

## The Report of the Executive

The Executive met on Tuesday, 14 October 2008. Present:- County Councillor Carl Les in the Chair. County Councillors John Fort BEM, Caroline Patmore, Greg White and Clare Wood. No other County Councillors were in attendance.

The Executive met on Tuesday, 4 November 2008. Present:- County Councillor John Weighell in the Chair. County Councillors John Fort BEM, Carl Les, Chris Metcalfe, Caroline Patmore, John Watson OBE, Greg White and Clare Wood.

Also in attendance: County Councillors William F Barton OBE, John Blackburn, Mrs M A de Coursey Bayley, Gareth Dadd, Richard Hall and Tony Hall

The Executive met on Tuesday, 18 November 2008. Present:- County Councillor John Weighell in the Chair. County Councillors Carl Les, Caroline Patmore, John Watson OBE, Greg White and Clare Wood.

Also in attendance: County Councillors Eric Broadbent, Mrs M A de Coursey Bayley, Heather Garnett, Ron Haigh, Michael Knaggs and Paul Richardson.

The Executive met on Tuesday, 2 December 2008. County Councillor John Weighell in the Chair. County Councillors John Fort BEM, Carl Les, Chris Metcalfe, Caroline Patmore, John Watson OBE, Greg White and Clare Wood.

Also in attendance: County Councillors Gareth Dadd, Heather Garnett, Tony Hall, Caroline Seymour and Melva Steckles.

**1. Treasury Management Strategy:** The County Council approved a list of organisations in which surplus cash can be invested. This includes the maximum sum that can be placed with each at any time. This Lending List is compiled with guidance from our Treasury Management Advisor, (Sector Treasury Services) and is based on credit ratings published by the credit rating agency Fitch.

As a result of market conditions connected to the “credit crunch” and liquidity problems experienced by Northern Rock, the County Council undertook a comprehensive review of the Lending List in February 2008. Changes made took into account more detailed credit criteria information and included reference to an institution’s overall creditworthiness, based on their long term and short term rating and financial strength. The changes made were to ensure that the County Council’s funds are managed in a way that balances risk with return, but with the overriding consideration being given to the security of the invested sum.

For some time now, particularly given the current turmoil and uncertainty in the financial markets, all the credit ratings have been reviewed on a daily basis, to ensure that funds are no longer placed with institutions whose credit ratings have fallen or are expected to fall in the future. In addition, institutions are also removed from the Lending List on a temporary basis because of press speculation, market intelligence and rumoured mergers and takeovers. Officers are also in daily contact with the Treasury Management Advisers in relation to credit rating changes and other relevant market intelligence. Although the updated Lending List approved in February 2008 did include three Icelandic banks, these were removed some time ago, given uncertainties about their Government’s ability to support its banking system in the event of difficulties.

One of the impacts of the current situation has been that the number of banks eligible for the County Council's Lending List is reducing, due to liquidations and mergers. One of the alternatives for placing surplus cash being considered by some authorities is the Debt Management Office (DMO) Deposit Account. This is a 100% safe house lending option, because it is an investment facility introduced by the Government specifically for public authorities several years ago. This facility is AAA rated as it is part of the HM Treasury Operations and can be regard as lending to the Government. This investment option is included on the County Council's approved Lending List, with a current maximum of £20m which could, of course, be increased. The facility has not been used by the County Council, or most other local authorities to date, however, because of the inferior interest rates on offer which are approximately 1.5% below what could realistically be achieved elsewhere.

Given the steps taken by the Government to stabilise the position in the financial markets, it is not considered necessary to adopt the DMO option. In addition to the loss of interest, a large proportion of the County Council's loans are currently on "duration", and therefore could only be transferred to the DMO when they were repaid. A further review to the Lending List has therefore been undertaken with a view to increasing the sums that that can be invested with the current highest standing UK and EU counterparties, at the expense of lesser names, and also provide some increased flexibility given the mergers that are potentially in the pipeline.

Given the current volatility in financial markets, the Executive agreed to consider this matter as an urgent additional item of business at its meeting on 14 October 2008. It agreed to recommend to Council the revised maximum sums set out in Appendix 1 and, until the new limits are formally adopted by the Council, recommended that the Chief Executive use his power in case of emergency to authorise any necessary and urgent increases to maximum sums that could be invested, not exceeding the limits now recommended.

#### **The Executive RECOMMENDS:-**

That the Schedule attached to the report as Appendix 1, that revises the maximum sums that can be invested in those banks that are still assessed as suitable at present, be approved and adopted as part of the Treasury Management Strategy.

**2. Minerals and Waste Development Framework – Minerals and Waste Core Strategies:** The Minerals and Waste Core Strategies (MCS and WCS) form part of a number of new planning policy documents which ultimately will form a new Minerals and Waste Development Framework for the County. They were submitted for Examination in Public (EIP) in January this year and hearings on the WCS, conducted by an Independent Planning Inspector, commenced in September. Hearings on the MCS were scheduled to start in Spring 2009.

Following the expression, by the Inspector, of a number of initial concerns about the potential soundness of the draft WCS at the hearings, an adjournment of the hearings was sought in order to allow time for the Council to give further consideration to the issues raised. An exploratory meeting with the Inspector had been arranged for 11 November. The purpose of the meeting would have been for the Council to set out how it proposed to address the concerns raised by the Inspector. The Inspector subsequently provided further details regarding his concerns with the potential soundness of the WCS and indicated that

he would agree to a suspension of the hearings, in order to allow the Council to undertake further work to support its draft strategy, only where the nature of the additional work was clear and identified; where new evidence to be presented would directly address his concerns; where the suspension would be of short duration and where there would be no substantial resultant changes proposed to the wording of the WCS.

Detailed consideration has been given to the issues raised by the Inspector and the potential to resolve these in a way which would lead to a successful conclusion to the WCS examination process. Advice has been sought from Counsel representing the Council at the hearings and discussions have taken place with Government Office for Yorkshire and the Humber. The conclusion of this detailed consideration is that, taking into account the constraints imposed on the Council by legislation, planning guidance and the Inspector, the nature of further work required by the Council to address the Inspector's concerns would not meet the criteria he has set down. It is not possible to conclude at this stage, without carrying out any additional work, that any resultant changes are likely to be minor and could be brought forward through a relatively short suspension of the hearings. It could be that more fundamental changes are necessary. In these circumstances, Counsel is of the view that withdrawal of the WCS is the most appropriate option available to the Council. This would allow the Council to bring forward a more comprehensively reviewed WCS including, potentially, further supporting evidence and to address implications arising from changes to policy and recent case law.

The examination process for the MCS is following behind that of the WCS, but is being conducted by the same Inspector. The overall approach to the development of policy contained in the MCS is similar to that of the WCS. Although formal hearings have not commenced, initial feedback has recently been received from the Inspector, who has drawn to the Council's attention a number of areas of concern. These have been presented in the context of a recent court decision relating to the Hampshire Minerals and Waste Core Strategy, in which an Inspector's finding of soundness has been partially overturned. Specifically, the Inspector has indicated that there is a serious risk of the MCS being found unsound and that the Council should consider its position. In view of the similarities between the concerns expressed by the Inspector on the WCS and the MCS, and taking into account the legal advice received on the WCS, it is considered that withdrawal of the MCS is the most appropriate option in the circumstances. As with the WCS, this would allow the re-presentation of a comprehensively reviewed MCS in due course.

The Council cannot unilaterally withdraw its MCS and WCS. The Planning and Compulsory Purchase Act 2004 allows for the Inspector to recommend that a document is withdrawn (and for that recommendation not to be overruled by a direction given by the Secretary of State), or for the Secretary of State to direct that a document must be withdrawn. Initial discussions took place with Government Office for Yorkshire and the Humber (GOYH) with regard to the potential process to be followed. The Inspector was informed of the Council's position and agreed that the exploratory meeting arranged for 11 November 2008 be cancelled. This allows the Council to consider submitting a formal request, to GOYH, to withdraw the MCS and WCS. Following ministerial approval, GOYH would then write to the Council authorising withdrawal, following which the Council must advertise the withdrawal in accordance with the relevant Regulations.

The Council has a statutory obligation to prepare a MCS and WCS and therefore it will be necessary for work to take place towards preparation of new draft strategies. Such work would take place under new Regulations, introduced in June 2008, which have put in place a revised and slightly simplified process for development plan preparation. Any new MCS and WCS would in due course be subject to a new Examination in Public. New national guidance, published in association with the new Regulations, allows the Council to

consider bringing forward new strategies, together with the identification of strategically significant sites. Under the guidance, there was a requirement to bring forward a separate Site Allocations development plan document. Work towards preparation of Minerals and Waste Site allocations documents is well advanced and submission was due to take place next year. Withdrawal of the MCS and WCS will directly impact on this, as it will not be possible for the Council to adopt a Site Allocations document in advance of a corresponding Core Strategy. It is expected that further work on site allocations will now be subsumed within the reworking of the WCS and MCS. Discussions will be needed with GOYH in relation to this and a revised timetable will be developed which will be reported to the Executive.

The policies in the WCS are intended to replace policies in the current Waste Local Plan, which is due to expire in May 2009. It will therefore be necessary to seek approval from GOYH to save existing policies in the Waste Local Plan for a further period in order to ensure appropriate local policy coverage. Notwithstanding this, there is also a clear waste planning policy framework at national and regional level (including the recently adopted Regional Spatial Strategy) to enable the Council, in its role as Waste Planning Authority, to continue to determine planning applications for new waste facilities and to provide a framework within which developers can bring forward proposals. The withdrawal of the WCS will not impact directly on this. Policies in the current Minerals Local Plan were saved for an extended period in 2007. It may be necessary to seek approval to save these for a further period in the event that the MCS is withdrawn. As with waste, a range of existing national and regional policies exist to provide a context for dealing with applications.

The Executive has asked for a report setting out an indicative timetable for the preparation of revised Minerals and Waste Development Plan documents and has asked the Environment and Heritage Overview and Scrutiny Committee to consider the process of preparing and submitting the strategies and provide feedback to the Executive.

#### **The Executive RECOMMENDS:**

That a direction be sought from the Secretary of State for the withdrawal of the Minerals Core Strategy and the Waste Core Strategy.

**3. Waste Local Plan – Saving of Policies:** Under the Planning and Compulsory Purchase Act 2004, the Council has responsibility to prepare and maintain up to date land use planning policies for minerals and waste development. Under the provisions of the 2004 Act, the policies in any existing plans adopted by the Council after commencement of the Act have automatically been saved for a period of 3 years from the date the plan was adopted. The Waste Local Plan was adopted in May 2006 and therefore the policies will expire in May 2009, unless special provision is made for their further extension. These provisions require the submission, to Government Office for Yorkshire and the Humber, of proposals to “save” policies for an additional three year period, or until they are superseded by new policies to be contained in the Council's new Minerals and Waste Development Framework (MWDF). The need to save these policies has arisen as a result of the need to seek withdrawal of the draft Waste Core Strategy document.

A schedule of proposed Saved Policies, on a template provided by Government Office, is attached as Appendix 2 to this report. In putting forward proposals to save existing policies, the Council is obliged to follow guidance issued by Central Government. In

particular, this guidance states that Authorities should adopt a rigorous approach and only save policies which meet certain criteria, including a requirement that saved policies should not duplicate or be inconsistent with current national and regional planning policies. The schedule therefore indicates those policies which it is proposed to save and those which it is proposed should lapse, with summary reasons, taking into account the criteria set down in Government advice. Following submission, GOYH may indicate that the Council should revise its schedule prior to the May 2009 deadline. It is important to note that, where it is proposed that policies should lapse, this does not necessarily imply that the potential significance of the topic covered by the policy is reduced, but that more up to date or specific national and/or regional guidance exists.

The saving of policies is intended to ensure continuity in the plan-led system and a stable planning framework locally and, in particular, the continued supply of appropriate land for development. The existence of a continuing local policy framework will assist the Council in determining applications for waste development which may come forward prior to adoption of new policies within the MWDF.

#### **The Executive RECOMMENDS:**

That the draft Waste Local Plan Schedule of Saved Policies set out in Appendix 2 to the report be approved for submission to Government Office for Yorkshire and the Humber, subject to the Corporate Director, Business and Environmental Services being authorised to make minor amendments to the Schedule in response to any views received from Government Office for Yorkshire and the Humber.

**4. Local Government and Public Involvement in Health Act 2007 – New Executive Arrangements:** The Local Government and Public Involvement in Health Act 2007 has amended the Local Government Act 2000 to change the choices available to local authorities in relation to their executive arrangements. The choices available to authorities are now:

- (1) A Leader and Cabinet Executive; or
- (2) A Mayor and Cabinet Executive.

The Council formerly adopted a Leader and Cabinet Executive in 2002 under the provisions of the Local Government Act 2000, but must now change to one of the above, as the current Leader and Cabinet Executive is no longer an option. The new Leader and Cabinet Executive option involves:

- the Leader being elected by the Council and normally holding office for a four year term;
- Executive Members may only be appointed by the Leader of the Council.

The County Council received a report on 23 July with recommendations from the Executive advising that consultation be undertaken in accordance with the Act. The following timetable was determined in consultation with the Constitution Working Group to enable the County Council to comply with the legislative requirements:-

- Report to County Council 23 July 2008
- Consultation period 22 September 2008 – 17 October 2008. The suggested consultation was to be by means of the NY Times and the County Council's website.
- Report to Executive on outcome of consultation – 18 November 2008.
- Report to County Council seeking resolution to amend the Constitution to give effect to the proposed changes – 17 December 2008.
- The new form of governance arrangements to operate on the third day after the local government elections in 2009.

Specifically in relation to the basis on which the consultation should be based, the County Council resolved "that the Council continues to operate the Leader and Cabinet Executive and that proposals to change to a new style Leader and Cabinet Executive arrangement be prepared as required by the Local Government and Public Involvement and Health Act 2007, for implementation after the May 2009 elections."

Details of the public consultation were published in the NY Times for the period September/October 2008, which is distributed throughout the county, and the consultation was also posted on the Council's website. Comment was invited via the Council's e-Panel, or through contact with the Assistant Chief Executive (Legal and Democratic Services). The consultation generated minimal responses, with 16 received in total. Of those, eight considered that the Leader and Cabinet Executive was most suitable for North Yorkshire, and six considered that there should be an Elected Mayor and Cabinet Executive. Two respondents raised queries but did not give a conclusive view. A summary of the comments in the responses is attached at Appendix 3.

Following the consultation, the Council must now determine its proposals for its executive arrangements. The new Leader and Cabinet Executive model is very similar in practice to the Council's current model. Under the new Leader and Cabinet Executive, a Leader will be elected by the members of the authority and will hold office for a four year term. The election takes place at the Annual Meeting of the Council after the election. Under this model the Leader will be responsible for appointing the Deputy Leader and other Executive Members. The Leader may remove the Deputy Leader and Executive Members from office and determines the portfolio of Executive Members. The previous discretion which allows the County Council to appoint Executive Members is removed. The Council may include provision for the Council to remove an Executive Leader by resolution during the four year term. If that power is adopted, and such a resolution was to be passed, a new Leader would have to be appointed at the same time or at a subsequent meeting. The Council will need to consider whether it is advisable to adopt a power to remove a Leader during the four year term, in case it transpires that any future appointment is subsequently considered to be inappropriate in the view of the majority of Councillors. Although the Executive took the view, at its meeting on 18 November, that no power to remove a Leader should be included in the Constitution, some Members of the Working Group on the Constitution expressed the view that there might be merit in having such a provision in the Constitution, to ensure the Council had the powers, should it prove necessary at any time in the future.

Under the Mayor and Cabinet Executive, the Mayor is directly elected, also for a four year term, and cannot be removed from office by the Council. A two-thirds majority is

required to overturn a Mayor's budget or major policy proposals. An elected Mayor also has power of appointment and removal of the Deputy Mayor and Executive Members.

In determining its proposals, an authority is legally required to consider the extent to which they would be likely to assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to economy, efficiency and effectiveness. When the matter was considered by Executive and the County Council in July 2008, Members felt that the Leader and Cabinet Executive was better suited to the circumstances of North Yorkshire. They considered that it ensures the Council's Leader has the clear support of the full Council and the opportunity to ensure Executive roles are undertaken by those who will be most effective. It places strong leadership in the hands of a Leader, supported by an Executive s/he considers best able to fulfil their role. The new Leader and Cabinet Executive is one of the options considered by the Government to provide strong leadership in local authorities. The County Council under the current similar Leader and Cabinet Executive model has benefited from strong leadership, resulting in it consistently being a high performing authority in the delivery of services and community leadership, assessed as four star and improving well by its external assessors and consistently achieving a very high rating in national benchmarking against other comparator authorities.

The Executive has considered the outcome of the consultation and has referred the matter to the Constitution Working Group for consideration of the proposal, and any changes to the Constitution needed to give effect to any revisions to the Council's Executive Arrangements. Recommendations for amendments to the Constitution, to take effect when the new style Leader and Cabinet Executive come into force, are set out in Appendix 4.

The Local Authorities (Functions and Responsibilities) Regulations 2000 and subsequent amendments set out how the functions for which the Executive are responsible are determined. The current arrangements agreed by the Council regarding local choice functions (those which may or may not be the responsibility of the Executive) are attached at Appendix 5. The Council must, in deciding upon its proposals under the 2007 Act, state the extent to which those functions are to be the responsibility of the Executive under the new arrangements. It is recommended that the arrangements as currently agreed be confirmed.

**The Executive RECOMMENDS:-**

- (a) That the Council change to a new style Leader and Cabinet Executive, after the 2009 elections, in accordance with the 2007 Act, and that all necessary public notice be given.
- (b) That no power to remove a Leader, by Council resolution, during their term of office, be included in the Constitution.
- (c) That the revisions to the Constitution recommended to the County Council by the Constitutional Working Group, to take effect after the 2009 elections, set out in Appendix 4, be approved.
- (d) That the arrangements for local choice executive functions and responsibilities under the 2000 Regulations as set out in Appendix 5 be confirmed.

**5. Constitution - Employment Appeals Committee, Appointments to Outside Bodies and amendments:** In accordance with the County Council's Disciplinary and Capability Policies and Procedures, an employee dismissed by the County Council for disciplinary or capability reasons can currently appeal against the decision to the Council's Appeals Committee. The Committee consists of four County Councillors and has existed in its present form since 1996. The Appeals Committee also deals with

- grants to students including home to school transport,
- the appointment of lay and independent members to the Admissions Appeals Panels,
- making arrangements for appeals against school exclusions and admission appeals,
- group grievances or collective disputes,
- appeals against decisions of the Executive, appeals relating to school curriculum issues, and
- appeals against a decision to terminate the appointment of an LEA Governors by the Governors' Committee.

The current terms of reference of the Committee are set out in Appendix 6 to this report. In addition to the four members of the Committee there are ten substitute members. The main business for the Committee for the past three years has related to home to school transport appeals, and employment related appeals. The Committee has worked very well to deal with its diverse responsibilities, but it is considered that the terms of reference should now be reviewed to reflect changes in the nature and magnitude of work.

The business of the Committee which relates to appeals is very technical. Committee Members and substitutes must receive appropriate training before participating. Whilst there are common areas, the handling of home to school transport appeals and employment appeals are increasingly subject to differing considerations and very different timescales. Additionally, the workload involved in the handling of appeals is changing, as is their nature.

Members consider approximately 200 home to school transport appeals per annum. The figures have been gradually increasing. This requires knowledge of the Council's related policies, together with regulations and guidance concerning safe walking routes to school. There is obviously also a need to be aware of the requirements of natural justice and equalities. However, whilst numbers are high, the time usually required for dealing with each home to school transport appeal is between 20 and 45 minutes and the Appeals Committee can hear up to 12 appeals on this topic on one day.

In handling employment appeals, the knowledge required is different. Members must be familiar with the County Council's Disciplinary and Capability Policies and Procedures, and terms and conditions of employment, and also have a basic grasp of the legal frameworks relating to employment. Comparatively, the Committee deals with fewer employment appeals, on average four or five per annum. However, they demand significantly greater time in terms of preparation and the time actually spent in the Appeals Committee. An appeal will typically last at least a day, though sometimes more, with one appeal in the last year continuing over five days. The time commitment and impact on other diary commitments is therefore significant. There are also serious implications arising from the decision on the appeal. Members undertaking the employment appeal role in Committee



must hear and evaluate often complex factual evidence relating to allegations of misconduct, capability, redundancy or discrimination. Whilst Members are supported in this process by officers, the implications for the Council in the event of onward appeal to an Employment Tribunal, if it should be successful, can be significant in financial and reputational terms. The Chairman of the Committee involved in the appeal decision may be required to give evidence to the Employment Tribunal in relation to the appeal decision and process and be subject to detailed questioning. The level of responsibility upon the Chairman of the Appeals Committee is increasingly onerous.

It is therefore recognised that employment cases demand very significant commitment on the part of the Members involved, as do home to school transport appeals because of their number. The current requirement for Appeals Committee members to gain expertise on such wide and varying aspects of appeals related issues are considered too onerous. For that reason it is recommended that a separate Employment Appeals Committee be established with effect from June 2009. It is suggested that the Committee should consist of four Members, who will be trained to enable them to specialise in dealing with employment appeals, and should be created with terms of reference as set out in Appendix 7. Substitutes will also need to be appointed and will similarly be trained. It is recommended that the current Appeals Committee be retained to continue to deal with all other appeals and other functions in its current terms of reference. Draft revisions to its terms of reference to reflect this are set out in Appendix 8.

A special responsibility allowance would be appropriate for the Chairman of the Employment Appeals Committee if it is agreed that the Committee be established. The Independent Remuneration Panel considered the proposal in their recent work in relation to the Council's Members' Allowance Scheme and are in agreement that the allowance should be paid, which is included in their report.

The list of outside bodies to which appointments are made, as set out in Schedule 5 of the County Council's Constitution, has been checked for accuracy. The checking process has identified the following situations:-

- Outside bodies to which appointments are being made which are not listed in Schedule 5.
- Outside bodies which have ceased to exist or to which the County Council no longer makes appointments.
- Outside bodies whose details, as set out in Schedule 5, require amendment.

To update Schedule 5, the amendments set out in Appendix 9 are recommended for approval.

The Members' Working Group on the Constitution has also considered amendments to the delegated powers of the Pension Fund Committee, which that Committee has requested, and a number of other amendments to the Constitution which, in the main, arise from a need to reflect the new locally based standards regime.

**The Executive RECOMMENDS:**

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| (a) | That an Employment Appeals Committee be established with effect from June 2009.  |
| (b) | That the terms of reference as set out in Appendix 7 be adopted for the Employment Appeals Committee and the Constitution be amended with effect from 4 June 2009. |

- (c) That the terms of reference of the Appeals Committee be revised as set out in Appendix 8 with effect from 4 June 2009 and that the Constitution be amended in that respect from that date.
- (d) That the amendments to Schedule 5 of the Constitution set out in Appendix 9 to the report be approved.
- (e) That the terms of reference of the Pension Fund Committee be amended to those set out in Appendix 11.
- (f) That the amendments to the Constitution set out in Appendix 12 be approved.

**6. Appointments:** Nominations have been received for substitute Members on the Planning and Regulatory Functions Committee for the Conservative Group. Recommendations for those appointments are set out below, together with the usual recommendation that any proposals for allocations of seats or changes to memberships or substitute memberships of Committees, or other bodies to which the County Council makes appointments, put forward by the relevant political group, at or before the meeting of the Council, be approved.

**The Executive RECOMMENDS:**

- (a) That County Councillors David Jeffels, Geoffrey Cullern and David Ireton be appointed as second, third and fourth Conservative Group Substitute Members respectively of the Planning and Regulatory Functions Committee.
- (b) That any proposals for allocation of seats or changes to membership or substitute memberships of Committees or other bodies to which the County Council makes appointments put forward by the relevant political group, at or before the meeting of the Council, be approved.

**CARL LES**  
Chairman – 14 October 2008

**JOHN WEIGHELL**  
Chairman

County Hall,  
NORTHALLERTON.  
**9 December, 2008**

PROPOSED INCREASE IN AUTHORISED MAXIMUM SUMS THAT CAN BE INVESTED WITH SPECIFIC COUNTERPARTIES

APPENDIX 1

Name of Organisation	Fitch Credit Rating (as at 13/10/08)		Current Limit (agreed June 2008) £m	Proposed Increase to £m	Comment
	Long Term (up to 364 days) (Min. AA- & F1+)	Short Term (up to 3 mths) (Min. A & F1)			
Barclays (up to 364 days)	AA	F1+	20	30	Barclays are intending to raise £6.5bn of new capital via money from private investors & will not pay final dividend payout for 2008 (Approx £2bn)
HSBC (up to 364 days)	AA	F1+	20	30	HSBC has no plans to utilise the UK government's recapitalisation initiative funding a £750m increase to its capital base from its own resources.
HBOS (Halifax, Bank of Scotland) (up to 364 days)	AA	F1+	20	30	Lloyds and HBOS are to renegotiated their merger, reducing the number of Lloyds TSB shares that HBOS shareholders will receive. UK Government now holds a 40% share of Group. Maximum limit will now apply to Group, rather than individual organisation.
Lloyds TSB (up to 364 days)	AA+	F1+	20		
Royal Bank of Scotland (up to 364 days)	AA	F1+	20	30	UK government now holds a 60% share of RBS. Maximum limit applies to the Group, rather than to each individual organisation.
Natwest (up to 364 days)	AA	F1+			
Ulster Bank (up to 364 days)	AA-	F1+			
Abbey (up to 364 days)	AA-	F1+	20	30	Both organisations now part of Santander Group.
Alliance & Leicester (up to 364 days)	AA-	F1+	10		
Nationwide (up to 364 days)	AA-	F1+	20	30	Nationwide recently took ownership of Derbyshire & Cheshire Building Societies.
Clydesdale Bank (Trading as Yorkshire Bank) (up to 364 days)	AA-	F1+	20	30	Clydesdale is owned by National Australia Bank - The Australian Federal Government has guaranteed all bank deposits held in Australian financial institutions.
Bank of Ireland (up to 364 days)	AA-	F1+	20	30	Investments guaranteed by Irish Government.
Allied Irish (up to 364 days)	AA-	F1+	20		
Anglo Irish (up to 3 mths only)	A+	F1+	10		

**Key to Fitch Credit Ratings**

**AAA**

Highest credit quality. 'AAA' ratings denote the lowest expectation of credit risk. They are assigned only in case of exceptionally strong capacity for payment of financial commitments. This capacity is highly unlikely to be adversely affected by foreseeable events.

**AA**

Very high credit quality. 'AA' ratings denote expectations of very low credit risk. They indicate very strong capacity for payment of financial commitments. This capacity is not significantly vulnerable to foreseeable events.

**A**

High credit quality. 'A' ratings denote expectations of low credit risk. The capacity for payment of financial commitments is considered strong. This capacity may, nevertheless, be more vulnerable to changes in circumstances or in economic conditions than is the case for higher ratings.

**"+" / "-"**

The modifiers "+" or "-" may be appended to a rating to denote relative status within major rating categories.

**F1**

Highest credit quality. Indicates the strongest capacity for timely payment of financial commitments; may have an added "+" to denote any exceptionally strong credit feature.

**Appendix 1 - Proposed Waste Local Plan policies to be 'saved'**

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
<b>Part 1 – Policies to be saved</b>														
4/1	Waste Management Proposals	Sets out a range of general environment and amenity based criteria relevant to the determination of all planning applications for waste management facilities	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and RSS by setting out specific local approach (with the exception of criterion i), which is not consistent with current national policy)
4/3	Landscape Protection	Supports waste development only where there would be no unacceptable impact on landscape character	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy adds value to national (PPS7 & 10) and regional policy (ENV10) by setting out specific local approach.
4/5	Heritage Coasts	Supports waste development within Heritage Coast areas only where necessary for operational reasons and where unacceptable impacts on natural environment and landscape would not arise	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy adds value to national (PPS10) and regional policy (C1) by setting out specific local approach.

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
4/7	Protection of Agricultural Land	Supports waste development on high quality agricultural land only where there is an overriding need or justification and lower quality land cannot be used	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy deals specifically with best and most versatile land and therefore adds value to national (PPS7) and regional policy (ENV7) dealing with agricultural land.
4/9	National Sites	Requires special scrutiny to be given to proposals likely to affect SSSIs and supports development only where reasons for the development outweigh the value of the site	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy required to ensure that nationally designated sites are protected.
4/10	Locally Important Sites	Supports waste development only where no unacceptable impact on locally important nature conservation sites, habitats and species	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy required to ensure that locally designated sites are protected.
4/14	Historic Environment	Supports waste development only where no unacceptable impact on listed buildings, registered parks, gardens and battlefields, world heritage sites and conservation areas	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy required to ensure that nationally and locally designated sites are protected and to support national guidance (PPG15)
4/15	Archaeological Evaluation	Requires applicants for facilities which may affect sites of known or potential archaeological significance to undertake field evaluation	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy required to ensure that nationally and locally designated sites are protected and to support national guidance (PPG16)

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
4/16	Archaeological Sites	Supports waste development only where no unacceptable impact on nationally important archaeological remains and their settings	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy required to ensure that nationally and locally designated sites are protected and to support national guidance (PPG16).
4/18	Traffic Impact	Encourages use of non-road transport and supports waste development only where any vehicle movements can be accommodated on highway network and would not have unacceptable impact on local communities	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and RSS by setting out specific local approach
4/19	Quality of Life	Supports waste development only where no unacceptable impact on local environment and residential amenity	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy adds value to national policy (PPS10) by setting out specific local approach
4/20	Open Space Recreation and Public Rights of Way	Supports waste development only where no unacceptable impact on recreational amenity and public rights of way	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy adds value to RSS by setting out specific local approach.
4/21	Progressive Restoration	Supports, where relevant, the progressive restoration of waste disposal sites to a high standard	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy adds value to national policy (PPS10) by setting out specific local approach

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
4/22	Site Restoration	Requires proposals for restoration of waste disposal sites to demonstrate protection/enhancement of the local environment	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy adds value to national policy (PPS10) by setting out specific local approach
4/23	Aftercare	Requires that planning permissions subject to restoration requirements be subject also to aftercare requirements	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy adds value to national policy (PPS10) by setting out specific local approach
5/1	Waste Minimisation	Requires proposals for major development to identify measures to minimise and manage waste generated by the development	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and RSS by setting out specific local approach
5/2	Waste Recovery	Identifies 2 specific sites for potential new waste recovery facilities (Barnsdale Bar landfill/quarry and Jackdaw Crag Quarry)	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to regional policy (ENV13) and allocates individual sites which have not yet been taken up.

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
5/3	Recycling, Sorting and Transfer of Industrial Commercial and Household Waste	Supports proposals at: i) existing, former or proposed industrial areas, ii) redundant sites or buildings, iii) within or adjacent to active or worked out quarries or landfill sites and where the operations are carried out in suitable buildings, access is satisfactory, quarry restoration would not be compromised and no unacceptable impact on local amenity or the environment would arise	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and regional policy ( ENV12 & ENV13) by setting out specific local approach.
5/4	Household Recycling – Bring Schemes	Requires proposals for major retail and community developments to provide facilities for the public to recycle waste	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and regional policy (ENV13) by setting out specific local approach.
5/5	Household Waste and Recycling Sites	Identifies 2 specific sites for potential new HWRCs (Bar Lane, Boroughbridge and Oak Beck Park, Harrogate) and supports proposals for other new HWRCs where no unacceptable impact on the environment or local amenity	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to regional policy (ENV13) and allocates individual sites which have not yet been taken up.



Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
5/6	Scrapyards and Metal Recycling Facilities	Supports proposals within existing, former and proposed industrial areas of appropriate character, subject to satisfactory screening, access and where no unacceptable impact on environment and amenity	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and regional policy (ENV13) and also The End of Life Vehicles Regulations 2003 by setting out specific local approach.
5/7	Facilities for the Recycling of Construction and Demolition Wastes	Supports proposals at: i) existing, former or proposed industrial areas, ii) redundant sites or buildings, iii) within or adjacent to active or worked out quarries or landfill sites and where access is satisfactory, quarry restoration would not be compromised and no unacceptable impact on local amenity or the environment would arise	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and regional policy (ENV13) by setting out specific local approach.
5/8	Temporary Facilities for the recycling of construction and demolition Wastes	Supports proposals on or close to construction/demolition sites where the facility would be removed after completion of the project, access is satisfactory and no unacceptable impact on local amenity or the environment would arise	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and regional policy (ENV13) by setting out specific local approach.

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
5/9	Green Waste Composting	Supports proposals at: i) within or adjacent to existing waste management facilities, ii) existing, former or proposed industrial areas or working or worked out quarries, iii) open countryside locations at an appropriate scale and where existing buildings reused or on land within/adjacent to farm building complexes and where access is satisfactory, quarry restoration would not be compromised and no unacceptable impact on local amenity or the environment would arise	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and regional policy (ENV12) by setting out specific local approach.

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
5/10	Incineration of Waste	Supports proposals for incineration of household, commercial and non-hazardous industrial waste only after opportunities for recycling and composting have been explored and where the site is located on: i) existing, former or proposed industrial area of appropriate character, ii) land formerly occupied by waste management facilities of appropriate character, iii) contaminated, despoiled or previously derelict land and where access is satisfactory and no unacceptable impact on local amenity or the environment would arise	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and regional policy (ENV12) by setting out specific local approach.
6/1	Landfill Proposals	Supports landfill only where over-riding need can be demonstrated and no alternative methods of treatment are available, or where essential for satisfactory restoration of mineral void and where access is satisfactory and no unacceptable impact on local amenity or the environment would arise	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy adds value to national policy (PPS10) and regional policy (ENV13) by setting out specific local approach.

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
6/2	Land Improvement Schemes	Supports deposit of inert waste for land improvement where derelict/degraded land would be improved, no other satisfactory means exist to secure necessary improvement and where access is satisfactory and no unacceptable impact on local amenity or the environment would arise	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy adds value to national policy (PPS10) and regional policy (ENV13) by setting out specific local approach.
6/4	Leachate and Landfill Gas Management	Requires proposals for landfill to demonstrate adequate measures for leachate/gas management and, where practicable, recovery of gas for energy production	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and regional policy (ENV12) by setting out specific local approach.

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
7/1	Incineration Treatment and Transfer of Special or Clinical Waste	Supports proposals for incineration, treatment and transfer of special or clinical waste where the site is located at: i) existing, former or proposed industrial area of appropriate character, ii) land formerly occupied by waste management facilities of appropriate character, iii) contaminated, despoiled or previously derelict land and where proposed methods of handling, storage, treatment, processing and any built development are appropriate to nature of waste, access is satisfactory and no unacceptable impact on local amenity or the environment would arise	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to national policy (PPS10) and regional policy (ENV13) by setting out specific local approach.
7/2	Waste Water Treatment Works	Supports proposals where required to improve treatment/discharge standards or provide increased capacity and where access is satisfactory and no unacceptable impact on local amenity or the environment would arise	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	✓	Policy adds value to regional policy (ENV3) by setting out specific local approach.

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
7/3	Re-working of Deposited Waste	Supports re-working of previously deposited waste only where represents BPEO and where material benefits would outweigh any environmental or other harm	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A			
7/3	Re-working of Deposited Waste	Supports re-working of previously deposited waste only where represents BPEO and where material benefits would outweigh any environmental or other harm	✓	✓	✓	N/A	N/A	✓	N/A	N/A	N/A	✓	N/A	Policy adds value to national policy (PPS10) and regional policy (ENV13) by setting out specific local approach (with the exception of criterion a) which is no longer consistent with current national guidance).

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to						Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources		
<b>Part 2 – Policies not to be saved</b>															
4/2	Waste Hierarchy	Identifies the waste hierarchy and indicates that proposals will be considered having regard to the hierarchy	✓	✓	✓	N/A	N/A	X	N/A	N/A	N/A	✓	✓	Policy does not add value to either national (PPS10) or regional policy. WLP definition of waste hierarchy superseded by updated definition in PPS10	
4/4	Areas of Outstanding Natural Beauty	Requires that proposals for facilities in AoNBs will be subject to most rigorous examination and only permitted where overriding need, where no unacceptable impact on local environment, landscape and economy and where in the public interest	✓	✓	✓	N/A	N/A	X	N/A	N/A	N/A	✓	N/A	Policy does not add value to either national (PPS7) or regional policy (ENV10).	
4/6	Green Belts	Supports development only where it would not conflict with purposes of green belt and requires demonstration of very special circumstances before permitting inappropriate development in the green belt	✓	✓	✓	N/A	N/A	X	N/A	N/A	N/A	✓	N/A	Policy does not add value to national policy	

Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to						Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources		
4/8	International Sites	Requires most rigorous examination of proposals which may affect international sites of nature conservation importance	✓	✓	✓	N/A	N/A	X	N/A	N/A	N/A	✓	N/A	PPS9 states that specific policies should not be included in LDF's as they already have statutory protection under European Directives	
4/11	European Protected Species	States that proposals which affect European protected species will not be permitted unless there is no satisfactory alternative and only where it would not be detrimental to population of the species	✓	✓	✓	N/A	N/A	X	N/A	N/A	N/A	✓	N/A	PPS9 states that specific policies should not be included in LDF's as statutory protection already exists under European Directives and this is reinforced by Circular 06/2005	
4/12	Water Protection	Supports development only where no unacceptable impact on quantity or quality of surface or groundwater resources	✓	✓	✓	N/A	N/A	X	N/A	N/A	N/A	✓	✓	Policy does not add value to national policy (PPS25)	
4/13	Flood Risk	Supports development only where no unacceptable risk from flooding (or increase in risk of flooding to others) would arise	✓	✓	✓	N/A	N/A	X	N/A	N/A	N/A	✓	N/A	Policy does not add value to national (PPS25) or regional policy (ENV1).	
4/17	Transport	Encourages proposals using rail/water transport where environmentally acceptable	✓	✓	✓	N/A	N/A	X	N/A	N/A	N/A	✓	✓	Policy does not add value to regional policy (T4). Partially duplicated by Policy 4/18	



Policy	Subject	Purpose of Policy	Government criteria						Policies that the government will also have particular regard to					Comment
			Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
6/3	Disposal of Waste by Landraising	Supports disposal of waste by landraising where capacity cannot be met through restoration of mineral voids, no suitable alternative treatment methods are available and where access is satisfactory and no unacceptable impact on landscape, local amenity or the environment would arise	✓	X	X	N/A	N/A	X	N/A	N/A	N/A	✓	N/A	Policy not compatible with current national or regional policy emphasis on reducing landfill
8/1	Determining of Planning Applications	Requires planning applications to be accompanied by sufficient information to allow informed assessment of proposals	✓	N/A	✓	N/A	N/A	X	N/A	N/A	N/A	✓	N/A	Policy does not add value to national policy
8/2	Review of the Waste Local Plan	States that the WPA will keep waste arisings and demand for facilities under review	N/A	N/A	N/A	N/A	N/A	X	N/A	N/A	N/A	✓	N/A	Policy does not add value to national guidance
8/3	Monitoring of Development Proposals	States that the WPA will monitor operations to ensure compliance with planning requirements	N/A	N/A	N/A	N/A	N/A	X	N/A	N/A	N/A	✓	N/A	Policy does not add value to national guidance

## SUMMARY OF COMMENTS IN CONSULTATION RESPONSES

1. **Leader and Cabinet Executive Model:** Several respondents expressed a preference for the Leader and Cabinet Executive Model as opposed to an Elected Mayor for North Yorkshire. The main points are summarised as follows:
  - that the new Leader and Cabinet Executive model is appropriate to North Yorkshire County Council's needs for continuity and efficiency, given the county's geographical spread, its economic outlook and demographic change.
  - That whilst the possible advantages in having an Elected Mayor to interact with the electorate in an urban area were appreciated, the responder could not see how such a system could be of any real benefit in a vast rural area like North Yorkshire. Small numbers of scattered residents at either end of the area will not feel that they have any direct means of influencing policy selection by lobbying the Mayor, neither may they even have similar needs of each other at the same time. It was considered that the Council should adopt the revised system that remains nearest to the way the Leader and Cabinet method is operated at present
  
2. **Elected Mayor and Cabinet Executive:** Other respondents were in favour of the Elected Mayor model and the main points are summarised as follows:
  - that the mayoral system is more democratic and the public have a stake in the appointment and more involvement in decision making.
  - that people in leadership should be elected by the whole of the residents of North Yorkshire and not under the current arrangements which are party political, otherwise the public have only a second hand say in who governs them
  - that the Leader responsible for the whole of NYCC affairs, should be readily identifiable and accountable to the public. A mayoral model would ensure that a Mayor would be visible and accountable to the general public as intended by the legislation This has proved to work well elsewhere and ensure greater public involvement.
  - A mayor is stronger in representing the public against vested interests and government pressure.

One respondent was totally opposed to the Elected Mayoral model, referring to the situation in another authority where the Elected Mayoral model had proved to be unpopular and delivered few benefits to the local community.

3. Other respondents raised queries in relation to the consultation and business case for change, and the costs involved. They also considered that evidence had not been produced to support the options. Supplementary information was provided in response to the respondents with queries.

## New executive arrangements

### Suggested amendments to Constitution

Where amendments are suggested to only part of a paragraph, only the relevant part is replicated in the amendment chart below.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Part 1, Summary and Explanation  (How the Council Operates)  Second paragraph, page 12	All Councillors meet together at meetings of the Council which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints one Councillor as the Council Leader. The Leader and eight other Councillors appointed by the Council form the Executive. The Council also appoints Committees, including seven area Committees to deal with local matters and nine overview and scrutiny committees to look at the effectiveness of the Executive and help develop Council policy.	All Councillors meet together at meetings of the Council which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council elects one Councillor as the Council Leader. The Leader and eight other Councillors appointed by him/her form the Executive. The Council also appoints Committees, including seven area Committees to deal with local matters and nine overview and scrutiny committees to look at the effectiveness of the Executive and help develop Council policy.	To reflect the proposals for new executive arrangements for the Council.
Part 1, Summary and Explanation  (How decisions are made)  Third paragraph, page 12	The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader appointed by the full Council, and eight other Councillors, who are appointed by the Council. ...  <i>Rest of paragraph to remain the same.</i>	The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader elected by the full Council, and eight other Councillors, who are appointed by the Leader. ...  <i>Rest of paragraph to remain the same.</i>	To reflect the proposals for new executive arrangements for the Council.  Under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, the Leader must be elected by the Council and Executive Members may only be appointed by the Leader of the Council.
Article 4.02(d)  Functions of	(d) appointing the Leader and other members of the Executive;	(d) electing the Leader of the Executive;	To reflect the proposals for new executive arrangements for the Council.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
the Full Council Page 23			Under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, Executive Members may only be appointed by the Leader of the Council.
Article 7.02, second para  (The Executive, Form and Composition)  Page 30	The Executive will consist of the Leader together with at least 2, but not more than 9, Councillors appointed to the Executive by the Council. Should any member(s) of the Executive cease to hold office as such, or in the opinion of the Leader become disabled (temporarily or permanently) from performing the duties of their office, the Leader may remove them from office, and/or may appoint any other Councillor(s) to the Executive, and Councillors so appointed shall hold office until the next meeting of the Council. In no case, however, shall the total membership of the Executive (including the Leader) exceed 10. The Leader's powers of removal/appointment shall be exercisable by giving written notice to The Head of Legal and Democratic Services.	The Executive will consist of the Leader elected by the Council, together with at least 2, but not more than 9, Councillors appointed to the Executive by the Leader. Should any member(s) of the Executive cease to hold office as such, or in the opinion of the Leader become disabled (temporarily or permanently) from performing the duties of their office, the Leader may remove them from office, and/or may appoint any other Councillor(s) to the Executive. In no case, however, shall the total membership of the Executive (including the Leader) exceed 10. The Leader's powers of removal/appointment shall be exercisable by giving written notice to The Assistant Chief Executive (Legal and Democratic Services).	To reflect the proposals for new executive arrangements for the Council.
Article 7.03  (Leader)  Page 30	The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:  (a) he/she resigns from the office; or  (b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or  (c) he/she is no longer a Councillor; or  (d) he/she is removed from office by resolution of the Council.	The Leader will be a Councillor elected to the position of Leader by the Council at its post-election annual meeting. The Leader will hold office until:  (a) he/she resigns from the office; or  (b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or  (c) he/she is no longer a Councillor; or  (d) the day of the post-election annual meeting	Original sub paragraph (d) proposed to be removed as the optional provision for the Council to be able to remove an Executive Leader by resolution during the four year term is not part of the proposals being recommended to full Council on 17.12.08.  A new sub para (d) is proposed to reflect the Leader's statutory four year term of office under the new executive arrangements.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		which follows his/her election as Leader.	
<p>Article 7.04 (d) (Other Executive Members) Page 30/31</p>	<p>Other Executive Members shall hold office until:</p> <p>(a) they resign from office; or</p> <p>(b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or</p> <p>(c) they are no longer Councillors; or</p> <p>(d) they are removed from office, either individually or collectively, by resolution of the Council, or by the Leader under 7.02 above.</p>	<p>Other Executive Members shall hold office until:</p> <p>(a) they resign from office; or</p> <p>(b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or</p> <p>(c) they are no longer Councillors; or</p> <p>(d) they are removed from office, either individually or collectively, by the Leader under 7.02 above.</p>	<p>To reflect the proposals for new executive arrangements for the Council.</p> <p>Under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, the Council has no role in the appointment and removal of Councillors to and from the Executive.</p>
<p>Part 3 'Responsibility for Functions' Explanatory Introduction, para 3 Page 53</p>	<p>3. <i>Now that the County Council is operating new structures under the Local Government Act 2000, the position is not so simple. Instead of all functions being those of the County Council, there is a fundamental division of functions between those which are the responsibility of the Executive, and those which are not. The functions which are not the responsibility of the Executive remain subject to the decision making framework set out in the Local Government Act 1972, as explained in the previous paragraph. The functions which are the responsibility of the Executive will generally be covered in "Executive Arrangements", under which they may be discharged by the Executive itself, committees of the Executive, individual Executive members, or officers. Again there is a structure of sub-delegation whereby, for example, an individual Executive member who is given powers by the executive arrangements may delegate to an officer. It is</i></p>	<p>3. <i>The County Council is operating an executive structure under the Local Government Act 2000 (as amended), the position is not so simple. Instead of all functions being those of the County Council, there is a fundamental division of functions between those which are the responsibility of the Executive, and those which are not. The functions which are not the responsibility of the Executive remain subject to the decision making framework set out in the Local Government Act 1972, as explained in the previous paragraph. The functions which are the responsibility of the Executive will be covered in "Executive Arrangements", and which the Leader can either exercise personally or allocate to the Executive itself, committees of the Executive, individual Executive members, or officers. Again there is a structure of sub-delegation whereby, for example, an individual Executive member who is given powers by the Leader may (unless the Leader otherwise</i></p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, more particularly to reflect that there is no provision now for executive functions not allocated under executive arrangements to be subsequently allocated by the Leader – all executive functions must now be allocated by the Leader.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p><i>also possible for some of these powers not to be referred to in the executive arrangements at all, in which case they become powers which the Leader can either exercise personally or allocate to the Executive (or to Executive committees and individual Executive members or officers). However, whilst the above will apply to any powers which have not been dealt with in Part 3, the aim is for Part 3 of the Constitution, as part of the executive arrangements, to explicitly allocate all of the powers of the Council.</i></p>	<p><i>directs) delegate to an officer.</i></p>	
<p>Part 3 ‘Responsibility for Functions’  Explanatory Introduction, para 5  Page 53</p>	<p><i>5. Local authorities operating executive arrangements must divide all of their functions between those which are the responsibility of the Executive and those which are not. In large part, this is done by legislation. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) lists no less than 171 specific powers of local authorities which must not be the responsibility of the Executive. A separate list in the same regulations contains 21 local authority powers which councils may decide either to give to the Executive or not: these are referred to as “local choice functions”, since it is open to local authorities to choose locally whether to allocate them to the Executive or not. Having said that, the Government has provided detailed guidance to local authorities on the allocation of these powers. Seven of these 21 are purely district council functions, so North Yorkshire County Council has only 14 to decide locally: this is done by paragraph 4 of Part 3.</i></p>	<p><i>5. Local authorities operating executive arrangements must divide all of their functions between those which are the responsibility of the Executive and those which are not. In large part, this is done by legislation. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) lists powers of local authorities which are not the responsibility of the Executive. A separate list in the same regulations contains local authority powers which councils may decide either to give to the Executive or not: these are referred to as “local choice functions”. It is open to local authorities to choose locally whether to allocate them to the Executive or not. The Government has provided detailed guidance to local authorities on the allocation of these powers. Paragraph 4 of Part 3 deals with local choice functions.</i></p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Part 3 'Responsibility for Functions'  Explanatory Introduction  Diagram on page 55 of Constitution	<i>See Schedule 1 to this amendment chart.</i>	<i>See Schedule 2 to this amendment chart.</i>	To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect that there is no provision now for executive functions not allocated under executive arrangements to be subsequently allocated by the Leader – all executive functions must now be allocated by the Leader.
Part 3 'Responsibility for Functions'  pg 56 of Constitution	<b>1.3</b> Functions which are the responsibility of the Executive may be delegated to a committee of the Executive, an area committee, an individual member of the Executive, an Officer or another local authority.	<b>1.3</b> Functions which are the responsibility of the Executive may be discharged by the Leader or allocated by him/her to the Executive, a committee of the Executive, an individual member of the Executive, or an Officer. Executive functions may also be delegated to an area committee or another local authority or its executive, or joint arrangements entered into, in accordance with the relevant statutory requirements.	To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect that there is no provision now for executive functions not allocated under executive arrangements to be subsequently allocated by the Leader – all executive functions must now be allocated by the Leader.
Part 3 'Delegation of Executive Functions'  – first paragraph  pg 97 of Constitution	This list is maintained under Article 7.06 of the Constitution, and records delegation of executive functions to: <ul style="list-style-type: none"> <li>▪ committees of the Executive</li> <li>▪ individual Executive Members</li> <li>▪ area committees</li> <li>▪ joint committees</li> <li>▪ officers</li> <li>▪ other local authorities</li> <li>▪ the Appeals Committee</li> </ul>	<i>Insert a paragraph before existing first paragraph, as follows:</i>  Any functions which, under Executive arrangements, are the responsibility of the Executive, may be discharged by the Leader personally or allocated by him/her to the Executive, individual Executive Members, Executive Committees or Officers. Sub-delegations may also be made, eg to area committees.  This list is maintained under Article 7.06 of the	To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect the fact that the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		Constitution, and records the delegation (under the above processes) of executive functions to: <ul style="list-style-type: none"> <li>▪ committees of the Executive</li> <li>▪ individual Executive Members</li> <li>▪ area committees</li> <li>▪ joint committees</li> <li>▪ officers</li> <li>▪ other local authorities</li> <li>▪ the Appeals Committee</li> </ul>	
Part 3  'Delegation of Executive Functions'  para 1.1  pg 97 of Constitution	<b>1. Committees of the Executive</b>  <b>1.1</b> The Council's Executive arrangements delegate to the committees set out in the Register of Executive Committees the executive functions there specified.	<b>1. Committees of the Executive</b>  <b>1.1</b> The Leader delegates to the committees set out in the Register of Executive Committees the executive functions there specified.	To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect the fact that the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers. It is assumed that the Leader will delegate executive functions under the new executive arrangements as currently delegated by the existing executive arrangements.
Part 3  'Delegation of Executive Functions'  para 2.1  pg 97 of Constitution	<b>2.1</b> The Council's Executive arrangements delegate to individual Executive Members the Executive functions set out in the Executive Members Delegation Scheme.	<b>2.1</b> The Leader delegates to individual Executive Members the Executive functions set out in the Executive Members' Delegation Scheme.	To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect the fact that the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers. It is assumed that the Leader will delegate executive functions under the



Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
			<p>new executive arrangements as currently delegated by the existing executive arrangements.</p> <p>Also, a grammatical correction.</p>
<p>Part 3 'Delegation of Executive Functions'  para 2.5  pg 97 of Constitution</p>	<p><b>2.5</b> Individual Executive Members with decision making powers may delegate decisions to area committees, or to Officers.</p>	<p><b>2.5</b> Individual Executive Members with decision making powers may delegate decisions to area committees, other local authorities or their executives or to Officers.</p>	<p>To reflect the strict legal position under the Local Government Act 2000 as amended and relevant regulations made under it.</p>
<p>Part 3 'Delegation of Executive Functions'  para 4.1  pg 98 of Constitution</p>	<p><b>4.1</b> The Council's Executive arrangements delegate to Officers the executive functions which are contained in the Officers Delegation Scheme and <u>not</u> marked *. (This marking is to distinguish executive and non-executive functions in the Officers Delegation Scheme).</p>	<p><b>4.1</b> The Leader delegates to Officers the executive functions which are contained in the Officers' Delegation Scheme and <u>not</u> marked *. (This marking is to distinguish executive and non-executive functions in the Officers' Delegation Scheme).</p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect the fact that the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers. It is assumed that the Leader will delegate executive functions under the new executive arrangements as currently delegated by the existing executive arrangements.</p> <p>Also, a grammatical correction.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Part 3 'Delegation of Executive Functions'  para 4.2  pg 98 of Constitution	<p><b>4.2</b> The delegation of these powers operates under Section 15 of the Local Government Act 2000 and all other powers enabling the Executive.</p>	<p><b>4.2</b> The delegation of these powers operates under Section 14 of the Local Government Act 2000 and all other powers enabling the Executive.</p>	<p>To amend the statutory reference as changed under the amended Local Government Act 2000.</p>
Council Procedure Rule 1.2  Pg 130 of Constitution	<p><b>1.2 Appointment of Leader and Executive</b></p> <p>At the annual meeting of the Council in an election year, the Council will:</p> <p>(a) elect the Leader;</p> <p>(b) agree the number of Members to be appointed to the Executive and appoint those Members.</p>	<p><b>1.2 Election of Leader and Appointment of Executive</b></p> <p>At the annual meeting of the Council in an election year, the Council will:</p> <p>(a) elect the Leader, to hold office for a four year period (until the day of the post-election annual meeting following his/her election as leader). The Leader will agree the number of Members to be appointed to the Executive and appoint those Members.</p>	<p>To reflect the proposals for new executive arrangements for the Council.</p> <p>Under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, Executive Members may only be appointed by the Leader.</p>
Council Procedure Rule 2.3 (a) (vii)  Pg 133 of Constitution	<p><b>2.3 Order of Business</b></p> <p>(a) The order of business at County Council meetings shall be:</p> <p>... <i>[earlier text to remain same]</i></p> <p>(vii) at the annual meeting in an election year, to appoint the Leader, Members to the Executive or to serve on committees of the Council and/or as representatives of the Council on other bodies unless power</p>	<p><b>2.3 Order of Business</b></p> <p>(a) The order of business at County Council meetings shall be:</p> <p>... <i>[earlier text to remain same]</i></p> <p>(vii) at the annual meeting in an election year, to elect the Leader, and appoint Members to serve on committees of the Council and/or as representatives of the Council on other bodies unless power to</p>	<p>To reflect the proposals for new executive arrangements for the Council.</p> <p>Under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, Executive Members may only be appointed by the Leader.</p>

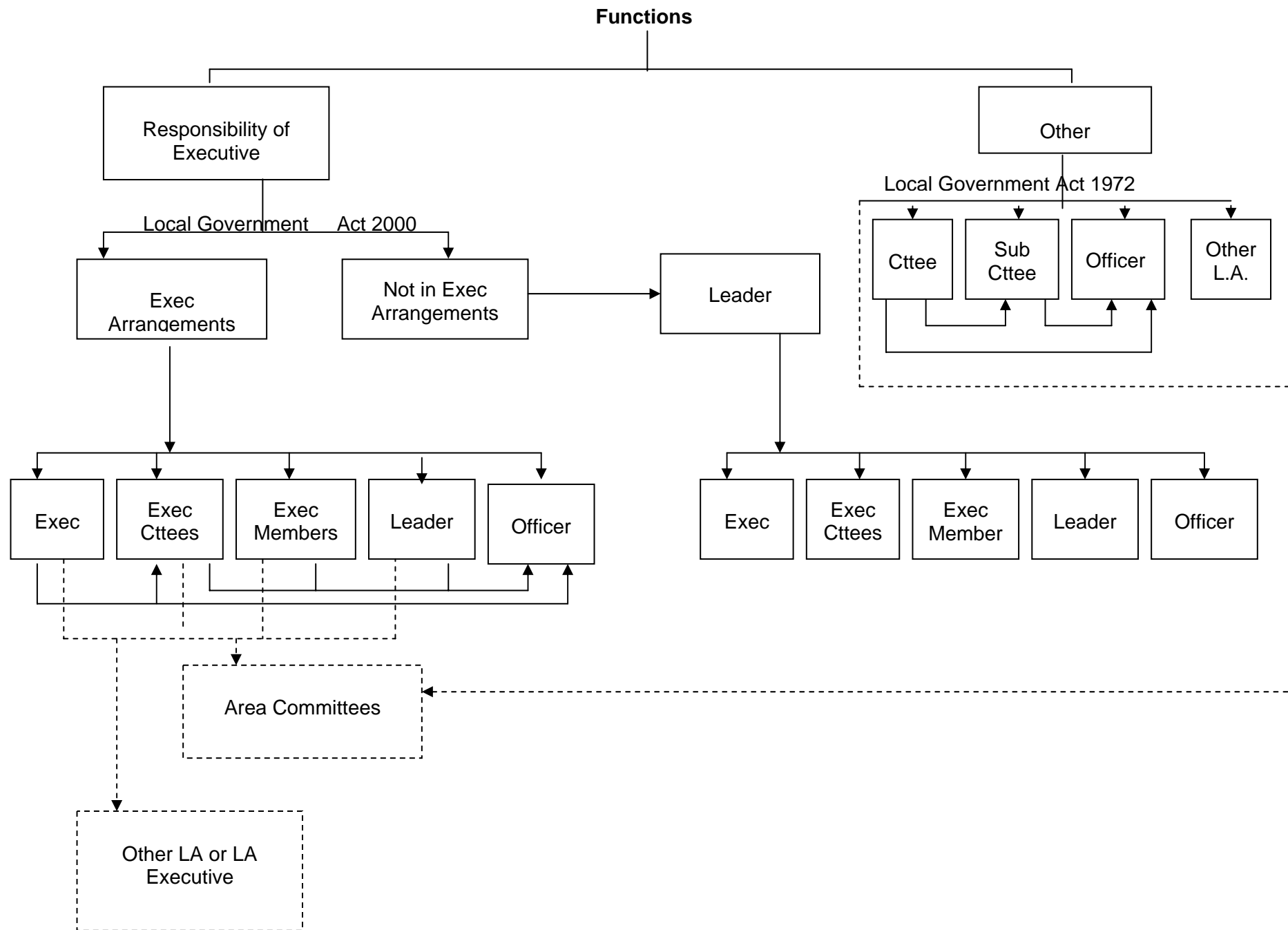
Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>to make those appointments has been delegated to other bodies or persons.</p> <p>.... [later text to remain same]</p>	<p>make those appointments has been delegated to other bodies or persons.</p> <p>.... [later text to remain same]</p>	
<p>Executive Procedure Rule 1.1</p> <p>Pg 183 of Constitution</p>	<p><b>1.1 Who may make executive decisions?</b></p> <p>The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council (see Part 3 of the Constitution). In respect of any not set out there, the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:</p> <ul style="list-style-type: none"> <li>(a) the Executive as a whole;</li> <li>(b) a committee of the Executive;</li> <li>(c) an individual member of the Executive;</li> <li>(d) an Officer;</li> <li>(e) an area committee;</li> <li>(f) joint arrangements; or</li> <li>(g) another local authority.</li> </ul>	<p><b>1.1 Who may make executive decisions?</b></p> <p>Functions which are the responsibility of the Executive may be discharged by:</p> <ul style="list-style-type: none"> <li>(a) the Leader;</li> <li>(b) the Executive as a whole;</li> <li>(c) a committee of the Executive;</li> <li>(d) an individual member of the Executive;</li> <li>(e) an Officer;</li> <li>(f) an area committee;</li> <li>(g) joint arrangements; or</li> <li>(h) another local authority or its executive.</li> </ul> <p>Arrangements for such discharge of executive functions are set out below.</p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to clarify that whereas currently all delegations of executive functions are done via the executive arrangements themselves, under the new executive arrangements the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers.</p>
<p>Executive Procedure Rule 1.2</p> <p>Pg 183 of Constitution</p>	<p><b>1.2 Delegation by the Leader</b></p> <p><i>Note: This paragraph only applies if, in future, functions are delegated by the Leader. Presently, all delegations operate by virtue of the executive arrangements set out in Part 3.</i></p> <p>The Leader will maintain a written record of delegations made by him/her for inclusion in the</p>	<p><b>1.2 Delegation by the Leader</b></p> <p>The Leader may discharge any functions which, under executive arrangements adopted by the Council (see Part 3 of the Constitution), are executive functions or may arrange for the discharge of any of those functions by:</p> <ul style="list-style-type: none"> <li>(a) the Executive as a whole;</li> </ul>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to clarify that whereas currently all delegations of executive functions are done via the executive arrangements themselves, under the new executive arrangements the Leader is</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>Council's scheme of delegation at Part 3 to this Constitution. The document maintained by the Leader will contain the following information about executive functions:</p> <p>(a) the names, addresses and electoral divisions of the people appointed to the Executive;</p> <p>(b) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;</p> <p>(c) the terms of reference and Constitution of such Executive committees as the Leader appoints and the names of Executive Members appointed to them;</p> <p>(d) the nature and extent of any delegation of executive functions to area committees (collectively or individually), any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and</p> <p>(e) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.</p>	<p>(b) a committee of the Executive;</p> <p>(c) an individual member of the Executive;</p> <p>(d) an Officer;</p> <p>The Leader will maintain a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document maintained by the Leader will contain the following information about executive functions:</p> <p>(a) the names, addresses and electoral divisions of the people appointed to the Executive;</p> <p>(b) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;</p> <p>(c) the terms of reference and Constitution of such Executive committees as the Leader appoints and the names of Executive Members appointed to them;</p> <p>(d) the nature and extent of any delegation of executive functions to area committees (collectively or individually), any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and</p> <p>(e) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.</p>	<p>responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers.</p>
Executive Procedure Rule	<p><b>1.3 Sub-delegation of Executive Functions</b></p> <p>(a) Where the Executive, a committee of the</p>	<p><b>1.3 Sub-delegation of Executive Functions</b></p> <p>(a) Where the Executive, a committee of the</p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>1.3</p> <p>Pg 184 of Constitution</p>	<p>Executive or an individual member of the Executive is responsible for an executive function, they may delegate to an area committee, joint arrangements or an Officer.</p> <p>(b) Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an officer.</p> <p>(c) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.</p> <p>(d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.</p>	<p>Executive or an individual member of the Executive is responsible for an executive function, they may delegate to an area committee, another local authority or its executive, joint arrangements or an Officer.</p> <p>(b) Unless the Leader directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an Officer.</p> <p>(c) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.</p> <p>(d) Unless the Leader directs otherwise, an individual Member of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.</p> <p>(e) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.</p>	<p>by the Local Government and Public Involvement in Health Act 2007; more particularly to clarify that whereas currently all delegations of executive functions are done via the executive arrangements themselves, under the new executive arrangements the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers and that further sub-delegation is legally permissible.</p>
<p>Executive Procedure Rule 1.4</p> <p>Pg 184 of Constitution</p>	<p><b>1.4 The Council's Scheme of Delegation and Executive Functions</b></p> <p>(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3</p>	<p><b>1.4 The Council's Scheme of Delegation and Executive Functions</b></p> <p>(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3</p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to clarify that whereas currently all delegations of executive functions are done via the executive arrangements themselves, under the new</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>of this Constitution.</p> <p>(b) If the Leader is able to decide whether to delegate executive functions, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.</p> <p>(c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its Chairman.</p>	<p>of this Constitution.</p> <p>(b) As the Leader is able to decide whether to delegate executive functions, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.</p> <p>(c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its Chairman.</p>	<p>executive arrangements the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers and that further sub-delegation is legally permissible.</p>
<p>Executive Procedure Rule 2.1</p> <p>Pg 185 of Constitution</p>	<p><b>2.1 Who presides?</b></p> <p>(a) If the Leader is present, he/she will preside at meetings of the Executive.</p> <p>(b) The Executive may elect one of its members to be Deputy Leader of the Executive and any person so elected will preside at meetings of the Executive when the Leader is not present, and may also exercise the other functions of the Leader set out in these Rules in any case where the Leader is unavailable or unable to act.</p>	<p><b>2.1 Who presides?</b></p> <p>(a) If the Leader is present, he/she will preside at meetings of the Executive.</p> <p>(b) The Leader may appoint one of the Executive members to be Deputy Leader of the Executive and any person so elected will preside at meetings of the Executive when the Leader is not present, and may also exercise the other functions of the Leader set out in these Rules in any case where the Leader is unavailable or unable to act.</p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007.</p>

<b>Provision in Constitution</b>	<b>Current Wording</b>	<b>Proposed Amendment</b>	<b>Reason(s)</b>
	(c) In the absence of the Leader and of the Deputy Leader (if any) the members of the Executive present at the meeting shall elect one of their members to preside.	(c) In the absence of the Leader and of the Deputy Leader (if any) the members of the Executive present at the meeting shall elect one of their members to preside.	





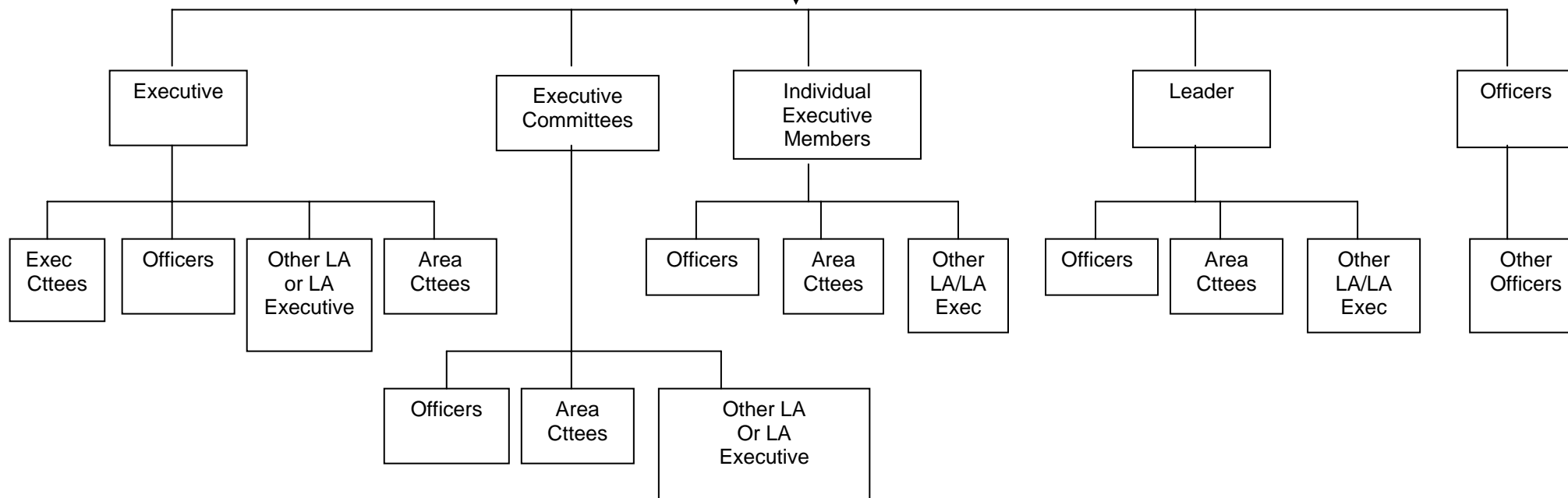
**Executive Functions**

Responsibility of Executive  
under Local Government Act  
2000

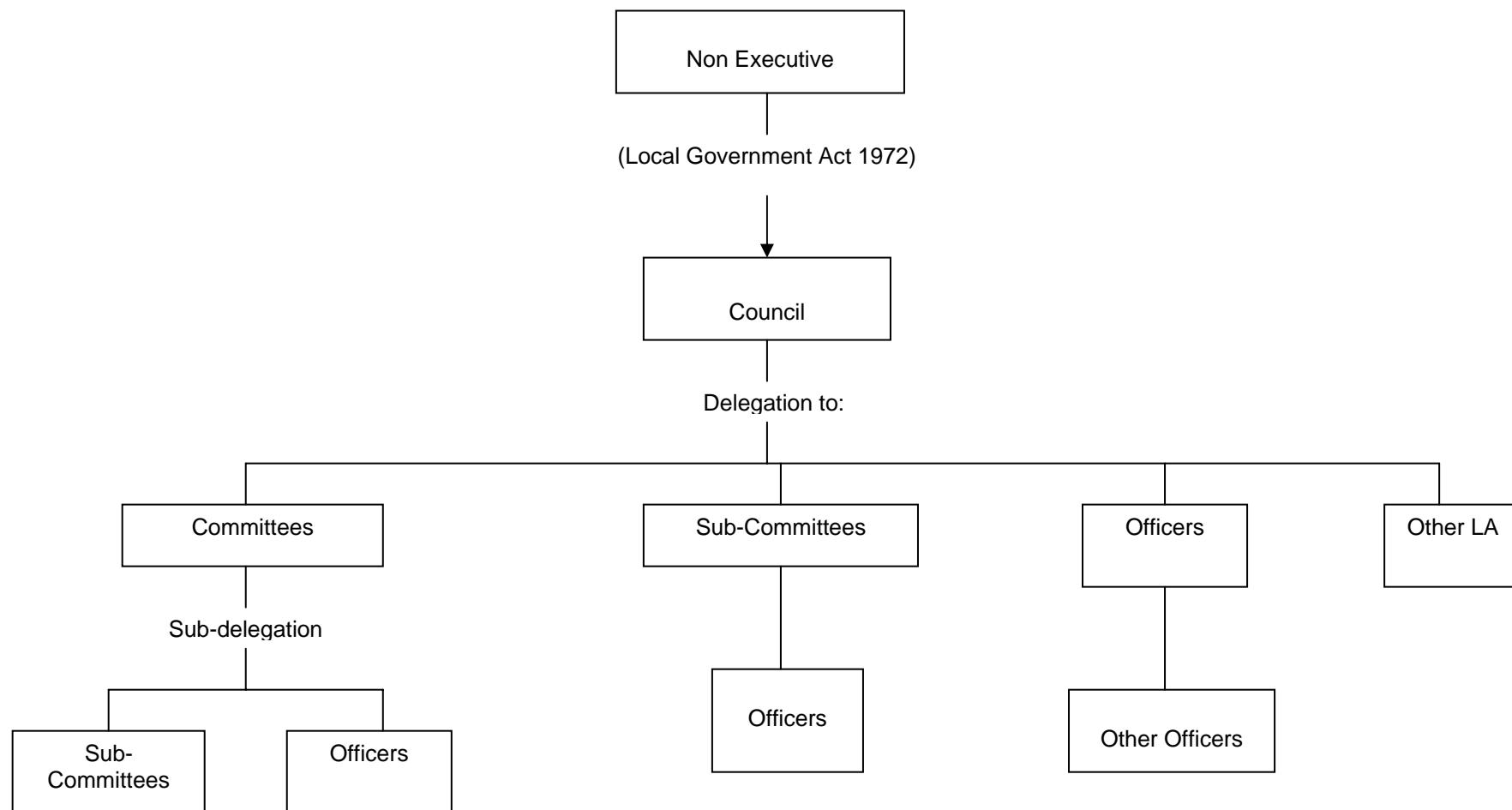
May be discharged by

LEADER

or s/he may arrange for functions to be discharged by:



**Non-Executive Functions**



## 4. TABLE: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Decision making body	Extent of responsibility
1. Functions under the North Yorkshire County Council Act 1991.	Planning and Regulatory Functions Committee	Functions which involve either determining an application for a licence, approval, consent, permission or registration; direct regulation of a person; or any related enforcement actions.
	The Executive	All other functions.

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2. The determination of an appeal against any decision made by or on behalf of the Council.	Appeals Committee	To the extent set out in the terms of reference of the Appeals Committee.
	The Executive	All other appeals.
3. The making of arrangements for appeals against the exclusion of pupils from schools	Appeals Committee	NB: that the appeals themselves are heard by lay and independent panel members appointed by the Appeals Committee.
4. The making of arrangements in relation to school admission appeals.	Appeals Committee	NB: that the appeals themselves are heard by lay and independent panel members appointed by the Appeals Committee.
5. The making of arrangements in relation to appeals by Governing Bodies.	Appeals Committee	
6. Making arrangements for questions to be put on the discharge of the functions of the North Yorkshire Police Authority	Full Council	
7. The making of appointments of Members to the North Yorkshire Police Authority.	Full Council	
8. The conducting of Best Value reviews under Section 5 of the Local Government Act 1999	Overview and Scrutiny Committees	As set out in Article 6.03(c).
	The Executive	Considering and deciding on recommendations (including recommendations of Overview and Scrutiny Committees) for improvement, which arise from Best Value reviews.

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9. The discharge of any function relating to the control of pollution or the management of air quality.	Planning and Regulatory Functions Committee  The Executive	Functions which involve determining an application for a licence, approval, consent, permission or registration, or direct regulation of a person, together with any related enforcement action. All other functions.
10. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Executive  Planning and Regulatory Functions Committee	To the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders. Exercise of the powers for all other purposes.
11. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Executive  Planning and Regulatory Functions Committee	Division of responsibility as for 10 above.
12. The making of agreements under Section 278 of the Highways Act 1980 for the execution of highway works.	The Executive	
13. The appointment (and the revocation of any such appointment) of any individual: (a) to any office other than employment by the authority; (b) to any body (or committee or sub-committee of such a body) other than the authority itself or a joint committee of two or more authorities.	The Executive  Governors Committee  Full Council	In connection with functions which are the responsibility of the Executive.  The revocation of any appointment of an LEA appointed school governor. All other appointments.
14. Making agreements with other local authorities for the placing of staff at the disposal of those other authorities.	The Executive  Full Council	In connection with functions which are the responsibility of the Executive.  In all other cases.
15. Functions under Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements	The Executive	

**CURRENT TERMS OF REFERENCE OF THE APPEALS COMMITTEE**

1. To hear and determine appeals against decisions of officers of the Council, where provision exists for appeals to a member level body, or of relevant decisions of the Governing Bodies of voluntary aided schools where the Governing Body so requests in respect of:-
  - Dismissals including selections for redundancy, and for some other substantial reasons except that appeals against dismissals under the Council's Attendance Management Policy shall be determined, in consultation with a member to be drawn from the Appeals Committee and an HR Adviser, by a senior manager who has not previously been involved in the matter, and who is duly authorised to determine the appeal in accordance with paragraph 3.7 of the Officers' Delegation Scheme.
  - Group grievances or collective disputes.
  - Grants to students including home to school transport.
  - Admissions to schools except those decisions coming within the scope of Independent Appeals Panels established under the Schools Standards and Framework Act 1998.
2. The appointment of Lay and Independent Members to panels from members from which they will be drawn, by the Assistant Chief Executive (Legal and Democratic Services), to consider appeals against decisions relating to admission of pupils to schools, selection for admission to schools (where relevant), permanent exclusion from a school and reinstatement to a school.
3. The making of arrangements for appeals against the exclusion of pupils from schools, and in relation to school admission appeals.
4. To hear and determine appeals against decisions of the Executive, where provision exists in law or in this Constitution for such an appeal. *(NB: No Member of the Executive may sit on the Appeals Committee when it is exercising this function).*
5. To consider and determine appeals relating to school curriculum issues.
6. To hear and determine any appeal against a decision to terminate the appointment of an LEA Governor taken by the Governors' Committee.

**TERMS OF REFERENCE OF THE EMPLOYMENT APPEALS COMMITTEE**

1. To hear and determine appeals against decision of officers of the Council, where provision exists for appeals to a member level body, or of relevant decisions of the Governing Bodies of voluntary aided schools where the Governing Body so requests in respect of:-
  - All dismissals (including selections for redundancy), except that appeals against dismissals under the Council's Attendance Management Policy shall be determined, in consultation with a member to be drawn from the Appeals Committee and an HR Adviser, by a senior manager who has not previously been involved in the matter, and who is duly authorised to determine the appeal in accordance with paragraph 3.7 of the Officers' Delegation Scheme.
  - Group grievances or collective disputes.

**TERMS OF REFERENCE OF THE APPEALS COMMITTEE**

1. To hear and determine appeals against decisions of officers of the Council where provision exists for appeals to a member level body or of relevant decisions of Governing Bodies of Voluntary Aided Schools where the Governing body so requests in respect of:-
  - (a) Grants to students including home to school transport.
  - (b) Admissions to schools except those decisions coming within the scope of Independent Appeals Panels established under the Schools Standards and Framework Act 1998.
2. Appointment of Lay and Independent Members to Panels from members from which they will be drawn, by the Assistant Chief Executive (Legal and Democratic Services), to consider appeals against decisions relating to admission of pupils to schools, selection for admission to schools (where relevant), permanent exclusion from a school and reinstatement to a school.
3. The making of arrangements for appeals against the exclusion of pupils from schools, and in relation to school admission appeals.
4. To hear and determine appeals against decisions of the Executive, where provision exists in law or in this Constitution for such an appeal. *(NB: No Member of the Executive may sit on the Appeals Committee when it is exercising this function).*
5. To consider and determine appeals relating to school curriculum issues.
6. To hear and determine any appeal against a decision to terminate the appointment of an LEA Governor taken by the Governors' Committee.

**CONSTITUTION – SCHEDULE 5****Category 1 – Partner Bodies**

Outside Body	Recommended Amendment	Reason for Amendment
York St John College	Re-name as York St John University Governing Body and place in alphabetical order. (It is currently listed below Breckenbrough Hall Governing Body.)	Correction
North Yorkshire School Organisation Committee	Delete this outside body	Body no longer exists
Regional Assembly	To be deleted after 31 March 2009	Body will not exist after 31 March 2009
York Archaeological Trust for Education and Research	Re-name as York Archaeological Trust for Excavation and Research	Correction
Darlington College of Technology Corporation Board	Delete this outside body	North Yorkshire County Council no longer has a seat on this outside body
Yorkshire Dales National Park Authority	In the column referring to the number of seats, replace “6” with “5”	To reflect the change, made previously, to the membership of this body
Yorkshire Museums, Libraries and Archives Council	Delete this outside body	Body no longer exists
Yorkshire Purchasing Organisation’s committee for staffing matters – 1 seat (not YPO Members)	Insert this outside body	Executive has recently made a nomination
York and North Yorkshire Safer Communities Forum – 1 seat – Executive Member for Community Safety	Insert this outside body	The Executive Member is serving on this outside body
North Yorkshire Strategic Partnership – 5 seats – Leader; Executive Member for Community Planning; plus 1 each from Con, Lib Dem and Lab Groups	Insert this outside body	The Executive has been appointing to this outside body
North Yorkshire “Compact”	Delete this outside body	This is an officer only group



## Category 2 – Local Bodies (appointments by Area Committees)

Outside Body	Recommended Amendment	Reason for Amendment
District Community Education Committees	Delete these outside bodies	Bodies no longer exist
Community Health Councils	Delete these outside bodies	Bodies no longer exist
Darlington College of Technology Corporation Board	Delete this outside body	North Yorkshire County Council no longer has a seat on this outside body
North Yorkshire and Cleveland Heritage Coast Steering Group	Amend name to “North Yorkshire and Cleveland Coastal Forum Executive Group” and change the number of seats by replacing “2” with “3”.	The Steering Group no longer exists. Its duties are now undertaken by the Coastal Forum Executive Group. The Area Committee has been appointing to the Coastal Forum Executive Group
National Coal Mining Museum for England Liaison Committee – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Craven Local Strategic Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Hambleton Community Safety Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Hambleton Local Strategic Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Harrogate and District Safer Communities Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Harrogate District Local Strategic Partnership – 1 seat & 1 Substitute	Insert this outside body	Area Committee has been appointing to this outside body
North Yorkshire Coast Community Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
North Yorkshire Moors and Coast Safer Communities Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Richmondshire Community	Insert this outside body	Area Committee has been

Outside Body	Recommended Amendment	Reason for Amendment
Safety Partnership – 1 seat		appointing to this outside body
Richmondshire Local Strategic Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Ryedale District Community Safety Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Ryedale Strategic Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Safer Craven Community Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Selby District Community Safety Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Selby Local Strategic Partnership – 1 seat	Insert this outside body	Area Committee has been appointing to this outside body
Flamborough Headland Heritage Coast Steering Group	Delete this outside body	The County Council's representative is now an officer from the Business and Environmental Services Directorate
Groundwork Trust for Selby	Amend name to "Groundwork North Yorkshire"	Groundwork North Yorkshire has replaced Groundwork Selby
Settle - Carlisle Railway Standing Conference	Delete this outside body	Body no longer exists
Settle – Carlisle Railway Trust	Delete this outside body	Body no longer exists

**Category 3 – Local Bodies (appointments expected to be of local Member or their nominee)**

Outside Body	Recommended Amendment	Reason for Amendment
John Dakyn Trust (Cowton)	Re-name as “John Dakyn, East Cowton Fund”	Correction
John Dakyn Foundation (Kirby Ravensworth)	Re-name as “John Dakyn’s Educational Charity at Kirby Hill”	Correction
Selby Association for the Unemployed	Delete this outside body	Body no longer exists
Jepsons Education Foundation (Ripon)	In name, replace “Education” with “Educational”	Correction
Malton Museum Board of Management	Delete this outside body	North Yorkshire County Council no longer has seats on this outside body
Glauert Memorial Maths Scholarship Fund (Scarborough)	Delete this outside body	Body no longer exists
Rev Samuel Duffields Foundation (Cawood/Sherburn)	Delete this outside body	Body no longer exists
Giggleswick School Endowment Fund (Governing Body)	Delete this outside body	North Yorkshire County Council no longer has a seat on this outside body

**Category 4 – Mechanisms for Appointments/Nominations**

Outside Body	Recommended Amendment	Reason for Amendment
Yorkshire Archaeological Trust for Education and Research	Re-name as York Archaeological Trust for Excavation and Research	Correction

## PENSION FUND COMMITTEE

### Delegated Powers

1. To exercise the powers of the County Council to invest monies forming part of the Pension Fund, including:-
  - ◆ investment in property;
  - ◆ appointment of managers to manage and invest Fund monies on the County Council's behalf;
  - ◆ receiving reports from the managers at least once every three months setting out the action they have taken under their appointment;
  - ◆ receiving reports every three months reviewing the investments made by the Investment Manager;
  - ◆ from time to time considering the desirability of continuing or terminating the appointments; and
  - ◆ from time to time reporting to the Executive.
2. To exercise all the County Council's powers as administering authority for the North Yorkshire Pension Fund, subject to any specific instructions that might be given from time to time by the Council.
3. To carry out the County Council's functions relating to local government pensions under
  - ◆ The Local Authority (Discretionary Payments) Regulations 1996;
  - ◆ The Local Authority Pension Scheme Regulations 1997; and
  - ◆ The Local Government Pension Scheme (Management and Investment of Funds) Regulations 1998.

Existing

## PENSION FUND COMMITTEE

### Delegated Powers

1. To exercise the powers of the County Council to invest monies forming part of the Pension Fund, including:-
  - ◆ to determine and periodically review the Investment Strategy of the Fund
  - ◆ to appoint managers to manage and invest Fund monies on the County Council's behalf;
  - ◆ to receive reports from the appointed managers, at least once every three months, setting out the action they have taken under their appointment;
  - ◆ to receive reports, at least once every three months from the Investment Adviser, Investment Consultant and the Performance Measurer, regarding the investment performance of the appointed investment managers and the Fund overall;
  - ◆ from time to time to consider the desirability of continuing or terminating the appointments of any organisations involved in the investment of the monies of the Fund and / or advising / reporting thereon; and
  - ◆ to approve a Statement of Final Accounts and associated governance statements for submission to the Audit Committee
  - ◆ from time to time reporting to the Executive.
2. To exercise all the County Council's powers as administering authority for the North Yorkshire Pension Fund, subject to any specific instructions that might be given from time to time by the Council.
3. To carry out the County Council's functions relating to local government pensions scheme (LGPS) under
  - ◆ The Local Authority (Discretionary Payments) Regulations 1996;
  - ◆ The Local Government Pension Scheme (Management and Investment of Funds) Regulations 1998 (as amended);
  - ◆ The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000;
  - ◆ The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended);
  - ◆ The Local Government Pension Scheme (Administration) Regulations 2007 (as amended);
  - ◆ The Local Government Pension Scheme (Transitional Provisions) Regulations 2008.

and any future Regulations that relate specifically to the Council's responsibility to administer the LGPS in North Yorkshire.

P r o p o s e d

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**Other suggested amendments to Constitution 2008**

Where amendments are suggested to only part of a paragraph, only the relevant part is replicated in the amendment chart below.

<b>Provision in Constitution</b>	<b>Current Wording</b>	<b>Proposed Amendment</b>	<b>Reason(s)</b>
Summary and Explanation (Citizens' Rights)  third para, 10 <sup>th</sup> bullet point  page 13	<ul style="list-style-type: none"> <li>◆ complain to the Standards Board for England if they have evidence which they think shows that a Councillor has not followed the Council's code of conduct;</li> </ul>	<ul style="list-style-type: none"> <li>◆ complain to the Council's Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Members;</li> </ul>	To reflect the new locally based standards regime under the Local Government Act 2000 as amended and associated legislation.
Article 2.03(b)(ii)  Page 19	(ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.	(ii) Except as legally permitted, Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.	To reflect the Members' Code of Conduct which allows the disclosure of confidential information in certain prescribed circumstances.
Article 3.01(d)(iii)  Page 20	Where citizens feel something has gone wrong they may complain to:  ....  (iii) the Standards Board for England about a breach of the Councillor's Code of Conduct..	Where citizens feel something has gone wrong they may complain to:  ....  (iii) the Council's Standards Committee about a breach of the Councillor's Code of Conduct..	To reflect the new locally based standards regime under the Local Government Act 2000 as amended and associated legislation.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Article 10.03 (a)</p> <p>(Conflicts of interest – Membership of Area Committees and Overview and Scrutiny Committees)</p> <p>Page 37</p>	<p>(a) <b>Conflict of interest:</b> If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the Councillor concerned is a member, then the Councillor may not speak or vote at the overview and scrutiny committee meeting unless a dispensation to do so is given by the Standards Committee.</p>	<p>(a) <b>Conflict of interest:</b> If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which an Overview and Scrutiny Committee Councillor is also a member, then the Councillor concerned may not vote at the overview and scrutiny committee meeting if s/he was present at the area committee meeting in question, unless a dispensation to do so is given by the Standards Committee. Such a councillor may have a right to speak at the overview and scrutiny meeting if permitted under the Members' Code of Conduct.</p>	<p>To reflect the revised Members' Code of Conduct 2007.</p>
<p>Article 13.09</p> <p>Conflicts of interest</p> <p>Page 48</p>	<p>No Councillor will take, or participate in, a decision in which he or she has a prejudicial interest (as defined in the Members' Code of Conduct). Where an individual Executive member has delegated power to take a decision, but, has a prejudicial interest the matter will be referred to the Executive for a decision.</p>	<p>Subject to any right to speak under the Members' Code of Conduct or dispensation obtained from the Standards Committee, no Councillor will take, or participate in, a decision in which he or she has a prejudicial interest (as defined in the Members' Code of Conduct); and where an individual Executive member has delegated power to take a decision, but, has a prejudicial interest the matter will be referred to the Executive for a decision.</p>	<p>To reflect the revised Members' Code of Conduct 2007.</p>
<p>Part 3</p> <p>'Delegation of Executive Functions'</p> <p>pg 98 of Constitution</p>	<p><b>6. Appeals Committee</b></p> <p><b>6.1</b> The Executive delegates to the Appeals Committee power to hear and determine appeals under Section 13 of the Registered Homes Act 1984 and Section 77 of the Children Act 1989.</p>	<p><b>[6. Not used]</b></p> <p><b>[6.1 Not used.]</b></p>	<p>To delete references to repealed legislation (the Registered Homes Act 1984 was repealed, with transitional provisions, by the Care Standards Act 2000, s 117(2), Sch 6, as from 1 April 2002; and Section 77 of the Children Act 1989 was repealed by the Care Standards Act 2000, s 79(5)).</p> <p>It is recommended that the detail be deleted but the numbering retained but not used to save changing subsequent</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
			numbering and any cross references.
<p>Access to Information Procedure Rule 19.3(b)</p> <p>Pg 161 of Constitution</p>	<p>(b) Copies of the decision record will be sent electronically, as soon as possible, to:</p> <ul style="list-style-type: none"> <li>➤ all Members of the Council</li> <li>➤ Conservative Group Research &amp; Communications Officer</li> <li>➤ Liberal Democrat Group Research &amp; Communications Officer</li> <li>➤ Labour Group Research &amp; Communications Officer</li> <li>➤ Head of Legal and Legal and Democratic Services</li> <li>➤ Monitoring Officer</li> <li>➤ Chief Finance Officer</li> <li>➤ Head of Scrutiny and Corporate Performance</li> <li>➤ Staff Officer to the Chief Executive Officer</li> <li>➤ Stephanie Bratcher; Scrutiny and Corporate Performance</li> <li>➤ Ray Busby, Scrutiny and Corporate Performance Officer</li> <li>➤ Bryon Hunter, Scrutiny Support Officer</li> <li>➤ Rachel Rushforth; Scrutiny and Corporate Performance</li> </ul>	<p>(b) Copies of the decision record will be sent electronically, as soon as possible, to:</p> <ul style="list-style-type: none"> <li>➤ All Members of the Council</li> <li>➤ All Group Research &amp; Communications Officers</li> <li>➤ Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer</li> <li>➤ Principal Officer Democracy and Governance</li> <li>➤ Corporate Director Finance and Central Services</li> <li>➤ Head of Scrutiny and Corporate Performance</li> <li>➤ Staff Officer to the Chief Executive Officer</li> <li>➤ Scrutiny and Corporate Performance Officers</li> <li>➤ Scrutiny Support Officers</li> </ul>	<p>To amend a typographical error to reflect the Head of Legal and Democratic Services' changed post title (to Assistant Chief Executive (Legal and Democratic Services)) and her additional role as Monitoring Officer; to make the list consistent with that contained in the Decision Record proforma in the Access to Information Procedure Rules Appendix; and to refer only to post titles in the list, to minimise changes required to the Constitution due to future changes of personnel within the posts.</p>



Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Access to Information Procedure Rules</p> <p>Appendix – Decision Record proforma</p> <p>Pg 168 of Constitution</p>	<p><i>The circulation list at the end of page 2 of the Decision Record proforma currently states:</i></p> <p>To: <b>Jackie Dawson/Alison Jones</b>, Legal and Democratic Services – for onward circulation to:</p> <ul style="list-style-type: none"> <li>➤ All Members of the Council</li> <li>➤ Martin Thomas – Conservative Group Research &amp; Communications Officer</li> <li>➤ Richard Ormerod - Lib Dem Group Research &amp; Communications Officer</li> <li>➤ Hannah King - Labour Group Research &amp; Communications Officer</li> <li>➤ Carole Dunn, Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer</li> <li>➤ Stephen Knight, Principal Officer Democracy and Governance</li> <li>➤ John Moore, Corporate Director – Finance and Central Services</li> <li>➤ Hugh Williamson, Head of Scrutiny and Corporate Performance</li> <li>➤ Amanda Fry, Staff Officer to the Chief Executive Officer</li> <li>➤ Ray Busby, Scrutiny and Corporate Performance</li> <li>➤ Stephanie Bratcher; Scrutiny and Corporate Performance</li> <li>➤ Rachel Rushforth; Scrutiny and Corporate Performance</li> <li>➤ Bryon Hunter, Scrutiny Support Officer</li> <li>➤ Lorraine Laverton, Scrutiny Support Officer</li> </ul>	<p><i>Amend the circulation list at the end of page 2 of the Decision Record proforma as follows:</i></p> <p>To: The Business Support Officer, Legal and Democratic Services – for onward circulation to:</p> <ul style="list-style-type: none"> <li>➤ All Members of the Council</li> <li>➤ All Group Research &amp; Communications Officers</li> <li>➤ Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer</li> <li>➤ Principal Officer Democracy and Governance</li> <li>➤ Corporate Director Finance and Central Services</li> <li>➤ Head of Scrutiny and Corporate Performance</li> <li>➤ Staff Officer to the Chief Executive Officer</li> <li>➤ Scrutiny and Corporate Performance Officers</li> <li>➤ Scrutiny Support Officers</li> </ul>	<p>To refer only to post titles in the list, to minimise changes required to the Constitution due to future changes of personnel within the posts.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Overview and Scrutiny Procedure Rule 2</p> <p>Pg 189 of Constitution</p>	<p><b>2. Who may sit on Overview and Scrutiny Committees?</b></p> <p>All Councillors except members of the Executive may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved. Should a member be present at a meeting of an overview and scrutiny committee which is considering a decision made or action taken by another committee or sub-committee of which he/she is also a member, that member must regard him/herself as having a prejudicial interest in the matter, must disclose that interest, and (subject to any dispensation granted by the Secretary of State) must withdraw from the meeting. The Head of Legal and Democratic Services shall record any such disclosure in a book to be kept for the purpose.</p>	<p><b>2. Who may sit on Overview and Scrutiny Committees?</b></p> <p>All Councillors except members of the Executive may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved. Should a member be present at a meeting of an overview and scrutiny committee which is considering a decision made or action taken by another committee or sub-committee of which he/she is also a member and at which s/he was present when the decision in question was taken, that member must regard him/herself as having a prejudicial interest in the matter, must disclose that interest, and (subject to any dispensation granted by the Standards Committee and/or right to speak under the Members' Code of Conduct) must withdraw from the meeting. The Assistant Chief Executive (Legal and Democratic Services) shall record any such disclosure in a book to be kept for the purpose.</p>	<p>To reflect the revised Members' Code of Conduct 2007.</p>
<p>Protocol for Member/Officer Relations,</p> <p>para 7(a)</p> <p>Pg 285 Constitution</p>	<p><b>7. <u>Use of Council Resources</u></b></p> <p>(a) The Code of Conduct states that a Member must, when using or authorising the use of the resources of the Council, act in accordance with the Council's requirements and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which the Member has been elected or appointed. The Council provides support services such as stationery,</p>	<p><b>7. <u>Use of Council Resources</u></b></p> <p>(a) The Code of Conduct states that a Member must, when using or authorising the use by others of the resources of the Council, act in accordance with the Council's reasonable requirements and ensure that such resources are not used improperly for political purposes (including party political purposes). The Council provides support services such as stationery, typing, printing, photocopying to Members to assist them in discharging their role as Members of the Council. Such</p>	<p>To reflect the revised Members' Code of Conduct 2007.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>typing, printing, photocopying to Members to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business and should never be used in connection with party political or campaigning activity or for private purposes. As a result of the provisions of the Code of Conduct Members cannot use Council computers for political purposes other than as stated above. The general use of computers provided to Members and officers of the Council is governed by the Email and Internet Procedures for Members and Officers.</p>	<p>support services must therefore only be used on Council business and should never be used in connection with party political or campaigning activity or for private purposes. As a result of the provisions of the Code of Conduct Members cannot use Council computers for political purposes other than as stated above. The general use of computers provided to Members and officers of the Council is governed by the Email and Internet Procedures for Members and Officers.</p>	
<p>Protocol for Member/Officer Relations, para 8(j)  (Members' Access to Information and to Council Documents)  Pg 287 Constitution</p>	<p>(j) Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is emphasised in paragraph 3 of the Code of Conduct:</p> <p>A Member must not:</p> <p>(i) disclose information given to him in confidence by anyone or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; and</p> <p>(i.1.1) you have the consent of a person authorised to give it, or</p>	<p>(j) Finally, any Council information provided to a Member must generally only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is emphasised in paragraph 4 of the Code of Conduct:</p> <p>A Member must not:</p> <p>(i) disclose information given to him/her in confidence by anyone, or information acquired by him/her which he/she believes, or ought reasonably to be aware, except where:</p> <p>(i.1.1) s/he has the consent of a person authorised to give it, or</p>	<p>To reflect the revised Members' Code of Conduct 2007.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>(i.1.2) you are required by law to disclose it; or</p> <p>(i.1.3) the disclosure is made to a third party to enable you to seek professional advise and the third party agrees not to disclose the information to any other person; or</p> <p>(i.1.4) the disclosure is in the public interest and it is made in good faith and in compliance with the reasonable requirements of the Council. In this case, and if in doubt, it is advisable to seek the advice of the Monitoring Officer before making any disclosure to ensure it will fall within the exceptions.</p> <p>(ii) prevent another person from gaining access to information to which that person is entitled by law'.</p>	<p>(i.1.2) s/he is required by law to disclose it; or</p> <p>(i.1.3) the disclosure is made to a third party for the purpose of obtaining professional advice and the third party agrees not to disclose the information to any other person; or</p> <p>(i.1.4) the disclosure is reasonable and in the public interest and it is made in good faith and in compliance with the reasonable requirements of the Council. In this case, and if in doubt, it is advisable to seek the advice of the Monitoring Officer before making any disclosure to ensure it will fall within the exceptions.</p> <p>(ii) prevent another person from gaining access to information to which that person is entitled by law.</p>	