate and consult with the public to ensure understanding of financial position and consequences					CD SR		Sun-31-Mar-19			
Reduction	20/729 - Develop the next stage of the Savings and Transformation Programme beyond 2020 (see S&T Programme risk)					CD SR		Sun-31-Mar-19			
Reduction	20/1190 - Raise profile and continue to lobby MPs and Government in relation to DSG and High Needs funding (ongoing)					CD SR		Sun-31-Mar-19			
Phase 4 - Post Risk Reduction Assessment											
Probability	M	Objectives	H	Financial	H	Services	M	Reputation	M	Category	2
Phase 5 - Fallback Plan											
									Action Manager		
Fallback Plan	20/504 - Further fundamental review in order to discharge statutory responsibilities								All Mgt Board		

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Phase 1 - Identification											
Risk Number	20/194	Risk Title	20/194 - Major Failure due to Quality and/or Economic Issues in the Care Market					Risk Owner	CD HAS	Manager	HAS AD Q&E
Description	Major failure of provider/key providers results in the Directorate being unable to meet service user needs. This could be caused by economic performance or resource capabilities including recruitment and retention. The impact could include loss of trust in the Care Market, increased budgetary implications and issues of service user safety.						Risk Group	Legislative	Risk Type	HAS Dir 3/162	
Phase 2 - Current Assessment											
Current Control Measures			Regular review and monitoring contracts; standard contract terms; approvals process; regular meetings to share best practice; experienced staff; regular communication with providers; bulletins; customer feedback; Engagement Group; legal services; CQC; Financial Services & insurance consultation; Independent Sector Partnership B (ISPB); market analysis and mapping and information analysis (Locality Provider group); capacity planning; alerts system including brokerage; Service Unit & provider BCPs; QA Framework developed; guidance and ongoing training for purchasing staff; engage with AD ASS; reg meetings with Q&M, Health Commissioner and police; robust comms with CCGs; quality monitoring embedded in Dir perf monitoring; market position statement; heat map action plan; recommendations from the actual cost of care exercise implemented; QI team in place; funding for market improvement team agreed through BCF;								
Probability	H	Objectives	M	Financial	H	Services	M	Reputation	H	Category	I
Phase 3 - Risk Reduction Actions											
Reduction	20/468 - Continue to revise and update a market position statement (ongoing)						Action Manager	HAS AD C&Q	Action by	Sun-30-Jun-19	Completed
Reduction	20/469 - Jointly with Health continue to monitor baseline assessments QA framework and risk profiles of providers; targets are reviewed at quarterly officer meetings and info fed into engagement group; pursue opportunities for joint working between HAS and NHS with plans in place for health brokerage						Action Manager	HAS AD C&Q	Action by	Sun-30-Jun-19	Completed
Reduction	20/471 - Continue with regular engagement meetings with CQC locally and engage with CQCs national programme of identifying providers where there is significant risk of failure						Action Manager	HAS AD C&Q	Action by	Sun-30-Jun-19	Completed
Reduction	20/473 - Continue to engage in ADASS work to manage major problems occurring, such as financial issues in the care provider market and ensure robust contingency planning and to learn lessons from serious case reviews at a national level; more work being done to enhance regional ways of working; this continues, awaiting legal views on info sharing						Action Manager	HAS AD C&Q	Action by	Sun-30-Jun-19	Completed
Reduction	20/474 - Work with Veritau on audits of individual suppliers (ongoing)						Action Manager	HAS AD C&Q	Action by	Sun-30-Jun-19	Completed
Reduction	20/486 - Implement action plan following outcome of state of the market and ensure inclusion of NHS and Partners - ongoing (Make Care Matter joint recruitment in Scarborough and IBCF monies used for recruitment)						Action Manager	HAS HoHR	Action by	Sun-30-Jun-19	Completed
Reduction	20/492 - Review any opportunities to stabilise the market through additional Govt funding given to social care for this purpose (review position each year for next 3 years of funding); IBCF being used for piloting an approach to rural dom care, supporting recruitment and training						Action Manager	CSD AD SR (AH) HAS AD C&Q	Action by	Tue-30-Apr-19	Completed
Reduction	20/523 - 2020 Market shaping/development project work – completed the first piece of work and areas of work identified to commence priority projects						Action Manager	HAS AD C&Q	Action by	Mon-30-Sep-19	Completed
Reduction	20/524 - Workforce group to develop and support workforce across the sector; regular item on the agenda on ISPB,						Action Manager	HAS HoHR	Action by	Sun-30-Jun-19	Completed
Reduction	20/1166 - Carry out recruitment for quality and improvement team; recruitment to complete and then structure to embed						Action Manager	HAS AD C&Q	Action by	Mon-31-Dec-18	Completed

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Reduction	20/1188 - Monitor issues caused by the complex partner relationships, meetings and structures and raise at HASLT where appropriate - ongoing	HAS AD C&Q	Sun-30-Jun-19								
Reduction	20/1197 - Begin the preparation for next Actual Cost of Care exercise; connected to green paper coming in autumn 18	HAS AD C&Q	Sun-30-Jun-19								
Phase 4 - Post Risk Reduction Assessment											
Probability	H	Objectives	M	Financial	M	Services	M	Reputation	M	Category	2
Phase 5 - Fallback Plan											
Fallback Plan	20/548 - Make client safe, crisis meeting, implement relevant steps, consultation with senior staff and relevant organisations (e.g. Police CQC). Effective communication to relevant parties, utilise established failure plan.									Action Manager	
										HAS AD Q&E	

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Phase 1 - Identification											
Risk Number	20/205	Risk Title	20/205 - Schools Organisation and Funding				Risk Owner	Chief Exec	Manager	CD CYPS	
Description	Failure to assess and manage the combined effects of changes in the national school policy and funding framework, demographics (both rising and falling as a result of housing market changes) and national and local political circumstances, resulting in a fragmentation of the network of services for children, growing numbers of unsustainable and/or failing schools, insufficient school places, fragmentation due to academisation, increased public dissatisfaction, and loss of confidence in the County Council as local authority.					Risk Group	Strategic	Risk Type			
Phase 2 - Current Assessment											
Current Control Measures			Consistent monitoring of forecast numbers. Links with District Councils and developers over major housing developments (including ISDG work). Cross-directorate "Strategic Priority Schools" approach. Work with the Education Partnership, Keep up to date with current publications, email, etc. Reg review of DfE and other critical websites. Liaison with other LAs. Early assessment of resource implications on new development. Advocacy of NYCC case for funding, new procedures for grant & award acceptance, involvement in appropriate national conferences, participation in DfE priorities when possible, collaboration guidance and toolkit, review of planning areas to explore the level of need; framework for prioritisation of school organisation issues, briefings provided for elected Members and NY Education Partnership; involvement with White Paper strategic board; liaison with Education Funding Agency (EFA), DfE and Regional Schools Commissioner (RSC)								
Probability	H	Objectives	M	Financial	H	Services	M	Reputation	M	Category	I
Phase 3 - Risk Reduction Actions											
							Action Manager	Action by	Completed		
Reduction	20/538 - Continue to work with and use effective lobbying channels to achieve a fairer funding outcome for North Yorkshire on both revenue and capital eg Educational Building and Development Officers Group (EBDOG)						CSD AD SR (HE) CYPS AD E&S	Sat-31-Aug-19			
Reduction	20/539 - Develop arrangements to support the process of academisation, where it has been started, to ensure smooth transfer of schools. Assist groups of schools, where appropriate, to develop locally focused Multi Academy Trusts or other appropriate arrangements						CYPS AD E&S	Sat-31-Aug-19			
Reduction	20/540 - Assess implications for the market of changes to early years funding						CYPS AD E&S	Sat-31-Aug-19			
Reduction	20/541 - Continue to encourage, support and build capacity to enable schools to work collaboratively to seek to ensure continued viability and financial sustainability						CSD AD SR (HE) CYPS AD E&S	Sat-31-Aug-19			
Reduction	20/544 - Ensure consistent approach corporately to infrastructure funding, including CIL						CYPS AD E&S	Sat-31-Aug-19			
Reduction	20/545 - Continual review of the estate including maintenance requirement (ongoing) including developing proposals around the Special School and PRS estate						CSD AD SR (HE) CYPS AD Incl	Sat-31-Aug-19			
Reduction	20/546 - Exploit alternative sources of funding for the delivery of new school spaces and encourage free school applications where appropriate						CSD AD SR (HE) CYPS AD E&S	Sat-31-Aug-19			
Reduction	20/547 - Develop constructive relationships with the Regional Schools Commissioner and receive their practical support						CYPS AD E&S	Sat-31-Aug-19			
Reduction	20/548 - Work with the Property team to mitigate risks to the delivery of the 2017/18 and 2018/19 capital plans arising from the transfer of the contract with Mouchel to an in-house arrangement						CYPS AD E&S	Sat-31-Aug-19			
Reduction	20/723 - Implement an approach to support, challenge and, if necessary, intervene in school organisation to ensure that schools are financially sustainable in the medium-term.						CSD AD SR (HE)	Tue-31-Mar-20			
Reduction	20/725 - Work with Schools Planning where increasing the physical capacity is required to meet the need for increased childcare provision						CSD AD SR (HE) CYPS AD E&S	Sat-31-Aug-19			

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Phase 4 - Post Risk Reduction Assessment											
Probability	M	Objectives	M	Financial	H	Services	M	Reputation	M	Category	2
Phase 5 - Fallback Plan											
										Action Manager	
Fallback Plan	20/629 - Investigate failure and resolve; member briefings; media mgt									CD CYPS	

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Phase 1 - Identification												
Risk Number	20/187	Risk Title	20/187 - Information Governance					Risk Owner	Chief Exec		Manager	CD SR
Description	Ineffective information governance arrangements lead to unacceptable levels of unauthorised disclosure of personal and sensitive data, poor quality or delayed responses to FoI requests, and inability to locate key data upon which the Council relies resulting in loss of reputation, poor decision making, fine, etc					Risk Group	Legislative		Risk Type	CS 15/161		
Phase 2 - Current Assessment												
Current Control Measures			Additional data governance support; Information Governance Strategy including the associated Policy and Procedure Framework; CIGG Action Plan; data breach process; messages from senior management; staff induction; Info Gov on line training; Information Asset Owners identified; information asset registers; DIGCs; posters; intranet information; regular monitoring of electronic communication by ICT; series of unannounced security compliance visits by internal audit; application of all the features of the Information Security Management System (ISMS); FoI – controls include central monitoring of receipt and progress, regular review by Veritau and review of outstanding cases by the Chief Exec on a monthly basis; proactive monitoring of all data; terms of reference reviewed; Directorate Group; internal audit support investigation of significant data breaches; CIGG consider reasons for data breaches and cascade lessons learned; secure physical storage and internal info transfer issues resolved; Non NYCC Network Access Policy produced; e learning training packages refreshed; targeted phishing campaigns; Information Sharing Protocol in place; SAR - controls include central monitoring of receipt and progress; service IARs updated; refreshed Information Governance page on intranet									
Probability	H	Objectives	M	Financial	M	Services	M	Reputation	H	Category	I	
Phase 3 - Risk Reduction Actions												
							Action Manager	Action by	Completed			
Reduction	15/423 - Continue to emphasise personal responsibility of staff for all information in this area and consider disciplinary action in cases of data breaches						CD SR CSD ACE BS	Sat-31- Aug-19				
Reduction	15/424 - Continue to review information asset registers and target training where appropriate (ongoing)						CSD SR AD T&C Ho Int Audit	Sat-31- Aug-19				
Reduction	15/426 - Ensure individual information sharing agreements completed for each data sharing activity (some agreements are already in place) - (ongoing)						Ho Int Audit	Sat-31- Aug-19				
Reduction	15/431 - Continue to work within services in a prioritised order to ensure information is secure and transferred securely (ongoing)						CSD SR AD T&C	Sat-31- Aug-19				
Reduction	15/433 - Continue communications to staff to ensure good Information Governance including messages from Management Board and associated campaigns (ongoing)						CSD SR AD T&C Ho Int Audit	Sat-31- Aug-19				
Reduction	15/611 - Ensure Data Protection risks are managed to comply with GDPR (ongoing)						CSD SR AD T&C	Sat-31- Aug-19				
Reduction	20/450 - Complete Information Governance risk register						CSD SR AD T&C Ho Int Audit	Mon-31- Dec-18				
Phase 4 - Post Risk Reduction Assessment												
Probability	M	Objectives	L	Financial	M	Services	L	Reputation	M	Category	4	
Phase 5 - Fallback Plan												
										Action Manager		
Fallback Plan	15/514 - Review Action Plan and new technology and continue to raise awareness. Invite ICO to carry out an audit of NYCC IG systems									CD SR		

Risk Register: **month 0 (November 2018) – detailed**
Next Review due: **April 2019**
Report Date: **22nd November 2018 (pw)**

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Phase 1 - Identification											
Risk Number	20/236	Risk Title	20/236 - Opportunities for Devolution and Growth in North Yorkshire				Risk Owner	Chief Exec	Manager	CD BES	
Description	Failure to take advantage of Devolution opportunities and to deliver the ambition of Sustainable Economic Growth, through for example the delivery of the right housing and transport whilst protecting the outstanding environment and heritage, resulting in reduced investment and impact on the growth and jobs, inability to attract, retain and grow businesses and raise living standards across North Yorkshire					Risk Group	Strategic	Risk Type	BES 7/174		
Phase 2 - Current Assessment											
Current Control Measures			<p>Devolution - proposals submitted to Govt, LEP strategic economic plan in place; NYCC retains the Infrastructure Delivery Steering Group; NYCC wide co-ordination of development needs linked to District plans; LA Director group in place; plan detailing powers and funding developed; consensus of Yorkshire local authorities on Devolution geography and opportunities;</p> <p>Growth - direct contribution and support, including through provision of accountable body function, to the YNYER Local Enterprise Partnership; establishment of an Economic Growth Function within BES; proactive engagement in LGNY partnership working including through Directors of Development, Chief Housing Officers, and Economic Development Officer Groups; lead role in supporting and developing the NYCC Infrastructure Delivery Steering Group/Growth Plan Steering Group; lead role in developing the NYCC Economic Growth Plan; NYCC Economic Growth Plan completed and approved by Executive; collaborative working arrangements with District Councils in place; the YNYERH Spatial Framework is in place as a basis for further development work; Action Plan completed;</p>								
Probability	H	Objectives	M	Financial	H	Services	H	Reputation	H	Category	I
Phase 3 - Risk Reduction Actions											
Reduction	20/246 - Continue to monitor the Devolution agenda and communication with stakeholders to maximise opportunities (ongoing); the greater Yorkshire geography is being used in some areas of growth work					Action Manager	BES AD GP&TS	Action by	Wed-31-Jul-19	Completed	
Reduction	20/364 - Devolution - Gain political support both locally and nationally (ongoing)					Action Manager	Chief Exec	Action by	Sun-31-Mar-19	Completed	
Reduction	20/549 - Growth - Carry out an annual review of progress of the NYCC Economic Growth and Delivery Plan and Action Plan (ongoing)					Action Manager	BES AD GP&TS BES GP&TS HoSP&EG	Action by	Sat-31-Aug-19	Completed	
Reduction	20/550 - Growth - Embed enhanced collaborative working arrangements with District Councils (annual review of progress) - ongoing					Action Manager	BES AD GP&TS	Action by	Sat-31-Aug-19	Completed	
Reduction	20/552 - Growth - Maintain good working relationship with the LEP (ongoing)					Action Manager	CD BES	Action by	Wed-31-Jul-19	Completed	
Reduction	20/553 - Growth - Understand and investigate any impacts of Brexit and ensure opportunities are taken					Action Manager	BES AD EPU CD BES	Action by	Wed-31-Jul-19	Completed	
Reduction	20/598 - Growth - Deliver the natural capital investment strategy environmental enhancement project via the Local Nature Partnership; good progress, ready to begin commissioning (LEP/LNP lead)					Action Manager	BES AD GP&TS	Action by	Sun-31-Mar-19	Completed	
Reduction	20/916 - Devolution - Establish the geography on which to secure Devolution (consensus of Yorkshire local authorities achieved, support from Govt Minister required)					Action Manager	Chief Exec	Action by	Sun-31-Mar-19	Completed	
Reduction	20/1397 - Devolution - Negotiate the economic barriers and opportunities which Devolution can take advantage of with Government (consensus of Yorkshire local authorities achieved, support from Govt Minister required)					Action Manager	CD BES	Action by	Sun-31-Mar-19	Completed	
Phase 4 - Post Risk Reduction Assessment											

Corporate Risk Register

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Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Probability	M	Objectives	M	Financial	M	Services	M	Reputation	M	Category	4
Phase 5 - Fallback Plan											
											Action Manager
Fallback Plan	20/572 - Consider a North Yorkshire deal and review and revise existing arrangements for sustainable economic growth										CD BES Chief Exec

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Phase 1 - Identification											
Risk Number	20/47	Risk Title	20/47 - Partnership and Integration with the NHS				Risk Owner	Chief Exec	Manager	CD HAS	
Description	Failure to shape and drive the configuration of the NHS from both a Commissioner and Provider perspective resulting in suboptimal maximisation of integration across the NYCC footprint, a negative impact on the customer experience and the possibility of fragmented care and poor outcomes					Risk Group	Partnerships	Risk Type	CYPs 24/221 HAS 3/180		
Phase 2 - Current Assessment											
Current Control Measures			<p>HAS: Effective HWB partnership with clear reviewed and revised - governance providing strategic leadership regarding H&W across the County; chief Officer representation influencing the development of STP/ICSS; HASLT locality delivery model in place actively shaping local integration plans; Joint leadership in Harrogate developing a new model of care building on the work of Vanguard; joint commissioning boards in Hamb/Rich and Scarborough/Ryedale CCGs underpinned by s75 agreements; investment of IBCF and BCF to protect social care; Joint Health and Well-being Strategy in place; corporate task and finish group for DToC in place; HWB development sessions; Integration and Better Care Fund Plan 2017/19 developed with CCGs and agreed at Health and Wellbeing Board; 2020 Health Programme focussing on integration established</p> <p>CYPs: H&W Board; Children's Trust Board; Public Health team; CYPLT; Dir of partnership Commissioning; joint post of Commissioning Manager; joint post of Public Health analyst; CYPs Plan; Health and Well-being Strategy refreshed with children's health as a priority and aligned with the CYPs Plan; JSNA; CYPLT fully briefed and up to date with the changing commissioning landscape and the different roles involved; appropriate engagement secured with CCGs/leads for children for commissioning affecting children and young people and their families; services recommissioned for 0-5 and 5 - 19 Healthy Child Programme to ensure close alignment with Preventative Services; children's health performance reviewed at the Children's Trust Board to monitor the impact of changes on children's health outcomes in North Yorkshire; Work with Public Health to embed PH outcomes into the work of CYPs; specifications for 0-5 healthy child service in place; 'Future in Mind' strategy reflects the needs of Children and Young People in N Yorkshire; tender process for future contracts; analyses of children's health in N Yorkshire, raising awareness and seeking actions from partner agencies to mitigate risks around children's physical and mental health and to inform commissioning decisions;</p>								
Probability	M	Objectives	M	Financial	H	Services	M	Reputation	M	Category	2
Phase 3 - Risk Reduction Actions											
							Action Manager	Action by	Completed		
Reduction	20/60 - Ensure that we account for the BCF funding as per the Regulations on a quarterly basis						CSD AD SR (AH)	Sat-31-Aug-19			
Reduction	20/362 - Ensure NHS partners are fully aware of the democratic and political environment they are operating within and liaise with Scrutiny colleagues to ensure a positive outcome (ongoing)						CD HAS	Fri-31-May-19			
Reduction	20/363 - Actively monitor relationships, priorities and communications and ensure that HAS managers are fully engaged at appropriate level and review at HAS WLT on a regular basis (ongoing)						CD HAS	Fri-31-May-19			
Reduction	20/399 - Develop and implement joint commissioning plans with the CCGs and shape and influence models of primary community health and social care in each locality						HAS AD H&I	Tue-30-Apr-19			
Reduction	20/402 - Ensure that additional social care funding is used in a sustainable way (ie non recurrent)						CD HAS CD SR	Sun-31-Mar-19			
Reduction	20/451 - Agree and implement new models of care in all CCG localities building on primary care footprints of c30-50k of population						CD HAS	Sun-31-Mar-19			
Reduction	20/452 - Engage wider HASLT in testing the implications of different integration models (ongoing)						HAS AD C&Q HAS AD H&I	Fri-31-May-19			
Reduction	20/453 - Continue to monitor the impact of the challenge of having 3 STPs, including through Health scrutiny						HAS AD H&I	Fri-31-May-19			

Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Reduction	20/457 - Continue to improve and sustain the DToC (Delayed Transfer of Care) performance to avoid financial penalties and reputational issues (ongoing)	HAS AD C&Q HAS AD C&S	Mon-30-Sep-19	
Reduction	20/458 - Consider MoUs for STP / ICS across the County that explicitly define the Council's involvement and engagement in these arrangements	CSD AD SR (AH) HAS AD H&I	Sun-30-Jun-19	
Reduction	20/477 - Ensure Healthy Child team and Prevention team collaborate effectively to deliver improved outcomes of Children, Young People and Families (ongoing)	CYPS C&F HoEP (PiP)	Mon-30-Sep-19	
Reduction	20/481 - Continue to contribute to the delivery of the workplan for the Health and Well-being Board in relation to children's health priorities and ensure strategic decision making in Health is influenced through alignment with the JSNA and the Children and Young People's Plan (ongoing)	CD CYPS	Mon-30-Sep-19	
Reduction	20/527 - Work with the commissioned provider to ensure Mental Health services are effective (ongoing)	CYPS C&F HoCP	Wed-31-Jul-19	
Reduction	20/528 - Continue to investigate opportunities for joint commissioning between Health and the Local Authority in terms of meeting the needs of children with SEND	CYPS AD Incl	Wed-31-Jul-19	
Reduction	20/529 - Continuously improve partnership with CYP & Families, Health Commissioners and SEMH providers through SEMH steering group and SEMH implementation plan	CYPS Incl HoE	Wed-31-Jul-19	
Reduction	20/531 - Continue with regular contract monitoring and quality assurance meetings with providers including annual formal on site commissioning visits	CYPS Comm Mgr Health	Wed-31-Jul-19	
Reduction	20/542 - Revise the arrangements for funding contributions between Health and the Local Authority for high cost placements	CSD AD SR (HE)	Sat-31-Aug-19	
Reduction	20/565 - Actively work with Partners on a new way for the health system to work in North Yorkshire	HAS AD H&I	Sun-31-Mar-19	
Reduction	20/724 - Agree the future of Commissioning and Provider Programme for the Healthy Child Programme 2020	CYPS Comm Mgr Health	Mon-31-Dec-18	
Reduction	20/1189 - Carry out preparations for potential CQC area review regarding integration through a range of activities	HAS LT	Sun-31-Mar-19	

Phase 4 - Post Risk Reduction Assessment

Probability	M	Objectives	M	Financial	H	Services	M	Reputation	M	Category	2
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Phase 5 - Fallback Plan

Fallback Plan	20/210 - Escalation to CMB and Executive Members, further engagement with senior tiers in NHS locally, regionally and nationally.	Action Manager	CD HAS
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Corporate Risk Register

Appendix A

Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Phase 1 - Identification													
Risk Number	20/189	Risk Title	20/189 - Safeguarding Arrangements						Risk Owner	Chief Exec		Manager	CD HAS CD CYPS
Description	Failure to have a robust Safeguarding service in place results in risk to vulnerable children, adults and families and not protecting them from harm.						Risk Group	Safeguarding		Risk Type	CYPS 24/250 HAS 3/27		
Phase 2 - Current Assessment													
Current Control Measures			<p>CYPS – LSCB Safeguarding website; regularly reviewed procedures; practice standards issued to teams to support consistent practice; monthly performance data which is monitored regularly to seek assurance over key performance headlines; case file audit process; manager authorisation of all assessments; ICS; newly formed integrated family support service; training strategy; clear supervision process which is audited on a regular basis; strengthened Multi agency screening team (MAST); OFSTED 'outstanding' categorisation; delivery and implementation of the VEMT approach with the LSCB; working with colleagues and the CCG lead to ensure appropriate resources available for complex young people; Mgt file audit of case files against established assessment standards and staff supervision files; monitoring and management of performance against agreed targets in the SMT action plan</p> <p>HAS - Detailed action plan; Safeguarding general manager and team; strengthening of Safeguarding policy team; case file audit and review; independent chair to Safeguarding Board in place; risk enablement panel in place and being reviewed; countywide safeguarding general manager in place; testing of initial performance metrics for Safeguarding Board has taken place further developing performance activity; initial safeguarding procedures reviewed linked to consultation in light of the Care Act and are being reviewed again; safeguarding board performance framework; Q&E [protocol for the relationship between Adults Social Care (and Children's Trust) and the Health and Wellbeing Board agreed and implemented;] information framework for serious incident data, eg drug death etc in place</p>										
Probability	M	Objectives	H	Financial	M	Services	M	Reputation	H	Category	2		
Phase 3 - Risk Reduction Actions													
							Action Manager	Action by	Completed				
Reduction	20/374 - Ensure compliance with Safeguarding Board and Children and Families' procedures [CYPS]							CYPS AD C&F	Sat-31-Aug-19				
Reduction	20/376 - Continue the work with the MAST to strengthen responses to children and young people who are vulnerable to CSE by improved intelligence and information sharing arrangements [CYPS]							CYPS C&F HoS	Sat-31-Aug-19				
Reduction	20/377 - Ensure where there is a concern that a young person is being exploited that the CSE risk assessment tool is always completed [CYPS]							CYPS C&F HoS	Sat-31-Aug-19				
Reduction	20/378 - Ongoing Mgt file audit of case files against established assessment standards and staff supervision files [CYPS]							CYPS C&F SMT	Sat-31-Aug-19				
Reduction	20/379 - Monitoring and management of performance against agreed targets in the SMT action plan [CYPS]							CYPS C&F SMT	Sat-31-Aug-19				
Reduction	20/382 - Continue to feed into review of EDT arrangements (adult lead) as required [CYPS]							CYPS AD C&F	Sat-31-Aug-19				
Reduction	20/384 - Continuation of 'Practice Weeks' where managers will visit locations to observe and review practice [CYPS]							CYPS AD C&F	Sat-31-Aug-19				
Reduction	20/385 - Use and further development of performance dashboards to support individual managers [CYPS]							CYPS C&F HoS	Sat-31-Aug-19				
Reduction	20/456 - Continue to report regularly to HASLT, Care and Independence O&S Committee and Health and Wellbeing Board particularly in light of preparation for the latest policy and procedures. [HAS]							HAS AD H&I	Sun-31-Mar-19				
Reduction	20/487 - Continue to work with Quality and Engagement team to improve quality assurance (development of new approaches and tools around working with providers on quality assurance issues); including work and regular meetings with CQC, Health and Healthwatch [HAS]							HAS AD C&S HAS AD H&I	Tue-30-Apr-19				
Reduction	20/489 - Continue joint work with CYPS and the Community Safety Partnership (together with formal quarterly meetings of the InterBoard Network to be set up by Jun 2018) [HAS]							HAS AD H&I	Tue-30-Apr-19				

Corporate Risk Register

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Risk Register: **month 0 (November 2018) – detailed**

Next Review due: **April 2019**

Report Date: **22nd November 2018 (pw)**

Reduction	20/490 - Ensure training in respect of latest policies and procedures for elected Members, staff and Partners is reviewed and delivered [HAS]	HAS AD C&S	Sun-31-Mar-19	
Reduction	20/532 - Continue to bring in further staff whenever possible to address significant vacancies in the structure [HAS]	HAS AD C&S	Sat-31-Aug-19	
Reduction	20/534 - Carry out the supervisory body role for DoLS to ensure the system is as effective as possible within existing resources (reliant of Law Commission proposals that have been delayed – linked to action 20/615) [HAS]	HAS AD H&I	Mon-31-Dec-18	
Reduction	20/535 - Continue to ensure Partners are fully engaged with Safeguarding Boards centrally and locally, particularly new health partners (CCGs). Carry out review of local arrangements with Children's Safeguarding Board and Community Safety Partnerships [HAS]	HAS AD C&S HAS AD H&I	Fri-31-May-19	
Reduction	20/536 - Continue to embed safeguarding work to deliver the Transforming Care programme incl. embedding the care act role of Principal Social Worker and Safeguarding Board Manager with closer scrutiny of Transforming Care work [HAS]	HAS AD C&S	Sun-30-Jun-19	
Reduction	20/595 - Ensure in house provider workforce have appropriate training and development in this area [HAS]	HAS C&S Ho PS	Sun-30-Jun-19	
Reduction	20/596 - Continue to strengthen Governance arrangements in HAS following consideration of North Yorkshire and national safeguarding adult reviews (ongoing) [HAS]	HAS AD C&S	Fri-31-May-19	
Reduction	20/597 - Consider recommendations from commissioned independent review of safeguarding practice as part of the preparations for the implementation of the latest policy and procedures [HAS]	HAS AD C&S	Tue-30-Apr-19	
Reduction	20/615 - Continue with scoping work in preparation of implementing the Law Commission proposals (linked to action 20/534) [HAS]	HAS AD C&S HAS AD H&I	Mon-31-Dec-18	
Reduction	20/726 - Implement the new safeguarding policies and procedures (internal SG board is leading to ensure operational guidance is in place) [HAS]	HAS AD H&I	Tue-30-Apr-19	

Phase 4 - Post Risk Reduction Assessment

Probability	L	Objectives	H	Financial	M	Services	M	Reputation	H	Category	3
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Phase 5 - Fallback Plan

										Action Manager	
Fallback Plan	20/545 - Carry out necessary review of approach, target underperforming areas and take on lessons learned from any serious case reviews									CD CYPs CD HAS	

Linking of Directorate risks to the Corporate risk register November 2018

Health and Adult Services Risk Register	Corporate Risk Register	Rank	Children and Young People's Service Risk Register
<p>Transformation</p> <p>Failure to continue the transformation of care and support in a timely way such that savings are made, significant change and improvement is implemented and personal independence is maximised.</p>	<p>Brexit Arrangements</p> <p>The UK leaves the European Union with sub-optimal arrangements resulting in difficulties in recruitment, data protection, price uncertainty and supply chain difficulties, price pressures from contractors, increased demands on services from customers and businesses; and adverse impacts upon the local economy and infrastructure and environmental standards.</p>	1 1	<p>Cultural Change and Beyond 2020</p> <p>Failure to maintain a strong culture, processes and supporting capacity within CYPs to deliver Beyond 2020, savings targets and address national funding and policy changes</p>
<p>Financial Pressures</p> <p>Financial pressures arising from difficulties in delivering MTFS Savings requirements, managing in year financial overspends, Better Care Fund contributions, market pressure and complexity of client needs</p>	<p>Savings and Transformation Programme</p> <p>Failure to design and implement a coherent savings and transformation programme "Beyond 2020" which delivers the forecast funding shortfall resulting in short term and sub optimal savings decisions ie service cuts</p>	1 2	<p>Schools Organisation and Funding</p> <p>Failure to assess and manage the combined effects of changes in the national school policy and funding framework, demographics (both rising and falling as a result of housing market changes) and national and local political circumstances.</p>
<p>Major Failure due to Quality and/or Economic Issues in the Care Market</p> <p>Major failure of provider/key providers results in the Directorate being unable to meet service user needs. This could be caused by economic performance or resource capabilities including recruitment and retention.</p>	<p>Funding Challenges</p> <p>Inadequate funding available to the County Council to discharge its statutory responsibilities and to meet public expectation for the remainder of the decade.</p>	1 2	<p>Information Governance and Health and Safety</p> <p>Failure to ensure that good and safe governance arrangements in respect of data security and health and safety are in place throughout the Directorate</p>
<p>Information Governance and Health and Safety</p> <p>Failure to ensure that good and safe governance arrangements in respect of data security and health and safety are in place throughout the Directorate.</p>	<p>Major Failure due to Quality and/or Economic Issues in the Care Market</p> <p>Major failure of provider/key providers results in the Directorate being unable to meet service user needs. This could be caused by economic performance or resource capabilities including recruitment and retention.</p>	1 2	<p>Partnership and Integration with Health</p> <p>Failure to develop and implement new models of care that will provide better outcomes for children and young people and local communities. This failure would have a negative impact on the development of integrated services, give rise to increased costs to CYPs and cause the loss of opportunities that joint provision may offer.</p>
<p>Partnership and Integration with the NHS</p> <p>Failure to shape and drive the configuration of the NHS from both a Commissioner and Provider perspective resulting in suboptimal maximisation of integration across the NYCC footprint, a negative impact on the customer experience and the possibility of fragmented care and poor outcomes.</p>	<p>Schools Organisation and Funding</p> <p>Failure to assess and manage the combined effects of changes in the national school policy and funding framework, demographics and national and local political circumstances.</p>	1 4	<p>Safeguarding Arrangements</p> <p>Failure to have a robust approach to Safeguarding in place results in risk to vulnerable children and families and not protecting them from harm.</p>
<p>Safeguarding Arrangements</p> <p>Failure to have an effectively monitored, robust, Safeguarding regime and partnership arrangements in place and ensure that we fulfil our wider lead authority role (under the Care Act).</p>	<p>Information Governance</p> <p>Ineffective information governance arrangements lead to unacceptable levels of unauthorised disclosure of personal and sensitive data, poor quality or delayed responses to FoI requests, and inability to locate key data upon which the Council relies</p>	1 4	<p>Business and Environmental Services Risk Register</p> <p>Delivering Change Programmes within BES</p> <p>Failure to embed a strong change culture, processes and supporting capacity to deliver ongoing programmes of change in BES e.g. the BES 2020 Change Programme.</p>
<p>Central Services Risk Register</p> <p>Savings and Transformation Programme</p> <p>Failure to design and implement a coherent savings and transformation programme "Beyond 2020" which delivers the forecast funding shortfall resulting in short term and sub optimal savings decisions ie service cuts</p>	<p>Opportunities for Devolution and Growth in North Yorkshire</p> <p>Failure to take advantage of Devolution opportunities and to deliver the ambition of Sustainable Economic Growth, through for example the delivery of the right housing and transport whilst protecting the outstanding environment and heritage</p>	1 4	<p>Statutory Duties</p> <p>Failure to carry out statutory duties or meet statutory deadlines (e.g. Health and Safety, safe guarding, information governance, prevention of waste pollution, planning responsibilities, statutory property related issues, driver/vehicle guidance) resulting in Corporate Manslaughter, increased cost/claims, fines/prosecution and criticism.</p>
<p>Central Services Savings Plan</p> <p>Failure to deliver the Central Services savings plan for the duration of the programme (up to 2020) resulting in inability to meet the budget, rationalise support services and enable the programme</p>	<p>Partnership and Integration with the NHS</p> <p>Failure to shape and drive the configuration of the NHS from both a Commissioner and Provider perspective resulting in suboptimal maximisation of integration across the NYCC footprint, a negative impact on the customer experience and the possibility of fragmented care and poor outcomes</p>	2 2	<p>Opportunities for Devolution in North Yorkshire and Consideration of a Combined Authority</p> <p>Failure to take advantage of Devolution opportunities in North Yorkshire resulting in reduced investment and impact on the growth and jobs across North Yorkshire.</p>
<p>Information Governance</p> <p>Ineffective information governance arrangements lead to unacceptable levels of unauthorised disclosure of personal and sensitive data, poor quality or delayed responses to FoI requests, and inability to locate key data upon which the Council relies resulting in loss of reputation, poor decision making, fine, etc</p>	<p>Safeguarding Arrangements</p> <p>Failure to have a robust Safeguarding service in place results in risk to vulnerable children, adults and families and not protecting them from harm.</p>	2 3	<p>Growth</p> <p>Failure to deliver the ambition of Sustainable Economic Growth through the delivery of the right housing, transport, and connectivity infrastructure, whilst protecting the outstanding environment and heritage</p>

NORTH YORKSHIRE COUNTY COUNCIL

AUDIT COMMITTEE

20 DECEMBER 2018

INTERNAL AUDIT WORK FOR THE BUSINESS AND ENVIRONMENTAL SERVICES
DIRECTORATE

Report of the Head of Internal Audit

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Members of the **internal audit work** performed during the year ended 30 November 2018 for the Business and Environmental Services (BES) directorate and to give an opinion on the systems of internal control in respect of this area.

2.0 BACKGROUND

- 2.1 The Audit Committee is required to assess the quality and effectiveness of the corporate governance arrangements operating within the County Council. In relation to the BES directorate, the Committee receives assurance through the work of internal audit (as provided by Veritau) as well as receiving a copy of the latest directorate risk register.
- 2.2 This agenda item is considered in two parts. This first report considers the work carried out by Veritau and is presented by the Head of Internal Audit. The second part is presented by the Corporate Director and considers the risks relevant to the directorate and the actions being taken to manage those risks.

3.0 WORK DONE DURING THE YEAR ENDED 30 NOVEMBER 2018

- 3.1 Details of the work undertaken for the directorate and the outcomes of these audits are provided in **Appendix 1**.
- 3.2 Veritau has also been involved in carrying out a number of other assignments for the directorate. This work has included;
- Providing ad-hoc advice on various control issues
 - Auditing and certifying a number of grant returns such as the Local Transport Plan, the Local Growth Fund, the LEP Growth Hub and the Local Authority Bus Subsidy Grant. We review relevant supporting information to ensure expenditure has been incurred in accordance with the grant conditions;
 - Meeting with BES management and maintaining ongoing awareness and understanding of key risk areas such as the long term waste service and the highways maintenance contract
 - Considering matters raised via 'whistleblowing' communications

- 3.3 As with previous audit reports, an overall opinion has been given for each of the specific systems or areas under review. The opinion given has been based on an assessment of the risks associated with any weaknesses in control identified. Where weaknesses are identified then remedial actions will be agreed with management. Each agreed action has been given a priority ranking. The opinions and priority rankings used by Veritau are detailed in **Appendix 2**. Where the audits undertaken focused on value for money or the review of specific risks as requested by management then no audit opinion will be given.
- 3.4 It is important that agreed actions are formally followed up to ensure that they have been implemented. Veritau follow up all agreed actions on a regular basis, taking account of the timescales previously agreed with management for implementation. **On the basis of the follow up work undertaken during the year, the Head of Internal Audit is satisfied with the progress that has been made by management to implement previously agreed actions necessary to address identified control weaknesses.**
- 3.5 The programme of audit work is risk based. Areas that are assessed as well controlled or low risk are reviewed less often with audit work instead focused on the areas of highest risk. Veritau's auditors work closely with directorate senior managers to address any areas of concern.

4.0 **AUDIT OPINION**

- 4.1 Veritau performs its work in accordance with the Public Sector Internal Audit Standards (PSIAS). In connection with reporting, the relevant standard (2450) states that the chief audit executive (CAE)¹ should provide an annual report to the board². The report should include:
- (a) details of the scope of the work undertaken and the time period to which the opinion refers (together with disclosure of any restrictions in the scope of that work)
 - (b) a summary of the audit work from which the opinion is derived (including details of the reliance placed on the work of other assurance bodies)
 - (c) an opinion on the overall adequacy and effectiveness of the organisation's governance, risk and control framework (i.e. the control environment)
 - (d) disclosure of any qualifications to that opinion, together with the reasons for that qualification
 - (e) details of any issues which the CAE judges are of particular relevance to the preparation of the Annual Governance Statement
 - (f) a statement on conformance with the PSIAS and the results of the internal audit Quality Assurance and Improvement Programme.
- 4.2 The overall opinion of the Head of Internal Audit on the framework of governance, risk management and control operating in the Business and Environmental Services directorate is that it provides **substantial assurance**. There are no

¹ The PSIAS refers to the chief audit executive. This is taken to be the Head of Internal Audit.

² The PSIAS refers to the board. This is taken to be the Audit Committee.

qualifications to this opinion and no reliance was placed on the work of other assurance bodies in reaching that opinion.

5.0 RECOMMENDATION

5.1 That Members consider the information provided in this report and determine whether they are satisfied that the internal control environment operating in the Business and Environment Services Directorate is both adequate and effective.

MAX THOMAS
Head of Internal Audit

Veritau Ltd
County Hall
Northallerton

3 December 2018

BACKGROUND DOCUMENTS

Relevant audit reports kept by Veritau Ltd at 50 South Parade, Northallerton.

Report prepared by Stuart Cutts, Internal Audit Manager, Veritau and presented by Max Thomas, Head of Internal Audit.

FINAL AUDIT REPORTS ISSUED IN THE YEAR ENDED 30 NOVEMBER 2018

System/Area	Audit Opinion	Areas Reviewed	Date Finalised	Comments	Action Taken	
A	Highways Inspection Manual and Third Party Claims	Substantial Assurance	We reviewed the procedures and controls for managing third party claims and considered whether: <ul style="list-style-type: none"> The Highways Inspection Manual includes all aspects of the government code of practice for managing inspections and repairs Inspections, defects and repairs are completed accurately and within appropriate timescales Policies, procedures and best practice are amended as required where 3rd party claims are successful. 	September 2018	<p>The Highways Inspection Manual included all aspects of the government code of practice for managing inspections and repairs</p> <p>It was found that not all the Area Maintenance Managers (AMMs) had been using reports from the Council's electronic asset management system (Symology) to highlight when inspections had not taken place.</p> <p>Highways Area 4 was sending future inspection dates and numbers projections to Ringway to help better forecast the amount of repair work following the inspections. We suggested this approach should be considered by the other Highways areas.</p> <p>Some third party claims resulting from highway defects have been successful. Where this has occurred, NYCC has amended its policies, procedures and best practice. The updated information has then been disseminated to the appropriate levels of management and staff.</p> <p>Our review of a sample of claims found key controls and procedures were operating effectively.</p>	<p>Three P3 actions were agreed</p> <p>Responsible Officer: Head of Highways Operations</p> <p>AMMs were reminded that if they were encountering problems producing exception reports from Symology, then they should immediately contact the Symology Systems Administrator for assistance.</p> <p>Best practice from Area 4 was disseminated to all AMMs. Any future instances identified will be included in the meetings held with Area Managers.</p>

	System/Area	Audit Opinion	Areas Reviewed	Date Finalised	Comments	Action Taken
B	Street Lighting	Substantial Assurance	<p>As part of the 2020 Transformation programme the Council is replacing all 50,400 street lights with LED technology. This programme is due to take three years to complete.</p> <p>The purpose of this audit was to review the procedures and controls that ensure:</p> <ul style="list-style-type: none"> Risks to the successful completion of the project have been identified and are managed effectively. Progress of the project is regularly monitored and appropriately reported. 	November 2018	<p>Risks to the successful completion of the project have been identified. All were relevant to the project's objectives, assigned to an appropriate risk owner and scored in line with guidance. The risk register was regularly reviewed and updated. The complete risk register was reviewed by the Project Board as part of each meeting agenda.</p> <p>Resourcing requirements were being monitored via the risk register. Project task lists and milestone reports are in place to monitor progress. Each stage has been assigned a timescale and a completion measure. However, our review noted two tasks reported as 100% completed were still ongoing.</p> <p>The monitoring of the project's progress, benefits and budgets was expected to be facilitated via a reporting dashboard. This is now live. However, due to a number of data quality issues this dashboard was not fully functioning as intended.</p> <p>The project was subject to a health check in March 2018. The overall health check assessment gave the project substantial assurance with a number of recommended improvements suggested. At the time of our audit three of these recommended improvement actions were still outstanding.</p>	<p>One P2 and two P3 actions were agreed</p> <p>Responsible Officer: Project Manager</p> <p>All the following actions were planned to be completed by the end of 2018:</p> <ul style="list-style-type: none"> Continue to monitor and report on progress with development of dashboards to T&C and Project Board. Produce reports on resource usage for consideration by T&C and LED Project Board. Agree new milestones with Project Board for recruitment activity and continued development of the dashboards. Create a quality plan and change log and load to Sharepoint. Review Lessons Learned for rollout to date and produce a Lessons Learned report.

Audit Opinions and Priorities for Actions

Audit Opinions	
<p>Audit work is based on sampling transactions to test the operation of systems. It cannot guarantee the elimination of fraud or error. Our opinion is based on the risks we identify at the time of the audit.</p> <p>Our overall audit opinion is based on 5 grades of opinion, as set out below.</p>	
Opinion	Assessment of internal control
High Assurance	Overall, very good management of risk. An effective control environment appears to be in operation.
Substantial Assurance	Overall, good management of risk with few weaknesses identified. An effective control environment is in operation but there is scope for further improvement in the areas identified.
Reasonable Assurance	Overall, satisfactory management of risk with a number of weaknesses identified. An acceptable control environment is in operation but there are a number of improvements that could be made.
Limited Assurance	Overall, poor management of risk with significant control weaknesses in key areas and major improvements required before an effective control environment will be in operation.
No Assurance	Overall, there is a fundamental failure in control and risks are not being effectively managed. A number of key areas require substantial improvement to protect the system from error and abuse.

Priorities for Actions	
Priority 1	A fundamental system weakness, which presents unacceptable risk to the system objectives and requires urgent attention by management.
Priority 2	A significant system weakness, whose impact or frequency presents risks to the system objectives, which needs to be addressed by management.
Priority 3	The system objectives are not exposed to significant risk, but the issue merits attention by management.

North Yorkshire County Council

Audit Committee

20 December 2018

Internal Control Matters for the Business and Environmental Services Directorate

Report of the Corporate Director – Business & Environmental Services

1.0 Purpose of the report

- 1.1 To provide an update to members of progress against the areas for improvement identified through internal procedures.
- 1.2 To provide details of the latest Risk Register for the BES Directorate.

2.0 Background

- 2.1 The Audit Committee is required to assess the quality and effectiveness of the corporate governance arrangements operating within the County Council. In relation to the BES Directorate, the Committee receives assurance through the work of internal audit (detailed in a separate report to the Committee) and the Directorate Risk Register.
- 2.2 To ensure governance and internal control matters are monitored on an on-going basis the BES Management Team receives and considers a report on a quarterly basis.

3.0 Directorate Update

- 3.1 The main areas of note for the Directorate are:
- I. Governance for all Local Enterprise Partnerships continues to be reviewed by MHCLG/BEIS, however a firmer stance has been taken in respect of overlapping boundaries. Whilst the final model for the York, North Yorkshire & East Riding LEP has not been concluded, it is likely it will be different to the current one. NYCC, as the accountable body, is working closely with them and Government. The timing is to have an agreed plan by April 2019 for how the new model will be implemented.
 - II. Following public consultation and Executive approval, the street works permitting project went live in February 2018. Given this is a new way of managing this aspect of the Highway service and there continues to be tight governance arrangements monitoring the extent to which the project is delivering on the business case. The next major milestone as required for DfT will be to conduct a full review of the scheme twelve months following implementation. Early indications are positive in that the business case benefits are being achieved with highway occupancy levels down compared with previous years.

- III. Capital Programme, again whilst this is identified separately within the Directorate Risk Register there are key items of note:
- a. Additional pothole funding – As part of the 2018 Budget, an additional £420m fund was announced to help improve highway maintenance across the country. Of this fund, NYCC was awarded £13.1m plus an extra £600k for Tadcaster Bridge. Given the timing of this announcement being late in the financial year, it is important that BES Capital Programme continues to have strong governance in place to ensure value for money from this fund.
 - b. A1 Junction 47 – Discussions with the developer have been lengthy due to the need for a funding contribution to be brought forward in advance of the development programme. Agreement has now been reached on the funding profile and legal services are progressing the Section 278 agreement.
The agreed programme is for the developer funding contribution to be transferred to NYCC in January 2019. This will enable detailed design of the combined scheme to commence in February 2019 with a start on site in October 2019 after the UCI World Road Cycling Championship 2019. The estimated scheme cost is £5.19m and the breakdown of the funding contribution is noted below:
 - £2.47m - YNYER LEP
 - £1.16m - NYCC
 - £0.56m - Highways England Growth & Housing Fund
 - £1.0m - Developer

In the interim NYCC has been approached by Highways England regarding the possibility of installing temporary signals at junction 47 until the full scheme is implemented. No detail is available for this proposal yet and any decision regarding this proposal would be the subject of a report to the Corporate Director, Business and Environmental Services (BES) and the BES Executive Members.

- IV. In addition to the Tour de Yorkshire in May 2019, the UCI World Cycling Championships will be taking place in Yorkshire from Saturday 21st to Sunday 29th September 2019.
The routes were announced on September 26th 2018, with all events finishing in Harrogate, and start towns across the region, including Harrogate, Ripon, Northallerton and Richmond.
Inevitably some parts of the Tour de Yorkshire route will take in parts of the UCI world cycling championship courses, however where possible we will work with Welcome to Yorkshire to help minimise the number of locations that are impacted by both events.
Whilst not being the event organiser for the World Championships, the County Council is committed to working closely with the event organisers Yorkshire 2019 Ltd to assist in the delivery of a safe and successful event, providing highways support in the traffic management planning process and managing the C3 planning and delivery.
Planning and preparation work for Tour de Yorkshire 2019, will be carried out alongside preparation for the world championships.

4.0 Directorate Risk Register

4.1 The Directorate Risk Register (DRR) is produced initially from a review of risks at Service level, which are then aggregated via a sieving process to Directorate level. This end product similarly aggregates these Directorate level risks into the Corporate Risk Register.

4.2 The Risk Prioritisation System adopted to derive risk registers categorises risks as follows:
Category 1 and 2 are high risk (RED)
Category 3 and 4 are medium risk (AMBER)
Category 5 is low risk (GREEN)

These categories are relative and not absolute assessments. The DRR represents the principal risks being managed in BES that may materially impact on the performance, financial and reputational outcomes of the Directorate.

4.3 The latest detailed DRR is shown at **Appendix A**. This shows a range of key risks and the risk reduction actions designed to minimise them together with a ranking of the risks both at the present time and after mitigating action.

4.4 A summary of the DRR is also attached at **Appendix B**. As well as providing a quick overview of the risks and their ranking, it also provides details of the change or movement in the ranking of the risk since the last review in the left hand column.

4.5 A review of the BES DRR took place at the end of September and was signed off by the Directorate Management Team. A further formal update review of the register will take place in Q4 of 2018/19.

4.6 One new risk has been added to the DRR since November 2017 (date of last progress report to the Committee). As noted in the Directorate Update section above, BES are tracking the risks and associated governance around cycle races in the county notably the UCI World Championships in 2019. Given the profile of this race, the risk has been lifted from the Highways & Transportation service to the Directorate level.

4.7 All other risks have been updated from Service risk registers. The individual assessment of the probability and impacts for these risks may have altered but the overall ranking of the risks has remained the same, apart from two of them which have both deteriorated:

- i. The risk relating to devolution and opportunities for North Yorkshire.
- ii. The long term waste service strategy; the risk has been revised following the operational commencement of the plant. The previous risk was focused on getting the plant into a steady state, the revised risk focuses on getting maximum benefit for the overall system.

5.0 Recommendations

5.1 That the Committee:

- i) Note the Directorate update salient points; and
- ii) Note the Directorate Risk Register for the Business & Environmental Services Directorate; and
- iii) Provide feedback and comments on the Directorate Risk Register and any other related internal control issues.

DAVID BOWE
Corporate Director – Business & Environmental Services

Report prepared by Michael Leah

Risk Register: **Month 0 (September 2018) – detailed**
 Next Review due: **March 2019**
 Report Date: **3rd December 2018 (pw)**

Phase 1 - Identification											
Risk Number	7/174	Risk Title	7/174 - Opportunities for Devolution in North Yorkshire and Consideration of a Combined Authority				Risk Owner	CD BES	Manager	CD BES	
Description	Failure to take advantage of Devolution opportunities in North Yorkshire resulting in reduced investment and impact on the growth and jobs across North Yorkshire.					Risk Group	Strategic	Risk Type	EPU 176/211		
Phase 2 - Current Assessment											
Current Control Measures		Devolution proposals submitted to Govt., LEP strategic economic plan in place; NYCC retains the Infrastructure Delivery Steering Group; NYCC wide co-ordination of development needs linked to District plans; local authorities are moving towards a joint committee & considering a combined authority; LA Director group in place; plan detailing powers and funding developed; consensus of Yorkshire local authorities on Devolution geography and opportunities;									
Probability	H	Objectives	H	Financial	H	Services	M	Reputation	H	Category	1
Phase 3 - Risk Reduction Actions											
						Action Manager	Action by	Completed			
Reduction	13/533 - Continue to monitor the Devolution agenda and communication with stakeholders to maximise opportunities (ongoing); the greater Yorkshire geography is being used in some areas of growth work					BES AD GP&TS	Wed-31-Jul-19				
Reduction	176/280 - Gain political support both locally and nationally (ongoing)					Chief Exec	Sun-31-Mar-19				
Reduction	176/320 - Negotiate the economic barriers and opportunities which Devolution can take advantage of with Government (consensus of Yorkshire local authorities achieved, support from Govt Minister required)					CD BES	Sun-31-Mar-19				
Reduction	176/460 - Establish the geography on which to secure Devolution (consensus of Yorkshire local authorities achieved, support from Govt Minister required)					Chief Exec	Sun-31-Mar-19				
Reduction	176/469 - Develop detailed business cases for all requirements					Chief Exec	Sun-31-Mar-19				
Phase 4 - Post Risk Reduction Assessment											
Probability	M	Objectives	L	Financial	M	Services	L	Reputation	M	Category	4
Phase 5 - Fallback Plan											
Fallback Plan	176/544 - Consider a North Yorkshire deal								Action Manager		CD BES

BES Directorate

Risk Register: **Month 0 (September 2018) – detailed**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Phase 1 - Identification											
Risk Number	7/173	Risk Title	7/173 - Minerals and Waste Development Framework					Risk Owner	CD BES	Manager	BES AD GP&TS
Description	Failure to complete the examination process and then adopt the Minerals and Waste Development Framework by the end of March 2019 as the basis for development control decision-making resulting in risk of legal challenge through judicial review, appeals with resulting financial and workload implications, adverse implications for the local economy, risk of National Government passing on European fines						Risk Group	Performance	Risk Type	GP&TS 13/31	
Phase 2 - Current Assessment											
Current Control Measures			Performance monitoring; awareness of new developments; resource monitoring; briefing of BESMT; delivery of in house sustainability appraisal work and appointment of consultants to support the work; memorandum of understanding to govern principles of joint working; Exec approval to move date; preferred options consultation completed; publication version of plan launched								
Probability	M	Objectives	M	Financial	M	Services	M	Reputation	H	Category	2
Phase 3 - Risk Reduction Actions											
Reduction	7/267 - Work closely with City of York Council and the North Yorks Moors National Park Authority on joint Minerals and Waste Development Strategy						Action Manager	BES AD GP&TS	Action by	Sun-31-Mar-19	Completed
Reduction	7/319 - Manage plan to address loss of key member of staff; currently managing the loss and keeping staffing capacity under review						Action Manager	BES AD GP&TS	Action by	Sun-31-Mar-19	Completed
Reduction	13/54 - Continue to review progress against LDF milestones, review and update milestones as necessary, particularly in light of Duty to Co-operate						Action Manager	BES AD GP&TS	Action by	Sun-31-Mar-19	Completed
Reduction	13/519 - Continue to keep budget priorities under review						Action Manager	BES AD GP&TS	Action by	Sun-31-Mar-19	Completed
Reduction	13/523 - Continue to monitor new developments eg fracking, using planning officers society and peer groups in particular the Duty to Co-operate						Action Manager	BES AD GP&TS	Action by	Sun-31-Mar-19	Completed
Reduction	13/531 - Respond to extensive list of matters, issues and questions raised by examiner; respond to any further request received during or post the second, fracking related examination period						Action Manager	BES AD GP&TS	Action by	Sun-31-Mar-19	Completed
Phase 4 - Post Risk Reduction Assessment											
Probability	L	Objectives	M	Financial	M	Services	M	Reputation	H	Category	3
Phase 5 - Fallback Plan											
Fallback Plan	13/553 - If plan is deemed to be unsound we would need to recommence the local plan work									Action Manager	BES AD GP&TS

BES Directorate

Risk Register: **Month 0 (September 2018) – detailed**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Phase 1 - Identification											
Risk Number	7/189	Risk Title	7/189 - Delivery of transport schemes within the LEP's Strategic Economic Plan					Risk Owner	CD BES	Manager	BES AD H&T
Description	Failure to deliver the programme of transport schemes within the LEP's Strategic Economic Plan results in reputational damage to the County Council and impacts upon the potential to secure funding for transport schemes in future rounds of the Local Growth Fund. There is a direct role for H&T to deliver the schemes promoted by the County Council and support the LEP in the Transport role, but also a supporting role to assist third party scheme promoters specifically the district councils.						Risk Group	Performance	Risk Type	Dir Only	
Phase 2 - Current Assessment											
Current Control Measures		Programme in place for delivery of County Council promoted schemes; support being provided to the third party scheme promoters; risk analysis for each scheme undertaken; effective engagement with LEP; Senior Transport Planning Officer (Transport projects) now in post to support the LEP and NYCC in delivery of SEP funded schemes;									
Probability	M	Objectives	M	Financial	H	Services	L	Reputation	H	Category	2
Phase 3 - Risk Reduction Actions											
							Action Manager	Action by	Completed %		
Reduction	7/318 - Continue to engage with the LEP and support them to manage risks associated with specific scheme programmes (ongoing)						CD BES	Mon-30-Sep-19			
Reduction	7/436 - Continue to ensure sufficient resource in H&T to effectively promote County Council schemes (ongoing)						BES AD H&T	Mon-30-Sep-19			
Reduction	9/538 - Complete review of the major schemes reserve list						BES H&T HoNS	Sun-31-Mar-19			
Reduction	9/583 - Ensure NYCC identify appropriate sources of funding to provide at least a minimum of 15% local capital contribution to the scheme implementation costs						BES AD H&T BES H&T HoNS	Sun-31-Mar-19			
Reduction	9/585 - Ensure framework consultant has sufficient and appropriate resources available to undertake the necessary advanced design of major schemes						BES AD H&T	Sun-31-Mar-19			
Phase 4 - Post Risk Reduction Assessment											
Probability	L	Objectives	M	Financial	H	Services	L	Reputation	H	Category	3
Phase 5 - Fallback Plan											
									Action Manager		
Fallback Plan	7/537 - LEP to consider re-profiling Local Growth Fund programme									CD BES	

BES Directorate

Risk Register: **Month 0 (September 2018) – detailed**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Phase 1 - Identification											
Risk Number	7/18	Risk Title	7/18 - Long Term Waste Service Strategy					Risk Owner	CD BES	Manager	BES AD TW&CS
Description	Failure to further develop the long term waste service strategy (including total system efficiency, realisation of commercial opportunities through increasing recycling, reducing residual household waste, maximising potential through flexibility and reconfiguration to take advantage of opportunities through changes in market conditions, changes in waste composition and changes in consumer behaviour) following delivery of AWRP results in lost efficiencies, inflexibility, reputational damage, poor value for money and ineffectiveness of AWRP					Risk Group	Performance	Risk Type	W&CS 14/168		
Phase 2 - Current Assessment											
Current Control Measures		Waste Strategy in place; NYCC/CoY/Yorwaste working group in place; AWRP; consultants advising on systems; completed review of green waste recycling credits including leading Counsel advice on statutory legislation; Yorwaste intelligence of market conditions and collection costs; waste partnership data on performance and costs; intelligence through networking; network of waste transfer stations; preliminary advice on MT and AD operating costs; access to external advisors; Contract Management Manual/Register of Obligations; suite of monitoring documents in place; Project Board in place; monthly project team meetings; Amey Cespa control of Sub-Contractors; S106 and S278 delivery arrangements in place; Interim framework contract procured; network of Amey Cespa clients; monthly compliance monitoring check; regular review of key dates schedules / programme & register of obligations Waste Transfer: six of seven built (but one not controlled); remaining one has planning permission; agreed approach with districts; existing contracts in place; Yorwaste cooperating; extensive modelling; project board and team including CoYC; agreement for Teckal; collaboration agreements with Craven and Ryedale DCs completed; necessary planning consents for Ryedale secured;									
Probability	M	Objectives	L	Financial	H	Services	L	Reputation	H	Category	2
Phase 3 - Risk Reduction Actions											
							Action Manager	Action by	Completed		
Reduction	7/373 - Complete feasibility with consultants and modelling of opportunities of single system for waste and incentive for reduced residual waste bin capacity						BES AD TW&CS	Wed-31-Oct-18			
Reduction	7/375 - Engage with Districts and partners to understand constraints and incentives for delivery of a single system for waste						BES AD TW&CS	Sun-31-Mar-19			
Reduction	7/376 - Develop and implement a delivery plan for a single system for waste						BES AD TW&CS	Mon-30-Sep-19			
Reduction	7/377 - Review Government resources and waste strategy and assess impacts and opportunities						BES AD TW&CS	Mon-31-Dec-18			
Reduction	7/419 - Continually review appetite and benefit for separate food waste collections (work with Yorwaste) (ongoing)						BES AD TW&CS	Sat-31-Aug-19			
Reduction	7/420 - Carry out modelling feasibility for separate food waste collections						BES AD TW&CS	Sun-31-Mar-19			
Reduction	14/221 - WT – Continue to explore further opportunities for sharing infrastructure and services eg transfer stations with districts (via collaboration/co-location &/or financial contribution) (ongoing)						BES AD TW&CS	Sun-31-Mar-19			
Reduction	14/1960 - WT - Task and finish working group with Amey & Yorwaste to determine the optimal mixtures of wastes to be delivered to AWRP, WTS network to then be configured to achieve						BES TW&CS WSM	Sun-31-Mar-19			
Phase 4 - Post Risk Reduction Assessment											

BES Directorate

Risk Register: **Month 0 (September 2018) – detailed**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Probability	L	Objectives	L	Financial	H	Services	L	Reputation	M	Category	3
Phase 5 - Fallback Plan											
											Action Manager
Fallback Plan	7/73 - Rely short term on recently procured arrangements, review strategy, media management										CD BES

BES Directorate

Risk Register: **Month 0 (September 2018) – detailed**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Phase 1 - Identification											
Risk Number	7/7	Risk Title	7/7 - Statutory Duties				Risk Owner	CD BES	Manager	CD BES	
Description	Failure to carry out statutory duties or meet statutory deadlines (e.g. Health and Safety, safe guarding, information governance, prevention of waste pollution, planning responsibilities, statutory property related issues, driver/vehicle guidance) resulting in Corporate Manslaughter, increased cost/claims, fines/prosecution and criticism.					Risk Group	Performance	Risk Type	Dir Only		
Phase 2 - Current Assessment											
Current Control Measures			Service plans; service unit risk registers; allocation of responsibility training for key staff; prof. bodies incl. HSE; CPD; CDM; RMWGs; routine inspecs; contractor selection proc; NYCC legal and safety advisers; annual contractor training; Designated Directorate H&S Manager and support; regular item on BESMT; SMTs; Partnership and contract managers group; Directorate H&S working group; risk assessment; incident feedback; previous risk assessment on most sites; landfill gas perimeter controls; annual review of all sites (monitoring results); regular monitoring; use of consultants; agency staff; documented proc; record of dec. actions; audit and review of proc/compliance, inspecs, actions and training; corporate policies, procedures and champions; services to employ sufficient numbers of professionally trained/qualified officers; prioritisation matrix for resources in place in Trad Stds; training relating to new CDM Regulations for construction work; Incident plan for former landfill sites;								
Probability	M	Objectives	M	Financial	M	Services	M	Reputation	H	Category	2
Phase 3 - Risk Reduction Actions											
							Action Manager	Action by	Completed		
Reduction	7/458 - Ensure that the current H&S procedures are audited to ensure compliance (ongoing)						CD BES	Mon-30-Sep-19			
Reduction	7/459 - Review the H&S arrangements of Contractors and Partner organisations (ongoing)						BES AD H&T	Mon-30-Sep-19			
Reduction	7/461 - To monitor all service plans and risk registers and ensure they are checked on a regular basis (ongoing)						BES MT	Mon-30-Sep-19			
Reduction	7/462 - Review incidents and claims statistics including large losses and develop action plans (ongoing)						BES MT	Mon-30-Sep-19			
Reduction	7/483 - Continue to source and deliver relevant contracts to TS work to mitigate against budget cuts and maintain service resilience (ongoing)						BES AD GP&TS	Mon-30-Sep-19			
Reduction	7/1965 - Work closely with the Data Governance team in Strategic Support to review and update local information governance arrangements (ongoing)						BES MT	Mon-30-Sep-19			
Reduction	7/1966 - Continue to implement awareness raising campaign for information governance (ongoing)						BES MT	Mon-30-Sep-19			
Phase 4 - Post Risk Reduction Assessment											
Probability	L	Objectives	M	Financial	M	Services	M	Reputation	H	Category	3
Phase 5 - Fallback Plan											
Fallback Plan	7/78 - Implement appropriate management and contingency plans; review priorities and reprioritise service delivery; media management								Action Manager	CD BES	

BES Directorate

Risk Register: **Month 0 (September 2018) – detailed**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Phase 1 - Identification											
Risk Number	7/232	Risk Title	7/232 - Growth				Risk Owner	CD BES	Manager	CSD AD SR (ML) BES AD GP&TS	
Description	Failure to deliver the ambition of Sustainable Economic Growth through the delivery of the right housing, transport, and connectivity infrastructure, whilst protecting the outstanding environment and heritage, and within the context and partnership arrangements of two-tier local government structure and wider macro-economic policy and processes. This results in an inability to attract, retain and grow businesses, increase the house building rate, raise living standards and increase spending power.					Risk Group	Strategic	Risk Type	GP&TS 13/233		
Phase 2 - Current Assessment											
Current Control Measures			Direct contribution and support, including through provision of accountable body function, to the YNYER Local Enterprise Partnership; Establishment of an Economic Growth Function within BES; Proactive engagement in LGNY partnership working including through Directors of Development, Chief Housing Officers, and Economic Development Officer Groups; Lead role in enabling and developing YNYER Spatial Framework; Lead role in supporting and developing the NYCC Infrastructure Delivery Steering Group/Growth Plan Steering Group; Lead role in initiating and developing the NYCC Economic Growth Plan; Work to secure Combined Authority / Devolution deal with Government; NYCC Economic Growth Plan completed and approved by Executive; collaborative working arrangements with District Councils in place; the YNYERH Spatial Framework is in place as a basis for further development work								
Probability	M	Objectives	H	Financial	H	Services	H	Reputation	M	Category	2
Phase 3 - Risk Reduction Actions											
Reduction	7/1958 - Embed enhanced collaborative working arrangements with District Councils (annual review of progress) - ongoing; this year's review goes to mgt board in August					Action Manager	BES AD GP&TS	Action by	Sun-30-Sep-18	Completed	Sun-30-Sep-18
Reduction	7/1959 - Ensure further detailed stakeholder engagement and development of the YNYER Spatial Framework to enable effective long-term planning and investment of infrastructure for growth.(phase 2); approved by leaders and chief execs, first draft of Framework to be published					Action Manager	BES AD GP&TS	Action by	Mon-31-Dec-18	Completed	
Reduction	7/1960 - Maintain good working relationship with the LEP (ongoing)					Action Manager	CD BES	Action by	Wed-31-Jul-19	Completed	
Reduction	7/1961 - Understand and investigate any impacts of Brexit and ensure opportunities are taken					Action Manager	BES AD EPU CD BES	Action by	Wed-31-Jul-19	Completed	
Reduction	13/532 - Deliver the natural capital investment strategy environmental enhancement project via the Local Nature Partnership; good progress, ready to begin commissioning (LEP/LNP lead)					Action Manager	BES AD GP&TS	Action by	Sun-31-Mar-19	Completed	
Reduction	13/533 - Continue to monitor the Devolution agenda and communication with stakeholders to maximise opportunities (ongoing); the greater Yorkshire geography is being used in some areas of growth work					Action Manager	BES AD GP&TS	Action by	Wed-31-Jul-19	Completed	
Phase 4 - Post Risk Reduction Assessment											
Probability	L	Objectives	H	Financial	H	Services	H	Reputation	L	Category	3
Phase 5 - Fallback Plan											
Fallback Plan	7/551 - Review and revise existing arrangements for sustainable economic growth								Action Manager		BES AD GP&TS

BES Directorate

Risk Register: **Month 0 (September 2018) – detailed**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Phase 1 - Identification											
Risk Number	7/24	Risk Title	7/24 - Capital Programme					Risk Owner	CD BES	Manager	CSD AD SR (ML)
Description	Ineffective management of capital programme including major schemes, LEP, LTP, Waste Management and projects resulting in significant overspend/underspend, weak use of resources, loss of reputation and performance.						Risk Group	Financial	Risk Type	H&T 9/195	
Phase 2 - Current Assessment											
Current Control Measures			Project managers/sponsors for each project; regular financial and programme and project monitoring and reporting of the programmes; operational and strategic management/monitoring, project planning; Gateway training carried out; Capital Projects Board in operation; sub group of Capital Projects Board in place when required, risk assessment carried out in Capital Plan reports feed into MTFs; Finance Officer support to Capital; risk register for major schemes and schemes in the capital works programme; project board for major schemes; Infrastructure Delivery Working Group; Development Management Working Group; appropriate actions and contingencies dependent on risks established and reported to BESMT on a regular basis; risk assessment for major schemes; additional and effective highways capital programme resource / manager to drive delivery of the programme implemented; Specific and ongoing training in financial and project management for key BES staff; PIR of major projects; Schemes portal, assurance framework for LEP in place, contract management health measurement and reporting in place; 3 year rolling works programme with realistic targets and alignment of internal and external delivery resources; assurance framework for LEP in place; Improved strategic capital programme monitoring with reporting through hNY tripartite arrangement and H&T service management/reporting structures; specific monitoring of separately funded capital works, eg Pothole Action Fund, LGF and GWB funded works; substantial assurance audit report;								
Probability	L	Objectives	M	Financial	H	Services	M	Reputation	M	Category	3
Phase 3 - Risk Reduction Actions											
Reduction	7/175 - Ensure high quality, timely reports to Capital Projects Board and Exec members covering key service and financial risk items (ongoing)						Action Manager	CSD AD SR (ML)	Action by	Mon-30-Sep-19	Completed
Reduction	7/259 - Continue to introduce efficiency measures for capital projects and programmes where relevant – focus on highways capital works programme for structural maintenance taking into account HMEP self assessment outcomes to achieve optimal use of funding (ongoing)						Action Manager	BES AD H&T CSD AD SR (ML)	Action by	Mon-30-Sep-19	Completed
Reduction	9/551 - hNY Improvement Action Plan: End to end External Review of the Capital Programme; review of the Capital Programme is on-going to date a Highway Maintenance Investment Tool has been approved; Scheme identification element of the review will be in place for Capital Works Programme schemes for 2020/21						Action Manager	BES H&T HoNS	Action by	Wed-31-Jul-19	Completed
Reduction	9/555 - hNY Improvement Action Plan: LEAN review of Capital Programme						Action Manager	BES AD H&T BES H&T HoCS	Action by	Sun-31-Mar-19	Completed
Reduction	11/180 - Advice and support for the LEP on financial and partnership governance (ongoing)						Action Manager	CSD AD SR (ML)	Action by	Mon-30-Sep-19	Completed
Reduction	11/182 - Continue to assess current capabilities and put in place any requirements necessary to enable effective delivery of capital projects (ongoing)						Action Manager	CSD AD SR (ML)	Action by	Mon-30-Sep-19	Completed
Phase 4 - Post Risk Reduction Assessment											
Probability	L	Objectives	M	Financial	H	Services	M	Reputation	M	Category	3
Phase 5 - Fallback Plan											
Fallback Plan	7/72 - Review of all resources and procedures; media management; member engagement; intervention by Capital Projects Board									Action Manager	CD BES

BES Directorate

Risk Register: **Month 0 (September 2018) – detailed**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Phase 1 - Identification											
Risk Number	7/244	Risk Title	7/244 - Cycling Events in North Yorkshire					Risk Owner	CD BES	Manager	BES AD H&T
Description	Failure to effectively deliver the County Council's responsibilities associated with hosting the Tour de Yorkshire and UCI World Championship in North Yorkshire in 2019 &/or significant adverse publicity around hosting these events resulting in potential reputational, legal and financial impact upon the County Council.						Risk Group	Performance	Risk Type	H&T 9/196	
Phase 2 - Current Assessment											
Current Control Measures			NYCC currently awaiting discussions with WtY to understand the full extent and implications of the TdY2019; NYCC are aware that discussions are ongoing between WtY and local authorities to identify host towns for the TdY 2019 race; Initial route planning will take place summer 2018, with details on the route to be confirmed for internal planning purposes in Autumn 2018; Report will be taken to Exec in summer 2018 to seek funding for TdY 2019; Draft UCI World Cycling Championship in 2019 (Y2019) routes have been developed; NYCC officers are working closely with Yorkshire 2019 Ltd on traffic management and communications								
Probability	L	Objectives	L	Financial	M	Services	M	Reputation	H	Category	3
Phase 3 - Risk Reduction Actions											
							Action Manager	Action by	Completed		
Reduction	7/177 - Continue to work & engage with all key partners across the race routes (inc National Park(s), Forestry) once route details are known						CD BES	Tue-30-Apr-19			
Reduction	9/39 - NYCC Delivery Group to continue to be established for TdY 2019 & Y2019 to update throughout the planning process (including Comms unit)						BES AD H&T	Tue-30-Apr-19			
Reduction	9/192 - Work with District Councils and assist with event planning and coordinate with TM planning						BES AD H&T	Tue-30-Apr-19			
Reduction	9/357 - Route preparation including implementing required highway works, and working with statutory undertakers to ensure all utilities apparatus is not causing any risks to the race						BES AD H&T	Tue-30-Apr-19			
Reduction	9/361 - Develop the project plan for tasks to be completed to deliver the event & the associated delivery of the key tasks in accordance with the project plan involving NYCC Directorates as appropriate.						BES AD H&T	Sun-31-Mar-19			
Reduction	9/491 - Work closely with WtY and Y2019 Ltd as event organisers to develop an extensive publicity campaign to warn residents / drivers of potential disruption across the race route, particularly in and around the Harrogate area						BES AD H&T Comms Unit	Sun-31-Mar-19			
Reduction	9/492 - Coordinate the development of an appropriate C3 structure in partnership with other key event delivery organisations for both events (Y2019 Ltd, WtY, NY Police, District Councils and other Cat 1 & 2 responders)						CSD AD P&P	Sun-31-Mar-19			
Reduction	9/552 - For TdY deliver the traffic management plan in North Yorkshire under a rolling road closure programme and liaise closely with other TM partners including but not limited to the Police Central Escort Group. At designated locations deliver traffic management as required. For Y2019 work closely with Y2019 Ltd as event organiser to coordinate TM requirements across the event						BES AD H&T	Tue-30-Apr-19			
Reduction	9/553 - Put in place appropriate staffing arrangements to fulfil the necessary roles over both events in 2019						BES AD H&T	Tue-30-Apr-19			
Reduction	9/558 - Work closely alongside Police and other emergency services to assist in planning to help to mitigate against any potential security threats etc						BES AD H&T	Tue-30-Apr-19			
Phase 4 - Post Risk Reduction Assessment											
Probability	L	Objectives	L	Financial	M	Services	M	Reputation	H	Category	3

BES Directorate

Risk Register: **Month 0 (September 2018) – detailed**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Phase 5 - Fallback Plan		Action Manager
Fallback Plan	9/101 - Manage media issues however the current control measures and risk reduction actions are considered adequate to ensure the County Council delivers its responsibilities in relation to the Tour de Yorkshire and Yorkshire 2019	CD BES

BES Directorate

Risk Register: **Month 0 (September 2018) – detailed**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Phase 1 - Identification											
Risk Number	7/23	Risk Title	7/23 - Major Incident and Business Continuity				Risk Owner	CD BES	Manager	CD BES	
Description	Failure to plan and respond effectively to a major incident without major impact upon routine service performance or longer term impact on service delivery. Such incidents may include animal health disease, flooding and other severe weather, Service breakdown including critical resources (eg property, people and ICT) resulting in the need to deliver additional service in order to ensure effective enforcement/containment and minimal disruption to critical services.					Risk Group	Performance	Risk Type			
Phase 2 - Current Assessment											
Current Control Measures			Leadership of BES Management Team and appropriate lead manager; work with other appropriate partners; appropriate major incident and emergency plans; inspection monitoring programmes; systems resilience & back up arrangements in place; business impact analyses and incident management plans are in place; disaster recovery plan; NYCC silver command exercises carried out; implementation of solutions based upon lessons learned from previous major incidents; BES RMG; biannual multi-agency training events; command structure / information flow for business continuity incidents finalised; emergency protocol agreed with Kier and Yorwaste in the event that sites to be open on days when they may otherwise be shut; critical infrastructure network in line with HMEP recommendations in place;								
Probability	L	Objectives	M	Financial	H	Services	H	Reputation	M	Category	3
Phase 3 - Risk Reduction Actions											
						Action Manager	Action by	Completed			
Reduction	7/374 - Ensure that resources are flexible enough to manage unexpected major and business continuity incidents (ongoing)					BES MT	Mon-30-Sep-19				
Reduction	7/444 - Continually review procedures plans and training in relation to major incidents (ongoing)					BES MT	Mon-30-Sep-19				
Reduction	7/446 - Annual live or desk top exercises to test plans (ongoing)					BES MT	Mon-30-Sep-19				
Phase 4 - Post Risk Reduction Assessment											
Probability	L	Objectives	M	Financial	H	Services	H	Reputation	M	Category	3
Phase 5 - Fallback Plan											
								Action Manager			
Fallback Plan	7/75 - Review the plans, media management, advise Members							CD BES			

BES Directorate

Risk Register: **Month 0 (September 2018) – detailed**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Phase 1 - Identification											
Risk Number	7/175	Risk Title	7/175 - Delivering Change Programmes within BES					Risk Owner	CD BES	Manager	BES MT
Description	Failure to embed a strong change culture, processes and supporting capacity to deliver ongoing programmes of change in BES e.g. the BES 2020 Change Programme. This could result in adverse impact on service delivery, inability to fully meet current and future financial requirements, internal and external criticism.						Risk Group	Change Mgt	Risk Type		
Phase 2 - Current Assessment											
Current Control Measures			CD BES Staff Updates; reps on 2020NY workstreams; key messages; cascade of 2020NY vision and approach; monitoring of impacts on performance; monitoring of impacts on savings target; 2020 North Yorkshire plans submitted; Savings programme developed; political agreement and acknowledgement of risks; Performance Management framework development; BES Transformation Steering Group; Performance Management Review in BES; BES MT engagement on budget and 2020NY approach; Transformation and VFM; 4 year programme; ICT Strategy; staff survey outcomes partly implemented; Programme transformational rather than savings focussed; ideas generation and review process established; new programme of changes identified and agreed;								
Probability	L	Objectives	H	Financial	M	Services	H	Reputation	L	Category	3
Phase 3 - Risk Reduction Actions											
							Action Manager	Action by	Completed		
Reduction	7/93 - Continue communication/engagement arrangements with staff on 2020 North Yorkshire programme (ongoing)						BES MT	Mon-30-Sep-19			
Reduction	7/260 - Continue to monitor impacts of BES 2020 Programme (ongoing)						BES MT	Mon-30-Sep-19			
Reduction	7/265 - Promote and embed cultural change (including Modern Council) through key messages, KITs, manager and non-manager objectives, regular reporting on progress of change projects and impacts of daily operations on delivery of aims (ongoing)						BES MT	Mon-30-Sep-19			
Reduction	7/450 - Innovate new ideas to cover the shortfall in expected savings in line with the budget report, and the anticipated MTFs gap						CSD AD SR (ML)	Thu-28-Feb-19			
Reduction	7/451 - Ensure appropriate allocation of resources to deliver change projects (ongoing)						CSD AD SR (ML)	Mon-30-Sep-19			
Reduction	7/1504 - Continue with implementation of the action plan developed following the staff survey (ongoing)						BES MT	Mon-30-Sep-19			
Reduction	7/1962 - Continually challenge process and procedure for 2020 to ensure relevant bureaucracy and impact on service delivery is constrained (ongoing)						BES MT	Mon-30-Sep-19			
Reduction	7/1967 - Integrate the BEST process into service planning						CSD AD SR (ML) CSD SR HoS&P	Sun-31-Mar-19			
Phase 4 - Post Risk Reduction Assessment											
Probability	L	Objectives	M	Financial	M	Services	M	Reputation	L	Category	5
Phase 5 - Fallback Plan											
									Action Manager		
Fallback Plan	7/539 - Review approach to the delivery of change programmes and cultural change management within BES							CD BES			

Risk Register: Month 0 (September 2018) – summary

Next Review due: March 2019

Report Date: 3rd December 2018 (pw)

Identity			Person		Classification											Fallback Plan				
Change	Risk Title	Risk Description	Risk Owner	Risk Manager	Pre					RR		Post					FBPlan	Action Manager		
					Prob	Obj	Fin	Serv	Rep	Cat	Rrs	Next Action	Prob	Obj	Fin	Serv			Rep	Cat
▲	7/174 - Opportunities for Devolution in North Yorkshire and Consideration of a Combined Authority	Failure to take advantage of Devolution opportunities in North Yorkshire resulting in reduced investment and impact on the growth and jobs across North Yorkshire.	CD BES	CD BES	H	H	H	M	H	1	5	31/03/2019	M	L	M	L	M	4	Y	CD BES
◀▶	7/173 - Minerals and Waste Development Framework	Failure to complete the examination process and then adopt the Minerals and Waste Development Framework by the end of March 2019 as the basis for development control decision-making resulting in risk of legal challenge through judicial review, appeals with resulting financial and workload implications, adverse implications for the local economy, risk of National Government passing on European fines	CD BES	BES AD GP&TS	M	M	M	M	H	2	6	31/03/2019	L	M	M	M	H	3	Y	BES AD GP&TS
◀▶	7/189 - Delivery of transport schemes within the LEP's Strategic Economic Plan	Failure to deliver the programme of transport schemes within the LEP's Strategic Economic Plan results in reputational damage to the County Council and impacts upon the potential to secure funding for transport schemes in future rounds of the Local Growth Fund. There is a direct role for H&T to deliver the schemes promoted by the County Council and support the LEP in the Transport role, but also a supporting role to assist third party scheme promoters specifically the district councils.	CD BES	BES AD H&T	M	M	H	L	H	2	5	31/03/2019	L	M	H	L	H	3	Y	CD BES
▲	7/18 - Long Term Waste Service Strategy	Failure to further develop the long term waste service strategy (including total system efficiency, realisation of commercial opportunities through increasing recycling, reducing residual household waste, maximising potential through flexibility and reconfiguration to take advantage of opportunities through changes in market conditions, changes in waste composition and changes in consumer behaviour) following delivery of AWRP results in lost efficiencies, inflexibility, reputational damage, poor value for money and ineffectiveness of AWRP	CD BES	BES AD TW&CS	M	L	H	L	H	2	8	31/10/2018	L	L	H	L	M	3	Y	CD BES

BES Directorate

Risk Register: **Month 0 (September 2018) – summary**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**


Identity			Person		Classification											Fallback Plan				
Change	Risk Title	Risk Description	Risk Owner	Risk Manager	Pre					RR		Post					FBPlan	Action Manager		
					Prob	Obj	Fin	Serv	Rep	Cat	Rrs	Next Action	Prob	Obj	Fin	Serv			Rep	Cat
◀▶	7/7 - Statutory Duties	Failure to carry out statutory duties or meet statutory deadlines (e.g. Health and Safety, safe guarding, information governance, prevention of waste pollution, planning responsibilities, statutory property related issues, driver/vehicle guidance) resulting in Corporate Manslaughter, increased cost/claims, fines/prosecution and criticism.	CD BES	CD BES	M	M	M	M	H	2	7	30/09/2019	L	M	M	M	H	3	Y	CD BES
▶◀	7/232 - Growth	Failure to deliver the ambition of Sustainable Economic Growth through the delivery of the right housing, transport, and connectivity infrastructure, whilst protecting the outstanding environment and heritage, and within the context and partnership arrangements of two-tier local government structure and wider macro-economic policy and processes. This results in an inability to attract, retain and grow businesses, increase the house building rate, raise living standards and increase spending power.	CD BES	CSD AD SR (ML) BES AD GP&TS	M	H	H	H	M	2	6	31/12/2018	L	H	H	H	L	3	Y	BES AD GP&TS
▶◀	7/24 - Capital Programme	Ineffective management of capital programme including major schemes, LEP, LTP, Waste Management and projects resulting in significant overspend/underspend, weak use of resources, loss of reputation and performance.	CD BES	CSD AD SR (ML)	L	M	H	M	M	3	6	31/03/2019	L	M	H	M	M	3	Y	CD BES
- new -	7/244 - Cycling Events in North Yorkshire	Failure to effectively deliver the County Council's responsibilities associated with hosting the Tour de Yorkshire and UCI World Championship in North Yorkshire in 2019 &/or significant adverse publicity around hosting these events resulting in potential reputational, legal and financial impact upon the County Council.	CD BES	BES AD H&T	L	L	M	M	H	3	10	31/03/2019	L	L	M	M	H	3	Y	CD BES
▶◀	7/23 - Major Incident and Business Continuity	Failure to plan and respond effectively to a major incident without major impact upon routine service performance or longer term impact on service delivery. Such incidents may include animal health disease, flooding and other severe weather. Service breakdown including critical resources (eg property, people and ICT) resulting in the need to deliver additional service in order to ensure effective enforcement/containment and minimal disruption to critical services.	CD BES	CD BES	L	M	H	H	M	3	3	30/04/2019	L	M	H	H	M	3	Y	CD BES




BES Directorate

Risk Register: **Month 0 (September 2018) – summary**

Next Review due: **March 2019**

Report Date: **3rd December 2018 (pw)**

Identity			Person		Classification											Fallback Plan				
Change	Risk Title	Risk Description	Risk Owner	Risk Manager	Pre					RR		Post						FBPlan	Action Manager	
					Prob	Obj	Fin	Serv	Rep	Cat	Rrs	Next Action	Prob	Obj	Fin	Serv	Rep			Cat
	7/175 - Delivering Change Programmes within BES	Failure to embed a strong change culture, processes and supporting capacity to deliver ongoing programmes of change in BES e.g. the BES 2020 Change Programme. This could result in adverse impact on service delivery, inability to fully meet current and future financial requirements, internal and external criticism.	CD BES	BES MT	L	H	M	H	L	3	8	28/02/2019	L	M	M	M	L	5	Y	CD BES

Key	
	Risk Ranking has worsened since last review.
	Risk Ranking has improved since last review
	Risk Ranking is same as last review
- new -	New or significantly altered risk

AUDIT COMMITTEE - PROGRAMME OF WORK 2018 / 19

	ANNUAL WORKPLAN	JULY 18	OCT 18	DEC 18	MAR 19	JUNE 19	JULY 19	OCT 19	DEC 19
A	Audit Committee Agenda Items								
	Training for Members (as necessary)	1	2	3					
	Annual Internal Audit Plan				*	*			
	Annual report of Head of Internal Audit								
	Progress Report on Annual Internal Audit Plan		*		*			*	
	Internal Audit report on Children and YP's Service					*			
	Internal Audit report on Computer Audit/Corporate Themes/Contracts		*					*	
	Internal Audit report on Health and Adult Services		*					*	
	Internal Audit report on BES			*					*
	Internal Audit report on Central Services				*				
B	Annual Audit Letter		*					*	
	Annual Audit Plan (NYCC & NYPF)				*				
	Annual Report / Letter of the External Auditor	*					*		
	Interim Audit Report					*			
	Discussion with External Auditor on 1-to-1 basis				*				
C	Statement of Final Accounts including AGS (NYCC + NYPF)	x				*	x		
	Letter of Representation	x					x		
	Chairman's Annual Report		*					*	
	Effectiveness of Audit Committee		*			*		*	
	Changes in Accounting Policies				*				
	Corporate Governance – review of Local Code + AGS				*	*			
	– progress report inc re AGS					*			
	Risk Management (inc Corporate R/R) – progress report			*		*			*
	Partnership Governance – progress report					*			
	Information Governance – progress report				*				
	Review of Finance./Contract/Property Procedure Rules	TBA	TBA	TBA	TBA	TBA	TBA	TBA	TBA
	Business Continuity			*				*	
	Audit Committee Terms of Reference		*						*
	Counter Fraud				*				
	Contract Management								
	Governance of external companies								*
	Treasury Management – Executive February				*				
Corporate Procurement Strategy (including Contract Mgt)					*		*		
Audit Committee Work Programme	*								
VFM Review				*					
D	Work Programme	*	*	*	*	*	*	*	*
	Progress on issues raised by the Committee (inc Treasury Management)		*	*	*	*	*	*	*
E	Agenda planning / briefing meeting								
	Audit Committee Agenda/Reports deadline								
	Audit Committee Meeting Dates	26/07	10/10	20/12	07/03	21/06	26/07	25/10	20/12

- A = Internal Audit
- B = External Audit
- C = Statement of Final Accounts / Governance
- D = Other
- E = Dates

- ⊙ before formal meeting
- 1 HAS
- 2 Treasury Management and Commercial Investments
- 3 External and Internal Auditors
- Sessions to be sorted