

## The Report of the Executive

The Executive met on Tuesday on 23 February 2010. Present: County Councillor John Weighell in the Chair. County Councillors Jim Clark, John Fort BEM, Heather Garnett, Carl Les, Chris Metcalfe, Caroline Patmore, John Watson OBE, and Clare Wood.

Also in attendance: County Councillors Keith Barnes, John Blackburn, Liz Casling, Tony Hall, Robert Heseltine, David Jeffels, Paul Richardson, John Savage and Cliff Trotter.

The Executive met on Tuesday, 2 March 2010. Present: County Councillor John Weighell in the Chair. County Councillors Jim Clark, John Fort BEM, Heather Garnett, Carl Les, Caroline Patmore, John Watson OBE, and Clare Wood.

The Executive met on Tuesday, 13 April 2010. Present: County Councillor John Watson OBE in the Chair. County Councillors Jim Clark, John Fort BEM, Carl Les, Chris Metcalfe, Caroline Patmore, and Clare Wood.

The Executive met on Tuesday, 4 May 2010. Present: County Councillor John Weighell in the Chair. County Councillors Jim Clark, John Fort BEM, Carl Les, Chris Metcalfe, Caroline Patmore, John Watson OBE and Clare Wood.

Also in attendance: County Councillors John Blackie, Michael Knaggs and Paul Richardson.

**1. Capital Plan.** The Capital Plan is split in to two components – a Capital Programme and a Capital Forecast. This development flows from the Corporate Capital Project Management process (using Gateway principles) which is now in operation with the two components being as follows:-

- (a) a Capital Programme – of schemes that have passed the necessary Gateways and are proceeding to construction; slippage on these schemes should be negligible because experience shows that most slippage takes place in the preparatory stages of a scheme
- (b) a Capital Forecast – of schemes for which the preparatory process has not progressed to the point where they can enter the Capital Programme. Analysis has shown that it is these schemes that suffer slippage due to a wide range of internal and external factors.

The Capital Programme/Forecast has been updated in the light of ongoing policy and operational developments and supporting information is contained in Annex 1, which consists of several appendices that are referred to in the text. Details at individual scheme/project level are not attached to this report, but are available on request. However summaries for each Directorate, analysed into the main areas of capital spending are attached as Appendices A to D to Annex 1, with an overall County Summary at Appendix E.

Given the future financial scenario detailed in the Medium Term Financial Strategy report to the Council in February 2010, those schemes in the Forecast will be subject to a review process to ensure that they still fulfil the service objectives and/or will produce the performance benefits intended when they were originally approved for inclusion in the Capital Plan. This review will also provide an opportunity to consider any new schemes and/or prioritise all the Forecast schemes against revised levels of available capital funding.

The updated Capital Plan is based on the version approved by Executive on 17 November 2010 but incorporates the following:-

- movements between Capital Forecast and Capital Programme
- additions or variations to schemes that are self funded (ie through grants contributions, revenue contributions and earmarked capital receipts)
- necessary rephasing of expenditure between years
- virements between schemes resulting from variations in scheme costs (eg arising from a tender process or ongoing reassessments between priorities within a Directorate's finite control total)
- additional schemes approved by Executive
- various other miscellaneous refinements

A summary of the latest Capital position at Directorate level is as follows (gross spend):-

Directorate/Component	Appendix to Annex	2009/10	2010/11	2011/12	2012/13	Later Yrs
		£m	£m	£m	£m	£m
Adult and Community Services	A					
Capital Programme		4.5	7.1	0.6	0.0	0.0
Capital Forecast		0.0	2.8	7.1	1.6	8.5
sub total		4.5	9.9	7.7	1.6	8.5
Business and Environmental Service	B					
Capital Programme		44.9	50.6	5.6	5.7	5.1
Capital Forecast		3.0	0.8	33.5	39.2	28.7
sub total		47.9	51.4	39.1	44.9	33.8
Children's and Young People's Service	C					
Capital Programme		60.5	37.1	18.5	0.0	0.1
Capital Forecast		0.4	28.4	39.3	23.3	40.2
sub total		60.9	65.5	57.8	23.3	41.3
Other County Services	D					
Capital Programme		8.6	5.3	0.1	0.0	0.0
Capital Forecast		0.7	6.3	5.4	2.6	0.0
sub total		9.3	11.6	5.5	2.6	0.0
Overall County Total	E					
Capital Programme		118.5	100.1	24.8	5.7	5.2
Capital Forecast		4.1	38.3	85.3	66.7	77.4
Total		122.6	138.4	110.1	72.4	82.6

The financial split between the Capital Programme and Capital Forecast will vary over time as schemes progress through the Gateway process. There will also be an element of refinement to the allocation of schemes between the Programme and the Forecast as the new arrangements settle down.

The table above indicates an overall (ie Capital Programme and Forecast) planned gross capital spend of £122.6m in 2009/10, £138.4m in 2010/11, £110.1m in 2011/12 and £72.4m in 2012/13, but these totals include a number of significant individual schemes and provisions, as follows:

Directorate	2009/10	2010/11	2011/12	2012/13
	£m	£m	£m	£m
<b>Adult &amp; Community Services</b>				
Our Future Lives – Extra Care Scheme	0.4	1.2	3.4	0
Our Future Lives – Older People's Resource Centre	0.2	3.1	3.6	1.2
Valuing People – Day Service Provision	0	1.6	0.3	0
Harrogate Library – Lottery Scheme	1.9	1.2	0	0
Disability Respite Centre, Skipton	0.1	1.4	0	0
<b>Business &amp; Environmental Services</b>				
New and Replacement Road Lighting Columns	3.4	3.3	2.5	0
Depots Rationalisation Programme	3.0	4.2	0.0	0
Waste Strategy	1.2	1.8	2.1	0
Highways LTP	38.4	40.2	33.8	37.6
Bedale – Aiskew Leeming Bar Major Scheme	0	0	0	7.1
<b>Children &amp; Young People's Service</b>				
Major Capital Schemes at Schools Suitable for Purpose	0.3	0.6	2.7	0
Special Educational Needs/Behaviour Review	3.9	6.9	2.1	0
Pupil Referral Units / Special Schools	1.1	2.5	0.5	0
Health and Safety	1.5	4.5	4.6	3.1
Primary Capital Programme	2.3	1.3	1.2	0.8
Capitalised Repairs and Maintenance	1.1	0.8	10.0	0
Schools Access Initiative	1.6	2.6	2.9	1.9
Children's Centre Capital	0.7	0.8	1.2	1.2
Early Years Settings	3.8	2.9	1.1	0
National Digital Infrastructure	2.5	4.0	0	0
Building Schools for the Future	3.4	0	5.0	0
ICT Harnessing Technology	8.9	9.2	5.1	0
Devolved Capital (Non NYCC Scheme)	4.1	4.2	3.0	3.1
Self Help Schemes (Non NYCC Scheme)	9.0	10.4	8.5	9.0
<b>Other County Services</b>				
Affordable Housing Fund	8.9	3.5	2.4	2.2
Northallerton Bright Office Strategy	0.6	3.0	2.0	1.1
Revenue funded Capital Provisions	2.6	1.4	0	0
Loans to Limited Companies	2.6	2.0	0.6	0
	1.9	0	0	0
<b>All other schemes and provisions</b>	109.4	118.6	98.6	68.3
	13.2	19.8	11.5	4.1
<b>Total</b>	122.6	138.4	110.1	72.4

Relatively few individual schemes and provisions make up about 90% of the total planned capital spend in each year and any slippage or delays in these individual schemes will, therefore, have a significant consequential impact on overall Plan delivery and consequential financing requirements. The table above also demonstrates, as would be expected, that in the earlier part of the Capital Plan, the majority of planned spend falls into the Programme component:-

	Programme		Forecast		Total
	£m	%	£m	%	£m
2009/10	118.5	97	4.1	3	122.6
2010/11	100.1	72	38.3	28	138.4
2011/12	24.8	23	85.3	77	110.1
2012/13	5.7	8	66.7	92	72.4

Given the point in the current financial year the status of the schemes included in the Capital Forecast figure of £4.1m for 2009/10 are being reviewed.

A summary of the changes reflected in the latest Capital Plan compared with that approved by the Executive on 17 November 2009 is as follows:-

Item	2009/10	2010/11	2011/12	2012/13	Later Years
	£m	£m	£m	£m	£m
<b>CAPITAL PROGRAMME</b>					
Programme approved on 17 November 2009	116.7	84.1	9.0	4.1	5.2
Schemes funded from Prudential Borrowing		0.8			
Variations in Self funded schemes	0.5	-0.5			
Movement between Programme and Forecast	9.6	12.3	7.5	5.0	
Rephasing of Expenditure between years					
Self funded from grants etc	-3.4	0.1	6.7	-3.4	
Funded from borrowing etc	-4.9	3.3	1.6		
		-8.3			
Other Funding approvals and variations					
= updated Capital Programme	118.5	100.1	24.8	5.7	5.2
Variation since Q1	+1.8	+16.0	+15.8	+1.6	0

Item	2009/10	2010/11	2011/12	2012/13	Later Years	
	£m	£m	£m	£m	£m	
<b>CAPITAL FORECAST</b>						
Forecast approved on 17 November 2009	14.0	51.2	90.8	70.8	78.2	
Schemes funded from Earmarked Capital Receipt			1.0			
Variations in self funded schemes	-0.1	0.4	-0.1	-0.1	0.1	
Movement between Programme and Forecast	-9.6	-12.3	-7.5	-5.0	-	
Rephasing of Expenditure between years						
self funded from grants etc	-0.2	-0.5	0.2	2.4	-1.2	-0.9
funded from borrowing etc		0.3	-1.2	-1.3	2.2	
= updated Capital Forecast	4.1	38.3	85.3	66.7	77.4	
Variation since Q1	-9.9	-12.9	-5.5	-4.1	-0.8	

The table above indicates that there has been

- £8.3m expenditure rephasing from 2009/10 to later years in the Capital Programme.
- £0.2m expenditure rephasing from 2009/10 to later years in the Capital Forecast component.

The main areas of this £8.5m slippage between Q2 and Q3 are listed and explained below.

Scheme	£m
<b>ACS</b>	
Skipton Disability Respite Centre	0.4
Harrogate Library Lottery Scheme	0.2
<b>BES</b>	
LTP (net)	0.4
Depots rationalisation programme	1.0
Waste Management service	0.3

	£m
CYPS	
Richmond BSF	1.6
Children's Centres	2.3
Pupil Referral Units	0.8
Other County Services	
Affordable Housing Programme	1.1
ICT Infrastructure funded from revenue	0.5
Disabled Access schemes	0.3
Everything else (net)	-0.4
<b>Total gross rephasing from Q2 to Q3</b>	<b>8.5</b>

### Business & Environmental Services

**Rationalisation of Highways Depots:** It has now been decided to pursue a site for the Seamer Carr depot without the involvement of Scarborough Borough Council. A site had been identified and negotiations were undertaken to agree an appropriate price. The rationale for this purchase is that the site is slightly larger than required for the depot and it is therefore proposed to utilise the additional space for the safe parking of buses, and to expand the size of the office accommodation to house the Trading Standards staff located in Scarborough and provide a touch down space / reception facilities for Integrated Passenger Transport. This approach will benefit the County Council through improved security, property management (as the current Trading Standards office in Scarborough is not suited to the needs of the service) and efficiency through sharing of resources. The cost of the site is approximately £130k above budget and the cost of providing the additional office accommodation is approximately £70k. Because this acquisition was clearly not anticipated in the original costing for the Depot Programme BES are requesting an additional £200k – however, to be consistent with the funding methodology for this Programme, this additional funding should be provided on an “invest to save” basis. The cost of the resulting financing charges will therefore be funded from the BES revenue budget. The rationalisation of the Highways depots programme has also been amended to reflect the latest expected profile of expenditure, as noted in the table below.

Item	Q2 2009/10 £000	Q3 2009/10 £000*	Difference £000
to 31/3/09	8,725	8,725	-
2009/10	4,020	3,282	-738
2010/11	3,207	4,158	+951
<b>Total expenditure</b>	<b>15,952</b>	<b>16,165</b>	<b>+213</b>
<b>Financed From</b>			
Capital Receipts	10,503	10,312	-191
Easingwold Top-up contribution	250	250	-
Capital Contribution from other local authorities	202	215	+13
BES Revenue Contribution	394	394	-
Prudential Borrowing (£3m cap agreed Q1 2008/09)	3,000	*3,200	+200
Balance from Corporate Capital Pot	1,603	1,794	+191
<b>Total funding</b>	<b>15,952</b>	<b>16,165</b>	<b>+213</b>

(\* including the additional £200k referred to above)

Because of the depots programme, and specifically the introduction of more salt barns across the county, it has been possible to store additional salt whilst satisfying Environment Agency requirements. This helped the County Council to stock seventeen days requirement of salt stocks, which is significantly above the national recommendation of six days, and has proved invaluable in the recent severe weather conditions experienced across the County.

**Scarborough Integrated Transport Scheme:** Gross expenditure savings of £352k have accrued in relation to the Scarborough Integrated Transport Scheme (SITS). This is based on the final valuation of works completed and associated 'profit share' arrangement with the works contractor. The previous expected increase in cost was to be funded from contributions from the BES revenue budget and transfer from the Local Transport Plan. Given these savings, the revenue contribution is no longer required and this adjustment is reflected in this Capital Plan update. As the requisite period of time has passed since the completion of the scheme, Part I compensation claims are now being received. It is too early to calculate the likely cost to the County Council and therefore whether this will be higher than the budget that has been set aside. The Executive will be updated when the claims received have been assessed. There is currently a risk that costs will be in excess of the budget provision.

**Local Transport Plan:** the Local Transport Plan budget has been adjusted to reflect the improved position on SITS. Each year the total Local Transport Plan is managed to achieve a full level of budgeted expenditure, wherever possible. Based on current forecasts, the Integrated Transport programme is expected to slip by £1m into 2010/11 and will be largely offset by an increased programme of structural maintenance of £0.6m in 2009/10. With the earlier severe weather conditions, the position is being assessed. It is possible that further slippage may occur.

**Capital Receipts:** The value of the land and property intended to fund the SITS and LTP programme has decreased. It has been agreed that the responsibility for disposing of the surplus land and property will transfer to the Corporate Director – Finance and Central Services, and BES will make a contribution of £800k towards the reduction in value. This will be funded from one off available balances and will be reflected in the 2009/10 outturn position reported to Members in June.

**Adult and Community Services:** The major changes are:-

**Fabric and Facilities/Minor works:** £50k has been slipped from 2009/10 to 2010/11 to reflect the latest view of progress on the minor work programme.

**Benkhill Respite Centre:** Work is progressing well on this project, but a more realistic phasing of works has resulted in moving £35k to 2010/11.

**Older Peoples Service Strategy:** The major refurbishment/re-design scheme at Elder Street centre in Scarborough has been slightly delayed to allow completion of the consultation process with users and carers etc. In consequence the assumed on-site start date has moved to 2010/11 and £190k of the planned spend has been slipped from the current year.

**Changing Places programme:** Difficulty in identifying sites of sufficient size to meet the required British Standard means there is unlikely to be any significant spend in 2009/10 and, therefore, £75k has been slipped to later years

**Library Schemes:** The poor weather over the Christmas and New Year period impacted on progress on the external works for the Harrogate library scheme. In the light of this, £200k of the total scheme costs have been slipped to 2010/11 to more accurately reflect the expected completion of works. In addition revised guidance from the Big Lottery has resulted in re-phasing of claims for funding.

**Croft House Disability Resource Centre:** Continuing difficulties around planning, in particular ecology issues, has resulted in further delays and therefore only some fee costs will be incurred in 2009/10, with the balance of this year's funding slipped to 2010/11

### **Children and Young People's Service**

**Forest Moor – New BESD School:** Negotiations are at an advanced stage with Defence Estates for the acquisition of the Forest Moor site and this is expected to complete early in 2010. A detailed brief has been developed for the new school and survey work is under way, which will lead to a detailed feasibility study. The consultation on the transfer of services from Baliol School to the new site has completed. The governing body of Netherside School have approached the authority to request that consultation on closure proposals is initiated there. The current programme sees work complete in December 2010.

**Pupil Referral Services:** Construction of the Hambleton/Richmondshire PRS is now complete and Craven PRS was completed in January 2010. Co-Location grant of £1m awarded by DCSF has been fully utilised against these schemes, releasing £770k of revenue funds, which has been re-phased into 2010/11. A site is still being sought for the Selby PRS. Desktop feasibility studies are being carried out in relation to two options – one in the ownership of the PCT and the other owned by Selby District Council.



**Enhanced Provisions in Mainstream Schools:** Of the 22 projects identified, 10 are complete and others range from detailed design to being on-site. All are expected to be fully delivered within budget by December 2010. A further development at Barlby is being worked up and will be included in the next Plan, once the feasibility costs are available.

**Baliol School – Capital Receipt:** The SEN and Behaviour Review report to Executive on 11 May 2006, indicated that capital receipts from the sale of existing buildings within CYPS could be used to fund the SEN and Behaviour Review capital programme. Baliol School is being closed in September 2011 as part of the Review, with pupils to be transferred to a new school, Forest Moor, which will incorporate both the existing special school and a BESD unit. CYPS are now requesting confirmation that the proceeds from the sale of Baliol School, estimated at £2m can be earmarked to support the Review, including the acquisition and refurbishment of a property to develop the new Forest Moor BESD school.

**Primary Capital Programme:** The programme targeted four PCP projects, which were due to start on site in July 2010 for completion September/October 2011. Delays are now being experienced due to a number of factors, including planning at Hinderwell and complexities in design development.

**Low/High Bentham:** Negotiations are continuing for the acquisition of the preferred site for the new school. Feasibility work has commenced and a planning application is being developed for the scheme.

**Children's Centre Programme:** The Phase 2 Children's Centre Programme is substantially complete. In Phase 3 of the Programme, five new Children's Centre projects are on site completing between May and July 2010. Planning issues are delaying the start of the remaining two projects, at Glusburn and Whitley & Eggborough. A site is under consideration in relation to the proposed Children's Centre for Eastfield, in Scarborough, given the uncertainty over the Middle Deepdale development. Both phases of the programme are within the overall budgets available. Overall £2,272k has been moved from 2009/10 to 2010/11, part of which is funding required for future developments.

**Richmond BSF:** The Phase 1 Sixth Form Centre and Sports Hall is complete and in use. Planning delays and severe weather conditions are expected to have an adverse effect on Phase 2 of the programme. Funding of £1,566k has been moved from 2009/10 to 2010/11.

Based on the expenditure levels experienced during the initial phases of the scheme, the current forecasted spend appears over-optimistic. There are potential issues associated with the major refurbishment which may cause delays, resulting in slippage of £4m from 2010/11 to 2011/12.

**Aiming High for Disabled Children:** A number of projects are planned to improve the facilities for disabled children through the Aiming High programme. Feasibility studies have recently been completed in relation to the redevelopment of the facilities at Beckholme Family Centre, improvements to Nidderdale Children's Resource Centre and adaptations to the Ghyll Resource Centre. The feasibility estimates exceed the available budget and are currently being reassessed.

**14-19 Development Programme:** Briefs have been developed for the Pathways Centre for the Coast and for the Hambleton/Richmondshire Skills Centre. These progressed to detailed feasibility in January 2010. A £500k budget has been allocated for a development on the Malton School site to support diploma delivery. Executive Members restated their £2.5m commitment to support capital investment arising out of the North Craven Review which is reflected in the Capital Forecast.

**Selby Abbey:** The new school and the level of capital contribution is being reviewed again with the developers who have indicated that the scheme can now proceed.

**Pending Issues Provision:** £2m allocation from the Pending Issues Provision intended for capital improvements to schools will now be used to support revenue expenditure in 2010/11. However there will be no impact on delivering projects in development and some schemes which were to be financed from the Pending Issues Provision will be the first call on the next round of funding allocations from the DCSF.

### Other County Services

**Harrogate Bright Office Strategy:** The Executive approved a report in relation to the Harrogate Bright Office Strategy on 2 February 2010 and the Capital Plan has been updated to reflect

- the refurbishment costs of Jesmond House and Ainsty Road properties in Harrogate, estimated at £2,165k.
- the expenditure being funded from the PIP and earmarked capital receipts that will result from those properties identified for disposal as part of the Strategy Review.

The Q3 Capital Plan therefore now reflects:-

Item	2010/11	2011/12	Total
	£000	£000	£000
Harrogate BOS			
Funding from non recurring PIP	1,205	-	1,205
Earmarked Capital Receipts	-	960	960
= total Harrogate BOS Provision	1,205	960	2,165

**Gypsy and Traveller Sites:** The Capital Plan Provision for Gypsy and Traveller Sites within North Yorkshire has been increased by £800k in 2010/11, to facilitate the replacement of facilities on the remaining two sites. This is being funded by additional Prudential Borrowing on "an invest to save" basis and was approved by Executive on 10 November 2009. A further grant bid was submitted to the Housing and Communities agency in the 2010/11 bid round in an attempt to reduce the £800k level of borrowing required.

**ICT Infrastructure Capital Expenditure Funded from Revenue:** As a result of both the reprioritisation of funding allocations to projects and the estimated rephasing of schemes within the ICT infrastructure scheme, £0.5m has now been rephased from 2009/10 to 2010/11.

**Affordable Housing:** Allocations to schemes in Tadcaster and Richmond were approved in April 2009 and in Harrogate in November 2009. As a result of delays due to planning issues, expenditure of £919k has been rephased from 2009/10 to 2010/11.

**Disabled Access:** Delays on several schemes, including schemes at Bilton Library and Northallerton Library, have resulted in the rephasing of £307k from 2009/10 to 2010/11. Bilton Library (£77k) has been delayed pending further consideration of the scheme. A revised plan for Northallerton Library (£120k) has delayed the start of the scheme until 2010/11.

The financing of the updated Capital Plan is set out in Appendix G to Annex 1 with a summary being as follows:-

Source	2009/10	2010/11	2011/12	2012/13
	£m	£m	£m	£m
Forecast sources of finance				
Borrowing	40.9	45.1	52.9	41.1
Grants and contributions	62.1	67.2	37.5	29.2
Schemes financed from revenue	15.1	13.2	16.4	2.1
Capital receipts	5.2	13.7	3.4	0
= total forecast capital funding	123.3	139.2	110.2	72.4
- Updated Capital Plan (paragraph 9.9)	-122.6	-138.4	-110.1	-72.4
= potential unallocated capital resources	0.7	0.8	0.1	0
Total available over period to 2012/13	1.6			

The above table indicates that there is potentially £1.6m of unallocated capital funding that might (depending upon the realisation of forecast capital receipts) become available in the four year period to 2012/13. This sum, which arises principally from additional capital receipts identified, is less than the £2.6m reported to the Executive at Q2, due to the continuing impact on the level and timing of realising capital receipts from the sale of surplus land and property as a result of the depressed state of the 'property market'. This issue was reported in more detail as part of the Capital Expenditure Outturn and Financing report for 2008/09. Assuming the forecasts remain accurate, this £1.6m could be made available for either:

- (i) new capital investment (ie additional schemes), or
- (ii) reducing prudential (unsupported) borrowing in 2010/11, 2011/12 or 2012/13 and therefore achieving financing cost savings in the Revenue Budget, or
- (iii) holding for the time being with no immediate decision to either spend or reduce borrowing. This course of action would result in additional short-term interest being earned within Corporate Miscellaneous.

The Executive agreed to adopt option (iii) and retain any surplus capital funding for the time being. Another factor that influenced this decision was that the forecast funding levels include a capital receipts risk in terms of both forecast receipts slipping into a future year and/or not achieving their assumed estimate.

**The Executive RECOMMENDS:**

That the updated Capital Plan, summarised in Annex 1, be approved.

**2. Proposal to reduce the number of Overview and Scrutiny Committees.**

The current scrutiny arrangements were introduced in 2003. Apart from the Audit and Corporate Affairs and Scrutiny of Health committees, the remits of the other committees are more or less aligned to the seven corporate objectives as they were in 2003. The only significant change, since then, has been the setting up of a separate Audit Committee outside the scrutiny structure in 2006. This removed the audit responsibilities from the Audit and Corporate Affairs committee which was renamed the Corporate Affairs committee with a reduced remit. The new statutory requirement to have a designated Crime and Disorder Committee introduced in 2009 was met by designating the Safe and Sustainable committee, as it already had community safety within its remit.

Nationally the average number of scrutiny committees per authority is 4, with a range from 1 – 11. (District councils have a low average and range.) North Yorkshire County Council is towards the upper end of the range, although two other councils have 9 and one has 11 committees.

The current committees have differing workloads in terms of the amount of work they take on, the extent and number of in depth reviews they undertake and how closely their work relates to the key objectives and priorities of the County Council. The Young People and the Care and Independence committees cover two of the most high profile service areas for the council and have heavy workloads. The Scrutiny of Health committee has a separate statutory basis, has been set up with district councillor members, and also has a heavy workload.

Some of the other six committees have overlapping or closely linked remits and there is potential for rationalising and combining the work of the other six committees into two. This will enable a better focus on some cross-cutting and closely related issues, such as transport and telecommunications infrastructure, sustainable development and the economy. It will also enable better use of scrutiny support staff and other resources and release some cashable savings. The Young People, the Care and Independence and the Scrutiny of Health committees would not change. The Transport and Telecommunications, the Economic Development and Regeneration and the Environment and Heritage committees would combine to form a new Transport, Economy and Environment committee. The Corporate Affairs, Communications and Safe and Sustainable committees would combine to form a new Corporate and Partnerships committee which would include the statutory crime and disorder function.

The five committees and their scopes would be as set out in the table below:

<b>Committee</b>	<b>Scope</b>
Care and Independence	The needs of vulnerable adults and older people and people whose independence needs to be supported by intervention from the public or voluntary sector.
Corporate and Partnerships	<p>The Council's corporate organisation and structure, resource allocation, asset management, procurement policy, people strategy, equality and diversity, performance management, communications and access to services.</p> <p>Partnership working, community development, community engagement, community strategies and community safety (the designated Crime and Disorder Committee).</p>
Transport, Economy and Environment	<p>Transport and communications infrastructure of all kinds, however owned or provided, and how the transport needs of the community are met.</p> <p>Supporting business, economic regeneration and development and helping people develop their skills, including lifelong learning.</p> <p>Sustainability, climate change strategy, countryside management, waste management, environmental conservation and enhancement and cultural issues.</p>
Young People	The interests of young people, including education, care and protection and family support.
Scrutiny of Health	<p>To review any matter relating to the planning, provision and operation of health services in the County, including Ambulance Trusts and the policies of the Strategic Health Authority.</p> <p>The aim is to act as a lever to improve the health of local people, ensuring that the needs of the local people are considered as an integral part of the delivery and development of health services.</p> <p>To focus on action to achieve health improvement; to examine health care in the context of the wider determinants of health; to examine how health services address the needs of local communities; especially to address health inequalities; to ensure that local health and health related issues are being tackled jointly and in a co-ordinated way across agencies.</p>

	To contribute to the annual Quality Accounts by providing commentaries to the Care Quality Commission on the performance of NHS Trusts serving North Yorkshire and on the experiences that the Committee has had with those Trusts.
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The proposal to change from nine to five committees would save £25k on allowances for Chairs and Vice-Chairs and it would save £68k from a reduction in officers who provide scrutiny support. This total of £93k is assured and would be a 'bankable' saving. In addition there would be opportunities for smaller savings from democratic services, administrative support and travel allowances, amounting to at least a further £7k. The proposed arrangements and any constitutional amendments need to comply with all current legislative requirements. In particular, the statutory requirement to have a Crime and Disorder Committee would be met by designating the Corporate and Partnerships committee as the Crime and Disorder Committee.

Currently the Young People Overview and Scrutiny Committee has 13 County Council Members and the other committees have 9 each. This makes a total of 85 places for Members, meaning that some sit on more than one Committee, as the Executive Members, the Chair of the Audit Committee and the Chairs of the two Appeals Committees do not sit on any scrutiny committees. Reducing the number of committees could be seen as reducing the opportunities for Member involvement, but this could be ameliorated by increasing membership of the Care and Independence, the Corporate and Partnerships and the Transport, Economy and Environment committees to 12, with the Young People Committee continuing to have 13 County Councillors plus 9 other members (5 with voting rights) and Scrutiny of Health continuing to have 9 County Councillors and 7 District Councillors. This would provide 58 places on Overview and Scrutiny committees for those County Councillors who are eligible and who wish to serve on scrutiny. Members of the Executive noted that detailed issues relating to the numbers of seats on Scrutiny Committees for County Councillors who were not Executive Members still needed to be resolved, so that any such Member who wished to do so could sit on a Scrutiny Committee. That detailed work could be undertaken by the Members' Constitution Working Party prior to the Council meeting in July.

Currently the Constitution states that each of the three main political groups on the Council will chair at least one overview and scrutiny committee. Chairs and Vice-Chairs are appointed by the Council. Any change to the current arrangements would require a change to the Constitution.

Scrutiny Board have been consulted on the proposals in this report and support the recommendation, subject to ensuring that all Members who are eligible should have the opportunity to serve on an Overview and Scrutiny Committee. It would be practical if the changes could take effect from the date of the July County Council. This would mean that each of the six committees that would be merging into two could have a final meeting in the period between the May and July County Council meetings, to conclude pieces of work and agree what needed to be taken into the work programmes of the new committees. It would also mean that nominations for membership and chairing could be made at the July County Council, with the new committees having their first meetings in September.

**The Executive RECOMMENDS:**

That the number of Overview and Scrutiny Committees be reduced from nine to five, in line with the proposals in this report.

**3. Financial Procedure Rule 15 – Treasury Management.** CIPFA and CLG have issued the following Codes and Guidance with which the County Council must comply:-

- an updated Treasury Management Code of Practice from CIPFA
- an updated Prudential Code from CIPFA
- revised (draft) investment Guidance from CLG
- revised Minimum Revenue Provision (MRP) (for debt repayment) Guidance from CLG

As a result of the requirements of the new Codes and Guidance, the Audit Committee has recommended that the current Financial Procedure Rule 15 in relation to Treasury Management be updated as follows:-

- 15.1 the Council adopts CIPFA's "Treasury Management in the Public Services Code of Practice 2009" (as amended) as described in Section 5 of the Code, and will have regard to the associated guidance notes.
- 15.2 the County Council will create and maintain as the cornerstone for effective Treasury Management
  - (i) a strategic Treasury Management Policy Statement (TMPS) stating the County Council's policies, objectives and approach to risk management of its treasury management activities
  - (ii) a framework of suitable Treasury Management Practices (TMPs) setting out the manner in which the County Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities. The Code recommends 12 TMPs
- 15.3 the full Council and/or Executive will receive reports on its Treasury Management policies, practices and activities including, as a minimum an Annual Treasury Management and Investment Strategy and associated report on Prudential Indicators in advance of the financial year, a mid year review of Treasury Management activities and an Annual Treasury Management and Investment outturn report after its close, in a form prescribed in the TMPs
- 15.4 the County Council delegates responsibility for the implementation and regular monitoring of its Treasury Management policies and practices to the Executive, and for the execution and administration of Treasury Management decisions to the Corporate Director – Finance and Central Services, who will act in accordance with the Council's TMPs, as well as CIPFA's Standard of Professional Practice on Treasury Management
- 15.6 the Audit Committee shall be responsible for ensuring effective scrutiny of the Treasury Management Strategy and Policies
- 15.7 the Corporate Director – Finance and Central Services shall periodically review the Treasury Management Policy Statement and associated documentation and report to the Executive on any necessary changes, and

the Executive shall make recommendations accordingly to the County Council

- 15.8 all money in the possession of the Council shall be under the control of the officer designated for the purposes of Section 151 of the Local Government Act 1972 (ie the Corporate Director of Finance and Central Services).

The proposed changes to the Financial Procedure Rule are in FPR 15.1 (adopting the latest Code), FPR 15.3 (a mid year review of the Strategy is required as a minimum) and FPR 15.6 (which is a new section).

**The Executive RECOMMENDS:**

That the amendments to Financial Procedure Rule 15, relating to Treasury Management, as set out in the report above, be approved.

**4. Constitution Review 2009/10 and delegation of powers.** The Constitution is amended periodically to keep it up to date and to record agreed working practices. Every four years, the Monitoring Officer undertakes a full review of the Constitution and is currently in the process of drawing the most recent review to a close. There are some other issues which require further consultation with Members and officers, therefore further proposed amendments to the Constitution in relation to those matters will be brought to the July meeting of full Council, which approves changes to the Constitution.

The Local Democracy, Economic Development and Construction Act 2009 ('the 2009 Act') has placed a requirement on all authorities to establish a scheme for handling petitions. The aim of this legislation is to strengthen the connection between local decision-makers and citizens. Anyone who lives, works or studies in a local authority area, including under 18s, will be able to sign or organise a petition and trigger a response. Following a consultation exercise, CLG issued guidance at the end of March 2010. The guidance sets out the framework for developing a petition scheme, including a model scheme. A draft scheme has been developed based upon the model, and is attached at Annex 2, Appendix 2 for Members' consideration. Further information in relation to petitions is contained in this report.

The proposed amendments to the Constitution arising out of the Monitoring Officer's general review to date are set out in the Amendments Chart attached as Annex 2, Appendix 1 to this report. The opportunity has been taken to update various aspects of the Constitution and also to undertake certain administrative functions, such as improving formatting and amending typographical errors. Such proposed administrative amendments have not been shown in the Amendments Chart and will undertaken with any amendments approved by Council. The Chart sets out reasons for the amendments recommended.

There has recently been a spate of new governance legislation, affecting the way in which the Council conducts its business, and necessitating certain amendments to the Constitution included in the matters specifically referred to below.

**Joint Health Overview and Scrutiny Committees:** There are currently eight County Council Overview and Scrutiny Committees, which were established under the Local Government Act 2000 to discharge overview and scrutiny functions in relation to their respective areas, and one Scrutiny of Health Overview and Scrutiny Committee, set up under the Health and Social Care Act 2001 to scrutinise local health services in the County area. Those Committees are cumulatively referred to in the Constitution as the Council's nine Overview and Scrutiny Committees. The Committees are referred to elsewhere in this report.



From time to time the Council has also chosen to establish a joint Scrutiny of Health Committee, with one or more neighbouring authorities, to examine proposals relating to changes to NHS services that impact on more than one authority area. These have been in response to particular issues and have been time limited; for example, the first such joint committee was with the East Riding of Yorkshire Council which has now completed its work. There is currently one joint Scrutiny of Health Committee with Durham, Hartlepool and Stockton Councils, the membership of which is set out in the Constitution. There may also be occasions when the Scrutiny of Health Committee will be statutorily required to form a joint Scrutiny of Health Committee: in cases where an NHS body consults more than one Scrutiny of Health Committee (because its proposals affect the residents of each of their areas) those Committees that consider the proposals to be “substantial” are required to form a joint committee. Amendments are therefore suggested to the Constitution, as set out in the Amendments Schedule attached as Annex 2, Appendix 1 to this report, to clarify that there are nine 'standing' Overview and Scrutiny Committees (subject to review) and that there is provision to have one or more joint Scrutiny of Health Committees as and when required and on either a voluntary or statutory basis.

**Councillor Call for Action:** Section 21A(1)(c) of the Local Government Act 2000 (inserted by section 119 of the Local Government and Public Involvement in Health Act 2007 and which came into force on 1 April 2009) requires an authority’s executive arrangements to include provision enabling any Member of the authority to refer to an overview and scrutiny committee of which s/he is not a member, any local government matter which is relevant to the functions of the committee. A “local government matter” is defined as a matter which relates to the discharge of any function of the authority, affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and is not an “excluded matter”. Excluded matters are:

- (a) any matter relating to a planning decision;
- (b) any matter relating to a licensing decision;
- (c) any matter relating to an individual or entity in respect of which that individual has a right of recourse to a review or right of appeal conferred by or under any enactment;
- (d) any matter which is considered to be vexatious, discriminatory or not reasonable to be included in the agenda for, or discussions at, the meeting of the overview and scrutiny committee/sub-committee;
- (e) a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters).

The Constitution needs to be amended to give Overview and Scrutiny Committees the powers to operate the Councillor Call for Action process. Suggested amendments are set out in Annex 2, Appendix 1 to this report.

**Crime and Disorder Overview and Scrutiny:** The Police and Justice Act 2006 introduced requirements to require authorities to set up or enable one of their Scrutiny Committees to Act as a Crime and Disorder Overview and Scrutiny Committee. The Council put in place arrangements in 2009 for the Safe and Sustainable Communities Overview and Scrutiny Committee to undertake this role. The amendments proposed to the Overview and Scrutiny Procedure Rules further expand upon the rights of a member to raise a matter relating to crime and disorder with the Committee, and for the Committee (or any other Committee designated to act as the Crime and Disorder Overview and Scrutiny Committee) to take a report, if it considers appropriate, to the Council.

**Looked After Children Members' Group:** Amendments to the Delegation of Executive Functions reflect the proposal to establish a member group to support the Council's Corporate Parenting role. The group will assist with issues and initiatives relating to Looked After Children, and will report to the Lead Executive Member for Children's Services. The reporting will also be taken through the quarterly monitoring process to the Executive and full Council, and the Group will also make an annual report to the Council. It can also raise issues directly with the Young People Overview and Scrutiny Committee. The Group will be appointed by the Executive and may comprise members from the Young People Overview and Scrutiny Committee.

**DMMOs, Public Rights of Way and Village Green Registration:** Applications relating to Definitive Map Modification Orders, public rights of way, and the registration of common land and town and village greens are currently handled by Area Committees, with a view to ensuring local involvement upon matters that are important to a local area. Such matters can be of significant interest and importance to local residents. However, the decision making process for the consideration and determination of these applications is quasi judicial and is the subject of a prescribed statutory regime. The processes involve consideration of evidence against strict legal criteria. This means that, whilst local evidence in relation to an application can assist the process, local views or preferences cannot influence the outcome. It is proposed that these functions should, in future, be considered by the Planning and Regulatory Functions Committee, by means of a Sub-Committee, rather than the Area Committee, as at present. Members of the Planning and Regulatory Functions Committee who are to be involved in dealing with these matters on a regular basis would receive appropriate training to assist assessment against the legal criteria. Members will also be aware that, in those cases where there are objections to applications which are not resolved, the confirmation of orders will in fact pass to the Secretary of State or the Magistrates' Court for handling. It is appreciated that local Members and residents of the communities affected have an interest in applications and their outcome. For that reason it is proposed that the Area Committee should be advised of any applications affecting their area which are about to come forward for consideration, and also that they should give feedback on the outcome. This will assist those involved in the locality to be able to contribute if they have evidence that is relevant. It is also proposed that, wherever possible, the Sub-Committee dealing with applications will meet at a location in the area involved.

Another factor is that, in relation to the registration of village greens, instances have occurred during recent times where, because Members have been dual-hatted, and the land involved belongs to a District/Borough Council, such Members have in some cases had prejudicial interests, or have been involved in decisions affecting the land at district level, which has affected their ability to participate in the Committee dealing with the application for registration. This has led in some cases to the Area Committee being inquorate and, as a result, applications having to be made to the Standards Committee for dispensations. This in itself causes delay in handling, and has resulted, in one instance, in the matter having to be dealt with by the Planning and Regulatory Functions Committee, because Standards Committee did not think it appropriate to grant the dispensations. The proposed changes in relation to handling by the Planning and Regulatory Functions Committee will bring about a more efficient handling and avoid these difficulties. Again, in relation to these applications, it is proposed that the Area Committee should be advised of any that are coming forward, and the Sub-Committee again will meet, wherever possible, in the area involved.

**Scrutiny Officer:** The Local Democracy, Economic Development and Construction Act 2009 requires authorities to designate one of their officers as Scrutiny Officer with the following responsibilities:

- (a) to promote the role of the authority's overview and scrutiny committee or committees;
- (b) to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees;
- (c) to provide support and guidance to—
  - (i) members of the authority,
  - (ii) members of the executive of the authority, and
  - (iii) officers of the authority,

in relation to the functions of the authority's overview and scrutiny committee or committees.

It is recommended that the Head of Scrutiny is designated as Scrutiny officer in accordance with the legislation.

**Petitions:** In accordance with requirements in the 2009 Act, the Council must put in place a scheme for the handling of petitions. The Council's petition scheme must be in force by 15 June 2010. A facility for re-petitions must be in place by 15 December 2010. The Government has published statutory guidance which is available to download from the Communities and Local Government website by using the following link:

The main requirements are:-

- (a) The petition scheme must be approved by full Council and be published on the Council's website and by any other method considered appropriate for bringing it to public attention.
- (b) The Act requires schemes to meet the following minimum standards:
  - (i) Anyone who lives, works or studies in the area can sign or organise a petition and trigger a response.
  - (ii) Facility for electronic petitions must be provided.
  - (iii) Petitions must be acknowledged within a time period specified by the Council.
  - (iv) Amongst the steps that a Council may choose to make in response to a petition the following must be included:
    - Taking the action requested in the petition.
    - Considering the petition at a meeting of the Council.
    - Holding an inquiry.
    - Holding a public meeting.
    - Commissioning research.
    - A written response to the petition organiser setting out the Council's views on the petition.

- Referring the petition to Overview and Scrutiny Committee.
- Petitions with a significant level of support can trigger a debate in full Council, the threshold to be determined locally but it must be no higher than 5% of the local population.
- Petitions with a requisite level of support, set by the Council, can trigger a senior Local Government Officer to give evidence at a meeting of the Authority's Overview and Scrutiny Committee.
- Petition organisers can prompt a review of the Local Authority's response if the response is felt to be inadequate.

The Council must ensure that it complies with the scheme and the scheme must take account of local circumstances to ensure that it is locally appropriate and set thresholds which are locally achievable. The proposed Council scheme at Annex 2 Appendix 2 sets no threshold for triggering a response to a petition meaning that the Council would respond to all petitions it receives, as it currently does, provided that the petition follows the guidelines set out in the scheme - it is not discriminatory or about an excluded matter such as planning. Thresholds are incorporated to trigger specific action such as debates at Area Committees and in Council, and calling officers to account.

**Responding to Petitions:** The Council's petition scheme must apply if a petition meets the following:

- (a) It calls for the Council to take action.
- (b) It is signed by the requisite number of people who live, work or study in the local area.
- (c) It is made under another enactment but does not qualify under that enactment.
- (d) If made electronically, it is made through the Council's e-petition facility.

Authorities can choose to verify the signatures given on a petition if they wish. In the case of e-petitions, the Council can decide what counts as an authentic signature, and the Constitution Working Group recommended that a postcode should be accepted. Petitions which meet the scheme criteria must be acknowledged within the period specified in the scheme. There is a specific requirement on top tier authorities to respond to petitions which relate to an improvement in the economic, social or environmental wellbeing of the authority's area to which any of its partner authorities could contribute. This effectively means that the Council must deal with petitions which relate to functions of partner authorities as well as those which relate to its own, including petitions on matters which are sub-regional and cross authority. Whilst authorities are required to approach petitions positively, they are not required to respond to a petition which is vexatious, abusive or otherwise inappropriate, although the petition must be acknowledged and an explanation given.

**Petitions under Other Enactments:** Petitions made under other enactments, such as petitions under the Local Government Act 2000 asking for a mayoral referendum, must be dealt with in accordance with the procedures set out in the relevant legislation.

**Excluded Matters:** The following are excluded from the scope of the petition duty:

- (a) Planning decisions, the development plan or community infrastructure levy.
- (b) Matters relating to alcohol, gambling or sex establishment licensing.
- (c) Matters relating to an individual or entity where the individual has an alternative right of recourse or appeal.

Authorities are required to take appropriate steps when responding to petitions. The response must be proportionate to the seriousness of the issue and the level of support.

**E-Petitions:** The same requirements apply to electronic petitions except that:

- (a) Authorities are only required to respond to e-petitions made through the Council's e-petition facility.
- (b) The Council must decide whether a petition is appropriate for publishing on their e-petition facility.
- (c) The Council will decide what equates to a signature on an e-petition.
- (d) Authorities are required to provide a facility for people to submit petitions to the Authority electronically. Authorities can choose to respond to e-petitions submitted by other means and should describe how they will respond in the scheme.

There will be costs associated with the introduction of e-petitioning which as yet have not been estimated. Under the new burden principles Central Government has said it will meet the costs of the new burdens associated with the petition duty. Nationally it is anticipated to be approximately £4.7m per year decreasing over time. The costs arise from increased work for Council Officers, and additional costs for time at meetings and setup costs for e-petitions. Local Authorities will receive a grant for 2010/11, which will vary by Local Authority dependent on local population. Funding for future years is likely to be incorporated into the revenue support grant.

**Petition Debate:** Petitions which receive a significant level of support are required to be debated at a meeting of full Council. Authorities are required to set out in their scheme the number of signatures needed to trigger a debate as part of the authority's response and the threshold figure will need to reflect local circumstances, such as the population, nature and size of the area. Given the size and nature of North Yorkshire, it may be appropriate to set a threshold population percentage figure to trigger a debate at full Council, and also, for more localised issues, a threshold for debate at area level in the relevant Area Committee. The Constitution Working Group suggested that the trigger for a Council debate should be 5% of the population of North Yorkshire, and for an area based debate the threshold should equate to those set by the relevant District Councils. At the point of publication of this report, information is still awaited from the District Councils as to the thresholds that they are setting. In the circumstances it is suggested that because the Council must have its scheme approved by 16 June 2010, a threshold percentage of 3% of the population of the relevant district is set to trigger an Area Committee debate, but that that percentage be reviewed when the District Councils have determined their schemes. This is reflected in the proposed scheme in Annex 2, Appendix 2. Set out below is a chart showing potential threshold percentages at district level, and countywide level.

- (a) District level: suggested, 3% of signatories from any District Council area within the County – issue to be debated by the relevant Area Committee

Location	5% of Population	4% of Population	3% of Population	2% of Population	1% of Population
Craven	2,810	2,248	1,686	1,124	562
Hambleton	4,355	3,484	2,613	1,742	871
Harrogate	8,025	6,420	4,815	3,210	1,605
Richmondshire	2,575	2,060	1,545	1,030	515
Ryedale	2,675	2,140	1,605	1,070	535
Scarborough	5,425	4,340	3,255	2,170	1,085
Selby	4,100	3,280	2,460	1,640	820

- (b) Countywide: suggested, 5% of signatories across the whole County, 29,960 – issue to be debated at County Council.

5% Countywide = 29,960

4% Countywide = 23,968

3% Countywide = 17,976

2% Countywide = 11,984

1% County wide = 5,992

Government guidance stipulates that thresholds may be a maximum of 5% in the 'local area', the definition of 'local area' is key.

Petition organisers must be informed about when a debate will be held, and information placed on the website. Ultimately the debate should conclude with a decision being taken by full Council as to whether or not action will be taken. Where the matter is one where the Executive is required to make a decision, Council should decide whether to make recommendations to inform that decision. The petition organiser should receive feedback. Authorities are not required to hold a debate in response to petitions which fall outside of the scheme, for example because they are vexatious or relate to planning or licensing decisions.

**Giving Evidence:** Petition schemes must allow for a senior member of Council staff to attend a meeting of the Authority's Overview and Scrutiny Committee and answer questions about their work. This allows members of the local community to make use of petitions to influence the way that the scrutiny takes place. Authorities must consider a petition threshold needed to require an officer to attend the public meeting, and also the level of officer who should be required to attend. The model code suggests 0.5% of the population which would be 2,996. It is also proposed that officers subject to this requirement should be limited to Chief Officers and Statutory Officers, although the Overview and Scrutiny Committee may decide that it is more appropriate for another officer to give evidence rather than the officer named in the petition, for example if an officer has moved from the post. The proposed scheme also provides for the Overview and Scrutiny Committee, if it considers it appropriate, to call the relevant elected Member with responsibility for the service area, in addition to the senior officer. The grounds given in the petition for attendance at a meeting of the Overview and Scrutiny Committee must relate to the officer's job and not personal circumstances or character. An officer is not required to attend if the petition calling for attendance is deemed vexatious, abusive or otherwise inappropriate by the Authority. Members may consider that it is not appropriate for a petition to trigger officers giving evidence in circumstances where a disciplinary process or criminal or legal proceedings are ongoing in relation to the matter of concern.

**Petition Reviews:** If a petition organiser is not satisfied with the way in which an Authority has dealt with the petition, the organiser can ask an Overview and Scrutiny Committee to review the Authority's response. The Overview and Scrutiny Committee will decide whether the steps taken by the Authority were adequate.

**Acting Returning Officer:** Following the Chief Executive Officer's departure at the end of March, the Corporate Director Finance and Central Services is undertaking the role of Acting Head of Paid Service pending the appointment and arrival of a new Chief Executive Officer and, together with the other Corporate Directors and in consultation with the Leader of the Council, the Chief Executive Officer's duties are being undertaken on a corporate and shared basis. The Chief Executive Officer also undertakes the role of Returning Officer for North Yorkshire County Council. This role is included in the Chief Executive Officer's job description and it is a statutory personal responsibility in relation to the elections. It is therefore recommended that the role of Acting Returning Officer should also be undertaken by the Corporate Director Finance and Central Services pending the appointment and arrival of a new Chief Executive Officer, in case of any need for a byelection.

**Post 16 education, training and employment:** The County Council assumed responsibility for these matters from the Learning and Skills Council on 1 April, 2010. The Executive has agreed to delegate authority to the Corporate Director, Children and Young People Service to determine appeals in respect of placements with an Independent Specialist Provider for Post 16 residential and day specialist provision and recommends that this delegation be added to the Scheme in the Constitution.

**The Executive RECOMMENDS:**

- (a) That the proposed amendments to the Constitution arising out of the Monitoring Officer's general review of the Constitution, as set out in the Amendments Chart at Annex 2, Appendix 1 be approved.
- (b) That the role of County Returning Officer be undertaken by the Corporate Director Finance and Central Services pending the appointment and arrival of a new Chief Executive Officer.
- (c) That the petition scheme set out at Annex 2, Appendix 2 and the thresholds contained in the scheme, be approved and be published on the Council's website.
- (d) That the delegation of authority to the Corporate Director - Children's and Young People's Service to determine appeals from parents/carers and young people, against decisions for individual learners with learning difficulties and/or disabilities in respect of a placement with an Independent Service Provider for post 16 residential and day specialist provision, and to approve arrangements for officers in that Directorate to hear and determine such appeals. (In the first instance, the arrangements would be that the Network Co-Ordinator for Cognition and Learning in the Access and Inclusion Service would hear and determine such appeals, in consultation with another Network Co-Ordinator in the Access and Inclusion Service and the Assistant Director - Quality and Improvement Service.) be added to those set out in the Officers Scheme of Delegation in the County Council's Constitution.

**5. Appointments to Committees and outside bodies:** The Executive makes recommendations below to add to further outside bodies to Schedule 5 in the Constitution and to enable appointments to be made to Committees, or other bodies to which the Council makes appointments, if nominations come forward at or before the meeting.

**The Executive RECOMMENDS:**

- (a) That it be a recommendation to the County Council that the following be added to the list of outside bodies to which the Yorkshire Coast and Moors County Area Committee appoints, as set out in the County Council's Constitution:-
- Scarborough Borough Council's Central Urban Area Committee's Participatory Budgeting Sub-Committee – 1 Member.
  - Scarborough Borough Council's Northern Area Committee's Participatory Budgeting Sub-Committee – 1 Member.
  - Scarborough Borough Council's Southern Area Committee's Participatory Budgeting Sub-Committee – 1 Member.
  - Scarborough Borough Council's Central Rural Area Committee's Participatory Budgeting Sub-Committee – 2 Members.
- (b) That any proposals for 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.

**JOHN WATSON OBE**  
Chairman – 13 April 2010

**JOHN WEIGHELL**  
Chairman

County Hall,  
NORTHALLERTON.

**11 May 2010**



# **ANNEX 1**

## **CAPITAL PLAN APPENDICES**

Appendix A	Adult and Community Services
Appendix B	Business and Environmental Services
Appendix C	Children and Young People's Service
Appendix D	Other County Services
Appendix E	Summary of overall Capital Plan and analysis of changes
Appendix F	Summary of changes since last Capital Plan update
Appendix G	Financing of Capital Plan

**ADULT AND COMMUNITY SERVICES**

**2009/10 CAPITAL BUDGET MONITORING - POSITION TO 31 DECEMBER 2009**

ITEM			CAPITAL PROGRAMME					CAPITAL FORECAST				
	Total	Expenditure to 31.3.09	2009/10	2010/11	2011/12	2012/13	Later Years	2009/10	2010/11	2011/12	2012/13	Later Years
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<b>GROSS EXPENDITURE</b>												
Maintaining Fabric / Facilities of Properties	1,936	-	571	158	-	-	-	-	426	390	390	-
"Our Future Lives" Extra Care Scheme	11,451	-	389	1,189	100	-	-	-	-	3,273	-	6,500
"Our Future Lives" Older People Resource Centre	10,138	-	215	2,565	200	-	-	-	558	3,400	1,200	2,000
"Valuing People" Day Service Provision	1,866	-	-	250	325	-	-	-	1,291	-	-	-
Crosshills Library & Information Centre	346	26	320	-	-	-	-	-	-	-	-	-
Kirbymoorside Library & Information Centre	338	128	210	-	-	-	-	-	-	-	-	-
Catterick Library & Information Centre	562	395	166	-	-	-	-	-	-	-	-	-
Harrogate Library - Lottery Scheme	3,711	619	1,892	1,200	-	-	-	-	-	-	-	-
Pending Issue Provision Allocations: Libraries - RFID Schemes	294	-	294	-	-	-	-	-	-	-	-	-
Library in a Box schemes	143	-	45	98	-	-	-	-	-	-	-	-
IT infrastructure	551	-	376	176	-	-	-	-	-	-	-	-
Mental Health Supported Expenditure	495	-	-	-	-	-	-	-	495	-	-	-
Disability Respite Centre, Skipton	1,530	6	64	1,460	-	-	-	-	-	-	-	-
<b>TOTAL GROSS SPEND</b>	<b>33,360</b>	<b>1,174</b>	<b>4,542</b>	<b>7,096</b>	<b>625</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,770</b>	<b>7,063</b>	<b>1,590</b>	<b>8,500</b>
Last Update - Q2 2009/10	33,360	1,174	5,482	6,211	550	-	-	-	2,790	7,063	1,590	8,500

**ADULT AND COMMUNITY SERVICES**

**2009/10 CAPITAL BUDGET MONITORING - POSITION TO 31 DECEMBER 2009**

ITEM			CAPITAL PROGRAMME					CAPITAL FORECAST				
	Total	Expenditure to 31.3.09	2009/10	2010/11	2011/12	2012/13	Later Years	2009/10	2010/11	2011/12	2012/13	Later Years
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<b>CAPITAL GRANTS AND CONTRIBUTIONS</b>												
Capital Grants												
- Adult Social Care I.T. Infrastructure	551 CR	-	376 CR	176 CR	-	-	-	-	-	-	-	-
- Mental Health Single Capital Pot Grant	364 CR	-	182 CR	182 CR	-	-	-	-	-	-	-	-
- Social Care Single Capital Pot Grant	1,260 CR	-	315 CR	315 CR	315 CR	315 CR	-	-	-	-	-	-
Capital Contributions												
- Harrogate Library Lottery Funding	1,500 CR	476 CR	738 CR	286 CR	-	-	-	-	-	-	-	-
Revenue Contributions												
- from Pending issues Provision	437 CR	-	339 CR	98 CR	-	-	-	-	-	-	-	-
- Other Revenue Contributions	100 CR	-	-	100 CR	-	-	-	-	-	-	-	-
<b>TOTAL GRANTS AND CONTRIBUTIONS</b>	<b>4,212 CR</b>	<b>476 CR</b>	<b>1,949 CR</b>	<b>1,157 CR</b>	<b>315 CR</b>	<b>315 CR</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Last Update - Q2 2009/10	4,212 CR	476 CR	2,075 CR	1,031 CR	315 CR	315 CR	-	-	-	-	-	-
<b>TOTAL NET EXPENDITURE</b>	<b>29,148</b>	<b>698</b>	<b>2,592</b>	<b>5,939</b>	<b>310</b>	<b>315 CR</b>	<b>-</b>	<b>-</b>	<b>2,770</b>	<b>7,063</b>	<b>1,590</b>	<b>8,500</b>
Last Update - Q2 2009/10	29,148	698	3,406	5,180	235	315 CR	-	-	2,790	7,063	1,590	8,500

**BUSINESS AND ENVIRONMENTAL SERVICES**

**2009/10 CAPITAL BUDGET MONITORING - POSITION TO 31 DECEMBER 2009**

ITEM	CAPITAL PROGRAMME		CAPITAL FORECAST									
	Total	Expenditure to 31.3.09	2009/10	2010/11	2011/12	2012/13	Later Years	2009/10	2010/11	2011/12	2012/13	Later Years
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<b>GROSS EXPENDITURE</b>												
New and Replacement Road Lighting	17,134	7,971	3,400	3,300	2,464	-	-	-	-	-	-	-
Rationalisation of Depots	15,966	8,725	3,082	4,158	-	-	-	-	-	-	-	-
Waste Management Service	5,364	331	1,054	1,025	344	-	-	90	758	1,763	-	-
Waste Procurement Project	5,685	547	16	-	-	-	5,122	-	-	-	-	-
Advance Design Fees	750	740	10	-	-	-	-	-	-	-	-	-
Scarborough Integrated Transport Scheme	36,110	33,426	984	1,695	5.6	-	-	-	-	-	-	-
Reighton A165 Bypass	8,814	8,466	348	-	-	-	-	-	-	-	-	-
Bedale-Aiskew-Leeming Bar Major Scheme	35,732	-	-	-	-	-	-	-	-	-	7,102	28,630
Local Transport Plan												
- Integrated Transport	58,045	23,716	8,306	10,083	-	-	-	-	-	7,891	8,049	-
- Maintenance	156,741	59,185	24,385	23,166	-	-	-	2,606	-	23,464	23,934	-
- Regional Funding Allocation	18,150	-	3,120	6,920	2,483	5,627	-	-	-	-	-	-
Economic Development Unit Grants												
- Renaissance Market Towns	917	-	-	-	-	-	-	263	-	418	135	102.0
- Access to Opportunities	810	-	230	254	327	-	-	-	-	-	-	-
Other Minor Schemes	32	27	5	-	-	-	-	-	-	-	-	-
<b>TOTAL GROSS SPEND</b>	<b>360,248</b>	<b>143,134</b>	<b>44,939</b>	<b>50,600</b>	<b>5,623</b>	<b>5,627</b>	<b>5,122</b>	<b>2,958</b>	<b>758</b>	<b>33,536</b>	<b>39,220</b>	<b>28,732</b>
Last Update - Q2 2009/10	360,241	143,134	46,168	48,933	6,826	4,073	5,122	3,308	977	33,670	39,400	28,630

**BUSINESS AND ENVIRONMENTAL SERVICES**

**2009/10 CAPITAL BUDGET MONITORING - POSITION TO 31 DECEMBER 2009**

ITEM	CAPITAL PROGRAMME		CAPITAL FORECAST									
	Total	Expenditure to 31.3.09	2009/10	2010/11	2011/12	2012/13	Later Years	2009/10	2010/11	2011/12	2012/13	Later Years
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<b>CAPITAL GRANTS AND CONTRIBUTIONS</b>												
Capital Grants												
- Bedale-Aiskew-Leeming Bar Capital Grant	32,159 CR	-	-	-	-	-	-	-	-	-	6,392 CR	25,767 CR
- Scarborough Integrated Transport Scheme	29,786 CR	29,786 CR	-	-	-	-	-	-	-	-	-	-
- Local Transport Plan Grant	36,774 CR	6,761 CR	6,618 CR	9,999 CR	2,483 CR	5,627 CR	-	-	-	2,630 CR	2,656 CR	-
- Local Transport Plan Detrunking Grant	4,764 CR	1,500 CR	357 CR	300 CR	-	-	-	2,606 CR	-	-	-	-
- Waste Capital Grants	2,800 CR	-	784 CR	905 CR	264 CR	-	-	90 CR	758 CR	-	-	-
- Economic Development Unit Grants	1,727 CR	-	230 CR	254 CR	327 CR	-	-	263 CR	-	418 CR	135 CR	- 102.0 CR
- Specific Road Safety Grant	1,758 CR	732 CR	598 CR	429 CR	-	-	-	-	-	-	-	-
- Other Grants	7 CR	5 CR	2 CR	-	-	-	-	-	-	-	-	-
- Reighton A165 Bypass	4,334 CR	4,334 CR	-	-	-	-	-	-	-	-	-	-
Capital Contributions	848 CR	352 CR	345 CR	151 CR	-	-	-	-	-	-	-	-
Revenue Contributions												
- LTP	3,691 CR	3,045 CR	646 CR	-	-	-	-	-	-	-	-	-
- Waste Management Service	597 CR	207 CR	270 CR	120 CR	-	-	-	-	-	-	-	-
- PIP for Road Lighting Columns	6,000 CR	-	1,500 CR	1,500 CR	3,000 CR	-	-	-	-	-	-	-
- PIP for Footways	800 CR	-	800 CR	-	-	-	-	-	-	-	-	-
- Other Revenue Contributions	779 CR	21 CR	758 CR	-	-	-	-	-	-	-	-	-
<b>TOTAL GRANTS AND CONTRIBUTIONS</b>	<b>126,822 CR</b>	<b>46,743 CR</b>	<b>12,907 CR</b>	<b>13,657 CR</b>	<b>6,073 CR</b>	<b>5,627 CR</b>	<b>-</b>	<b>2,958 CR</b>	<b>758 CR</b>	<b>3,048 CR</b>	<b>9,183 CR</b>	<b>25,869 CR</b>
Last Update - Q2 2009/10	126,816 CR	46,743 CR	13,312 CR	13,346 CR	6,745 CR	4,073 CR	-	3,308 CR	977 CR	3,182 CR	9,363 CR	25,767 CR
<b>TOTAL NET EXPENDITURE</b>	<b>233,426</b>	<b>96,391</b>	<b>32,032</b>	<b>36,943</b>	<b>450 CR</b>	<b>-</b>	<b>5,122</b>	<b>-</b>	<b>-</b>	<b>30,488</b>	<b>30,037</b>	<b>2,863</b>
Last Update - Q2 2009/10	233,425	96,391	32,856	35,588	80	-	5,122	-	-	30,488	30,037	2,863

CHILDREN AND YOUNG PEOPLE'S SERVICE

2009/10 CAPITAL BUDGET MONITORING - POSITION TO 31 DECEMBER 2009

ITEM	CAPITAL PROGRAMME		CAPITAL FORECAST									
	Total	Expenditure to 31.3.09	2009/10	2010/11	2011/12	2012/13	Later Years	2009/10	2010/11	2011/12	2012/13	Later Years
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<b>GROSS EXPENDITURE</b>												
<b>NYCC Managed Schemes</b>												
Major Capital Schemes at Schools	7,061	3,483	299	23.8	-	-	-	-	563	2,693	-	-
Suitable for Purpose	13,076	172	3,906	6,529	434	-	-	-	366	1,669	-	-
Special Educational Needs/Behaviour Review	4,252	182	1,101	2,111	-	-	-	-	310	548	-	-
Pupil Referral Units/Special Schools	14,127	416	1,453	4,500	-	-	-	-	0	4,632	3,125	-
School Capacity - Numbers Lead Accommodation	1,692	387	507	731	-	-	67	-	-	-	-	-
Primary Replacement School	1,111	7	-	-	-	-	-	-	552	552	-	-
14-19 Development	3,550	-	-	-	-	-	-	-	300	250	2,000	1,000
Health and Safety	6,520	920	2,270	1,216	384	-	-	-	199	769	763	-
Other Block Sums	1,250	92	474	385.6	147.8	-	-	-	75	75	-	-
Allocations to Programmes	519	-	-	-	-	-	-	188	196	135	-	-
14-19 Rural Development Targeted Capital	1,000	35	155	810	-	-	-	-	-	-	-	-
Primary Capital Programme	19,367	30	1,145	772	10,020	-	-	-	-	-	-	7,400
Modernisation 2011/12	13,700	-	-	-	-	-	-	-	-	889.7	-	12,810
Basic Need 2011/12	4,550	-	-	-	-	-	-	-	-	-	-	4,550
Minor Works	2,428	424	669	-	-	-	-	-	835	250	-	250
Wrea Head Trust - Bewerley Park	527	-	-	-	-	-	-	-	527	-	-	-
Capitalised Repairs and Maintenance	11,511	-	1,650	2,561	1,000.0	-	-	-	-	1,900	1,900	2,500
General Provisions	2,949	672	535	323.0	-	-	-	-	460	880	80	-
Schools Access Initiative	5,710	-	672	-	-	-	-	-	849	1,194	1,194	1,800
Invest to Save Schemes	288	149	-	138.9	-	-	-	-	-	-	-	-
Grant-Funded Provisions:												
- Surestart	2,752	512	1,567	553	-	-	-	-	120	-	-	-
- Childrens Centre Capital	15,039	7,222	3,873	2,873	1,071.0	-	-	-	-	-	-	-
- Early Years Settings	6,765	243	2,500	-	-	-	-	-	4,023	-	-	-
- Aiming High for Disabled Children	1,237	1	439	-	-	-	-	-	797	-	-	-
- National Digital Infrastructure	16,733	8,338	3,438	-	-	-	-	-	-	4,956	-	-
- Building Schools for the Future	34,590	11,405	8,913	9,195	5,067	10	-	-	-	-	-	-
- ICT Harnessing Technology	17,169	-	4,062	312	-	-	-	-	3,895	3,000	3,100	2,800
Other Schemes	13,517	2,075	2,397	2,617	1,000.0	-	-	240	1,738	3,450	-	-
<b>Schools Managed Schemes</b>												
Devolved Capital	43,979	-	9,002	667	620 CR	-	-	-	9,685	9,125	9,021	7,100
Self Help Schemes	24,088	7,057	8,911	570	-	-	-	-	3,000	2,400	2,150	-
Other Schemes	3,025	2,247	548	180	-	-	-	-	50	-	-	-
<b>TOTAL GROSS SPEND</b>	<b>294,081</b>	<b>46,070</b>	<b>60,486</b>	<b>37,067</b>	<b>18,503</b>	<b>10</b>	<b>67</b>	<b>428</b>	<b>28,539</b>	<b>39,368</b>	<b>23,333</b>	<b>40,210</b>
Last Update - Q2 2009/10	295,262	46,070	54,409	26,499	1,663	10	67	9,902	41,443	45,731	28,369	41,100

CHILDREN AND YOUNG PEOPLE'S SERVICE

2009/10 CAPITAL BUDGET MONITORING - POSITION TO 31 DECEMBER 2009

ITEM	CAPITAL PROGRAMME		CAPITAL FORECAST									
	Total	Expenditure to 31.3.09	2009/10	2010/11	2011/12	2012/13	Later Years	2009/10	2010/11	2011/12	2012/13	Later Years
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<b>CAPITAL GRANTS AND CONTRIBUTIONS</b>												
<b>NYCC MANAGED SCHEMES</b>												
Capital Grants												
- Devolved Capital Grant	8,209 CR	308 CR	1,569 CR	1,183 CR	620 CR	-	-	-	80 CR	1,475 CR	1,475 CR	1,500 CR
- NDS Modernisation	24,189 CR	-	3,997 CR	7,066 CR	414 CR	-	-	-	286 CR	965 CR	-	11,460 CR
- 0-19 Capital Funding	1,000 CR	-	1,000 CR	-	-	-	-	-	-	-	-	-
- Childrens Centre Grant	13,342 CR	6,753 CR	3,716 CR	2,873 CR	-	-	-	-	-	-	-	-
- Surestart	2,632 CR	512 CR	1,567 CR	553 CR	-	-	-	-	-	-	-	-
- Building Schools for the Future	32,350 CR	10,543 CR	8,051 CR	8,680 CR	5,067 CR	10 CR	-	-	-	-	-	-
- Primary Capital Programme Grant	19,367 CR	30 CR	1,145 CR	772 CR	10,020 CR	-	-	-	-	-	-	7,400 CR
- Targeted Capital Fund	8,000 CR	-	1,077 CR	6,191 CR	-	-	-	-	506 CR	227 CR	-	-
- 14-19 Rural Development	1,000 CR	35 CR	155 CR	810 CR	-	-	-	-	-	-	-	-
- ICT Harnessing Technology	17,169 CR	-	4,062 CR	312 CR	-	-	-	-	3,895 CR	3,000 CR	3,100 CR	2,800 CR
- National Digital Infrastructure	10,058 CR	8,338 CR	1,719 CR	-	-	-	-	-	-	-	-	-
- Early Years Settings	6,765 CR	243 CR	2,500 CR	-	-	-	-	-	4,023 CR	-	-	-
- Other	6,551 CR	917 CR	1,908 CR	1,156 CR	-	-	-	-	2,070 CR	250 CR	-	250 CR
Capital Contributions												
- Other	2,364 CR	4 CR	1,327 CR	71 CR	-	-	-	-	962 CR	-	-	-
Revenue Contributions												
- Capitalised Repairs & Maintenance	3,178 CR	-	478 CR	450 CR	400 CR	-	-	-	-	425 CR	425 CR	1,000 CR
- from the Pending issues Provision	4,000 CR	-	-	-	-	-	-	-	0	4,000 CR	-	-
- National Digital Infrastructure	5,913 CR	-	957 CR	-	-	-	-	-	-	4,956 CR	-	-
- Health & Safety	2,359 CR	871 CR	1,488 CR	-	-	-	-	-	-	-	-	-
- Other	7,132 CR	2,371 CR	1,242 CR	1,959 CR	0	-	-	-	830 CR	730 CR	-	-
<b>SCHOOLS MANAGED SCHEMES</b>												
- Devolved Capital Grant	44,845 CR	-	9,568 CR	967 CR	620	-	-	-	9,685 CR	9,125 CR	9,021 CR	7,100 CR
- Other Capital Grants	3,025 CR	2,247 CR	548 CR	180 CR	-	-	-	-	50 CR	-	-	-
- Capital Contributions - Self Help Schemes	13,133 CR	7,057 CR	4,456 CR	120 CR	-	-	-	-	500 CR	500 CR	500 CR	-
- Revenue Contributions - Self Help Schemes	10,089 CR	-	3,889 CR	150 CR	-	-	-	-	2,500 CR	1,900 CR	1,650 CR	-
<b>TOTAL GRANTS AND CONTRIBUTIONS</b>	<b>246,670 CR</b>	<b>40,229 CR</b>	<b>56,419 CR</b>	<b>33,491 CR</b>	<b>15,901 CR</b>	<b>10 CR</b>	<b>-</b>	<b>-</b>	<b>25,386 CR</b>	<b>27,553 CR</b>	<b>16,171 CR</b>	<b>31,510 CR</b>
Last Update - Q2 2009/10	247,851 CR	40,229 CR	48,758 CR	22,273 CR	1,279 CR	10 CR	-	9,511 CR	38,611 CR	32,496 CR	22,257 CR	32,428 CR
<b>TOTAL NET EXPENDITURE</b>	<b>47,411</b>	<b>5,840</b>	<b>4,067</b>	<b>3,576</b>	<b>2,602</b>	<b>-</b>	<b>67</b>	<b>428</b>	<b>3,153</b>	<b>11,815</b>	<b>7,162</b>	<b>8,700</b>
Last Update - Q2 2009/10	47,411	5,840	5,651	4,226	384	-	67	391	2,832	13,236	6,112	8,672

**OTHER COUNTY SERVICES**

**2009/10 CAPITAL BUDGET MONITORING - POSITION TO 31 DECEMBER 2009**

ITEM	CAPITAL PROGRAMME		CAPITAL FORECAST									
	Total	Expenditure to 31.3.09	2009/10	2010/11	2011/12	2012/13	Later Years	2009/10	2010/11	2011/12	2012/13	Later Years
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<b>GROSS EXPENDITURE</b>												
Material Damage Provision	1,750	-	50	-	-	-	-	200	500	500	500	-
Public Access to Buildings for Disabled Affordable Housing Fund	1,250	448	120	243	-	-	-	-	189	125	125	-
- Initial Provision	4,000	2,263	577	596	-	-	-	-	565	-	-	-
- Additional Exec Approval - 4 Nov 08	5,000	-	-	354	-	-	-	-	1,500	2,000	1,146	-
Control of Legionella Bacteria in Water	450	245	205	-	-	-	-	-	-	-	-	-
Purchase of Vehicles, Plant & Equip	2,800	-	100	-	-	-	-	300	800	800	800	-
North Yorkshire House - Car Parking	135	119	16	-	-	-	-	-	-	-	-	-
Telephone Contact Centre	1,010	936	74	-	-	-	-	-	-	-	-	-
Carbon Reduction Initiative	750	93	110	-	-	-	-	-	297	250	-	-
Travellers' Sites	1,351	-	20	1,331	-	-	-	-	-	-	-	-
Northallerton Bright Office Strategy	4,190	189	2,551	1,450	-	-	-	-	-	-	-	-
Skipton Bright Office Strategy	500	4	-	371	125	-	-	-	-	-	-	-
Harrogate Bright Office Strategy	2,165	-	-	-	-	-	-	-	1,205	960	-	-
Richmond Bright Office Strategy	332	-	221	111	-	-	-	-	-	-	-	-
Revenue-Funded Capital Provisions:												
- STIC - ICT Equipment	345	-	345	-	-	-	-	-	-	-	-	-
- ICT Infrastructure (FCS)	1,807	723	583	500	-	-	-	-	-	-	-	-
- SDT Refresh (all Directorates)	2,000	472	529	-	-	-	-	-	500	500	-	-
- Corporate Accomadation Schemes	530	-	230	-	-	-	-	61	240	-	-	-
- Farms Improvement Scheme	789	-	50	50	-	-	-	100	473	116	-	-
- Ventilation Scheme	1,068	165	712	191	-	-	-	-	-	-	-	-
Safer Stronger Communities Fund	437	175	175	87	-	-	-	-	-	-	-	-
Loans to Limited Companies etc.	11,400	9,486	1,914	-	-	-	-	-	-	-	-	-
<b>TOTAL GROSS SPEND</b>	<b>44,059</b>	<b>15,318</b>	<b>8,580</b>	<b>5,284</b>	<b>125</b>	<b>-</b>	<b>-</b>	<b>661</b>	<b>6,269</b>	<b>5,251</b>	<b>2,571</b>	<b>-</b>
Last Update - Q2 2009/10	40,836	15,318	10,623	2,422	-	-	-	757	5,999	4,291	1,425	-



**OTHER COUNTY SERVICES**

**2009/10 CAPITAL BUDGET MONITORING - POSITION TO 31 DECEMBER 2009**

ITEM	CAPITAL PROGRAMME		CAPITAL FORECAST									
	Total	Expenditure to 31.3.09	2009/10	2010/11	2011/12	2012/13	Later Years	2009/10	2010/11	2011/12	2012/13	Later Years
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<b>CAPITAL GRANTS AND CONTRIBUTIONS</b>												
Capital Grants												
- Safer Stronger Communities Fund	437 CR	175 CR	175 CR	87 CR	-	-	-	-	-	-	-	-
- Travellers' Sites	345 CR	-	20 CR	325 CR	-	-	-	-	-	-	-	-
Revenue Contributions												
- Northallerton Bright Office Strategy	1,690 CR	189 CR	51 CR	1,450 CR	-	-	-	-	-	-	-	-
- Skipton Bright Office Strategy	500 CR	-	-	375 CR	125 CR	-	-	-	-	-	-	-
-Harrogate Bright Office Strategy	1,205 CR	-	-	-	-	-	-	-	1,205 CR	-	-	-
- Carbon Reduction Initiative	750 CR	93 CR	110 CR	-	-	-	-	-	297 CR	250 CR	-	-
- STIC - ICT Equipment (PIP Funded)	345 CR	-	345 CR	-	-	-	-	-	-	-	-	-
- ICT Infrastructure (FCS)	1,807 CR	723 CR	583 CR	500 CR	-	-	-	-	-	-	-	-
- SDT Refresh	2,000 CR	472 CR	529 CR	-	-	-	-	-	500 CR	500 CR	-	-
- Corporate Accomadation Schemes	483 CR	-	183 CR	-	-	-	-	61 CR	240 CR	-	-	-
- White Rose House Alterations	47 CR	-	47 CR	-	-	-	-	-	-	-	-	-
- Farms Improvement Scheme	789 CR	-	50 CR	50 CR	-	-	-	100 CR	473 CR	116 CR	-	-
- Ventilation Scheme	1,068 CR	165 CR	712 CR	191 CR	-	-	-	-	-	-	-	-
- Other	516 CR	310 CR	0	206 CR	-	-	-	-	-	-	-	-
<b>TOTAL GRANTS AND CONTRIBUTIONS</b>	<b>11,982 CR</b>	<b>2,127 CR</b>	<b>2,804 CR</b>	<b>3,184 CR</b>	<b>125 CR</b>	<b>-</b>	<b>-</b>	<b>161 CR</b>	<b>2,715 CR</b>	<b>866 CR</b>	<b>-</b>	<b>-</b>
Last Update - Q2 2009/10	10,519 CR	2,127 CR	3,365 CR	2,426 CR	-	-	-	257 CR	1,478 CR	866 CR	-	-
<b>TOTAL NET EXPENDITURE</b>	<b>32,077</b>	<b>13,191</b>	<b>5,776</b>	<b>2,100</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>500</b>	<b>3,554</b>	<b>4,385</b>	<b>2,571</b>	<b>-</b>
Last Update - Q1 2009/10	30,317	13,191	7,258	4 CR	-	-	-	500	4,521	3,425	1,425	-

**Q3 Capital Programme and Forecast 2009/10 - Summary Position to 31 December 2009**

	GROSS EXPENDITURE							GRANTS AND CONTRIBUTIONS							NET EXPENDITURE							
	Total	Exp to 31.3.09	09/10	10/11	11/12	12/13	Later Years	Total	Inc to 31.3.09	09/10	10/11	11/12	12/13	Later Years	Total	Net to 31.3.09	09/10	10/11	11/12	12/13	Later Years	
	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m	
<b>ACS (Appendix A)</b>																						
Programme	13.4	1.2	4.5	7.1	0.6	-	-	4.2 CR	0.5 CR	1.9 CR	1.2 CR	0.3 CR	0.3 CR	-	9.2	0.7	2.6	5.9	0.3	0.3 CR	-	
Forecast	20.0	-	-	2.8	7.1	1.6	8.5	-	-	-	-	-	-	-	20.0	-	-	2.8	7.1	1.6	8.5	
<b>Total</b>	<b>33.4</b>	<b>1.2</b>	<b>4.5</b>	<b>9.9</b>	<b>7.7</b>	<b>1.6</b>	<b>8.5</b>	<b>4.2 CR</b>	<b>0.5 CR</b>	<b>1.9 CR</b>	<b>1.2 CR</b>	<b>0.3 CR</b>	<b>0.3 CR</b>	<b>-</b>	<b>29.2</b>	<b>0.7</b>	<b>2.6</b>	<b>8.7</b>	<b>7.4</b>	<b>1.3</b>	<b>8.5</b>	
<b>BES (Appendix B)</b>																						
Programme	255.0	143.1	44.9	50.6	5.6	5.7	5.1	85.0 CR	46.7 CR	12.9 CR	13.7 CR	6.1 CR	5.6 CR	-	169.9	96.4	32.0	36.9	0.5 CR	-	5.1	
Forecast	105.2	-	3.0	0.8	33.5	39.2	28.7	41.9 CR	-	3.0 CR	0.8 CR	3.0 CR	9.2 CR	25.9 CR	63.3	-	-	-	30.5	30.0	2.8	
<b>Total</b>	<b>360.2</b>	<b>143.1</b>	<b>47.9</b>	<b>51.4</b>	<b>39.1</b>	<b>44.9</b>	<b>33.8</b>	<b>126.9 CR</b>	<b>46.7 CR</b>	<b>15.9 CR</b>	<b>14.5 CR</b>	<b>9.1 CR</b>	<b>14.8 CR</b>	<b>25.9 CR</b>	<b>233.2</b>	<b>96.4</b>	<b>32.0</b>	<b>36.9</b>	<b>30.0</b>	<b>30.0</b>	<b>7.9</b>	
<b>CYPS (Appendix C)</b>																						
Programme	162.3	46.1	60.5	37.1	18.5	-	0.1	146.0 CR	40.2 CR	56.4 CR	33.5 CR	15.9 CR	-	-	16.2	5.8	4.1	3.6	2.6	-	0.1	
Forecast	131.7	-	0.4	28.5	39.3	23.3	40.2	100.7 CR	-	0.0	25.4 CR	27.6 CR	16.2 CR	31.5 CR	31.3	-	0.4	3.2	11.8	7.2	8.7	
<b>Total</b>	<b>294.0</b>	<b>46.1</b>	<b>60.9</b>	<b>65.6</b>	<b>57.8</b>	<b>23.3</b>	<b>40.3</b>	<b>246.7 CR</b>	<b>40.2 CR</b>	<b>56.4 CR</b>	<b>58.9 CR</b>	<b>43.5 CR</b>	<b>16.2 CR</b>	<b>31.5 CR</b>	<b>47.5</b>	<b>5.8</b>	<b>4.5</b>	<b>6.8</b>	<b>14.4</b>	<b>7.2</b>	<b>8.8</b>	
<b>OCS (Appendix D)</b>																						
Programme	29.3	15.3	8.6	5.3	0.1	-	-	8.2 CR	2.1 CR	2.8 CR	3.2 CR	0.1 CR	-	-	21.1	13.2	5.8	2.1	-	-	-	
Forecast	14.9	-	0.7	6.2	5.4	2.6	-	3.8 CR	-	0.2 CR	2.7 CR	0.9 CR	-	-	11.1	-	0.5	3.6	4.4	2.6	-	
<b>Total</b>	<b>44.2</b>	<b>15.3</b>	<b>9.3</b>	<b>11.5</b>	<b>5.5</b>	<b>2.6</b>	<b>-</b>	<b>12.0 CR</b>	<b>2.1 CR</b>	<b>3.0 CR</b>	<b>5.9 CR</b>	<b>1.0 CR</b>	<b>-</b>	<b>-</b>	<b>32.2</b>	<b>13.2</b>	<b>6.3</b>	<b>5.7</b>	<b>4.4</b>	<b>2.6</b>	<b>-</b>	
<b>Total</b>	<b>731.8</b>	<b>205.7</b>	<b>122.6</b>	<b>138.4</b>	<b>110.1</b>	<b>72.4</b>	<b>82.6</b>	<b>389.8 CR</b>	<b>89.5 CR</b>	<b>77.2 CR</b>	<b>80.5 CR</b>	<b>53.9 CR</b>	<b>31.3 CR</b>	<b>57.4 CR</b>	<b>342.1</b>	<b>116.1</b>	<b>45.4</b>	<b>58.1</b>	<b>56.2</b>	<b>41.1</b>	<b>25.2</b>	
<b>Memo Item</b>																						
Programme	460.0	205.7	118.5	100.1	24.8	5.7	5.2	243.4 CR	89.5 CR	74.0 CR	51.6 CR	22.4 CR	5.9 CR	-	216.4	116.1	44.5	48.5	2.4	0.3 CR	5.2	
Forecast	271.8	-	4.1	38.3	85.3	66.7	77.4	146.4 CR	-	3.2 CR	28.9 CR	31.5 CR	25.4 CR	57.4 CR	125.7	-	0.9	9.6	53.8	41.4	20.0	
<b>Total</b>	<b>731.8</b>	<b>205.7</b>	<b>122.6</b>	<b>138.4</b>	<b>110.1</b>	<b>72.4</b>	<b>82.6</b>	<b>389.8 CR</b>	<b>89.5 CR</b>	<b>77.2 CR</b>	<b>80.5 CR</b>	<b>53.9 CR</b>	<b>31.3 CR</b>	<b>57.4 CR</b>	<b>342.1</b>	<b>116.1</b>	<b>45.4</b>	<b>58.1</b>	<b>56.2</b>	<b>41.1</b>	<b>25.2</b>	

**OVERALL SUMMARY**

**SUMMARY CAPITAL PLAN**

	Capital Programme					Capital Forecast				
	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m
<b>Gross Spend</b>										
Adult & Community Services	4.5	7.1	0.6	-	-	-	2.8	7.1	1.6	8.5
Business and Environmental Services	44.9	50.6	5.6	5.7	5.1	3.0	0.8	33.5	39.2	28.7
Children and Young People's Service	60.5	37.1	18.5	-	0.1	0.4	28.5	39.3	23.3	40.2
Other County Services	8.6	5.3	0.1	-	-	0.7	6.2	5.4	2.6	-
	<b>118.5</b>	<b>100.1</b>	<b>24.8</b>	<b>5.7</b>	<b>5.2</b>	<b>4.1</b>	<b>38.3</b>	<b>85.3</b>	<b>66.7</b>	<b>77.4</b>
<b>Grants &amp; Contributions</b>										
Adult & Community Services	1.9 CR	1.2 CR	0.3 CR	0.3 CR	-	-	-	-	-	-
Business and Environmental Services	12.9 CR	13.7 CR	6.1 CR	5.6 CR	-	3.0 CR	0.8 CR	3.0 CR	9.2 CR	25.9 CR
Children and Young People's Service	56.4 CR	33.5 CR	15.9 CR	-	-	-	25.4 CR	27.6 CR	16.2 CR	31.5 CR
Other County Services	2.8 CR	3.2 CR	0.1 CR	-	-	0.2 CR	2.7 CR	0.9 CR	-	-
	<b>74.0 CR</b>	<b>51.6 CR</b>	<b>22.4 CR</b>	<b>5.9 CR</b>	<b>-</b>	<b>3.2 CR</b>	<b>28.9 CR</b>	<b>31.5 CR</b>	<b>25.4 CR</b>	<b>57.4 CR</b>
<b>Net Spend (to be funded from borrowing and capital receipts)</b>										
Adult & Community Services	2.6	5.9	0.3	0.3 CR	-	-	2.7	7.1	1.6	8.5
Business and Environmental Services	32.0	36.9	0.5 CR	-	5.1	-	-	30.5	30.0	2.8
Children and Young People's Service	4.1	3.6	2.6	-	0.1	0.4	3.2	11.8	7.2	8.7
Other County Services	5.8	2	-	-	-	0.5	3.6	4.4	2.6	-
	<b>44.5</b>	<b>48.5</b>	<b>2.4</b>	<b>0.3 CR</b>	<b>5.2</b>	<b>0.9</b>	<b>9.5</b>	<b>53.8</b>	<b>41.4</b>	<b>20.0</b>

**SUMMARY OF CHANGES SINCE THE LAST UPDATE**

	Capital Programme					Capital Forecast				
	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m
<b>Capital Plan approved by Executive on 19th November 2009</b>	<b>116.7</b>	<b>84.1</b>	<b>9.0</b>	<b>4</b>	<b>5.2</b>	<b>14.0</b>	<b>51.2</b>	<b>90.8</b>	<b>71</b>	<b>78.2</b>
<b>Schemes Funded from Supported Borrowing</b>	-	-	-	-	-	-	-	-	-	-
<b>Schemes Funded from Prudential Borrowing</b>	<b>0.0</b>	<b>0.8</b>	-	-	-	<b>0.1</b>	-	-	-	<b>0.1 CR</b>
<b>Variations in Schemes Self Funded from Grants, Contributions and Revenue</b>	<b>0.4</b>	<b>0.5 CR</b>	-	-	-	<b>0.1 CR</b>	<b>0.4</b>	-	-	<b>0.1</b>
<b>Movement in Schemes Between Plan and Forecast</b>	<b>9.6</b>	<b>12.3</b>	<b>7.6</b>	<b>5.0</b>	-	<b>9.6 CR</b>	<b>12.3 CR</b>	<b>7.6 CR</b>	<b>5.0 CR</b>	-
<b>Rephasing of Expenditure Between Years</b>										
Q3 2009/10 Variations										
- Self Funded	3.2 CR	0.0	6.6	3.5 CR	-	0.5 CR	0.3	2.3	1.2 CR	1 CR
- Net Expenditure	4.9 CR	3.3	1.5	-	-	0.1	1.2 CR	1.2 CR	2.2	-
<b>Total rephasing between years</b>	<b>8.1 CR</b>	<b>3.3</b>	<b>8.1</b>	<b>4 CR</b>	-	<b>0.4 CR</b>	<b>0.9 CR</b>	<b>1.1</b>	<b>1.0</b>	<b>1 CR</b>
<b>Other Funding Approvals</b>	<b>0.0</b>	-	-	-	-	-	-	-	-	-
<b>Updated Gross Capital Spend</b>	<b>118.6</b>	<b>100.0</b>	<b>24.7</b>	<b>5.6</b>	<b>5.2</b>	<b>4.0</b>	<b>38.4</b>	<b>85.3</b>	<b>66.8</b>	<b>77.3</b>
<b>Grants &amp; Contributions</b>	<b>74.0 CR</b>	<b>51.6 CR</b>	<b>22.4 CR</b>	<b>5.9 CR</b>	-	<b>3.2 CR</b>	<b>28.9 CR</b>	<b>31.5 CR</b>	<b>25.4 CR</b>	<b>57.4 CR</b>
<b>Updated Net Capital Spend</b>	<b>44.6</b>	<b>48.4</b>	<b>2.3</b>	<b>0.3 CR</b>	<b>5.2</b>	<b>0.8</b>	<b>9.5</b>	<b>53.8</b>	<b>41.4</b>	<b>19.9</b>

Net Capital Spend Approved 19th November 2009

**49.2**    **45.0**    **0.7**    **0.3 CR**    **5.2**

**-**    **-**    **0.9**    **10.1**    **54.2**

Change in Net Capital Spend

**4.6 CR**    **3.4**    **1.6**    **0.0**    **-**

**0.8**    **9.5**    **52.9**    **31.3**    **34.3 CR**

**SUMMARY OF CHANGES TO CAPITAL PLAN AT DIRECTORATE LEVEL**

	Capital Programme					Capital Forecast				
	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m
<b>ADULT AND COMMUNITY SERVICES</b>										
<b>Capital Plan approved by Executive on 19th November 2009</b>	<b>5.5</b>	<b>6.2</b>	<b>0.6</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2.8</b>	<b>7.1</b>	<b>1.6</b>	<b>8.5</b>
<b>Movement in Schemes Between Plan and Forecast</b>	<b>0.1 CR</b>	<b>-</b>	<b>0.1 CR</b>	<b>-</b>	<b>-</b>	<b>0.1</b>	<b>-</b>	<b>0.1</b>	<b>-</b>	<b>-</b>
<b>Rephasing of Expenditure Between Years</b>										
Q3 2009/10 Variations										
- Self Funded	0.1 CR	0.1	-	-	-	-	-	-	-	-
- Net Expenditure	0.8 CR	0.7	-	-	-	0.1 CR	0.1	-	-	-
<b>Total rephasing between years</b>	<b>0.9 CR</b>	<b>0.8</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.1 CR</b>	<b>0.1</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Other Funding Approvals</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Updated Gross Capital Spend - Adult &amp; Community Services</b>	<b>4.5</b>	<b>7.0</b>	<b>0.5</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2.9</b>	<b>7.2</b>	<b>1.6</b>	<b>8.5</b>
<b>Grants &amp; Contributions - Adult &amp; Community Services</b>	<b>1.9 CR</b>	<b>1.2 CR</b>	<b>0.3 CR</b>	<b>0.3 CR</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Updated Net Capital Spend -Adult &amp; Community Services</b>	<b>2.6</b>	<b>5.8</b>	<b>0.2</b>	<b>0.3 CR</b>	<b>-</b>	<b>-</b>	<b>2.9</b>	<b>7.2</b>	<b>1.6</b>	<b>8.5</b>

	Capital Programme					Capital Forecast				
	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m
<b>BUSINESS AND ENVIRONMENTAL SERVICES</b>										
<b>Capital Plan approved by Executive on 19th November 2009</b>	<b>46.3</b>	<b>48.9</b>	<b>6.8</b>	<b>4.1</b>	<b>5.1</b>	<b>3.3</b>	<b>1.0</b>	<b>33.7</b>	<b>39</b>	<b>28.6</b>
<b>Schemes Funded from Supported Borrowing</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Variations in Schemes Self Funded from Grants, Contributions and Revenue</b>	<b>0.2 CR</b>	<b>0.2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.1</b>
<b>Movement in Schemes Between Plan and Forecast</b>	<b>0.3</b>	<b>0.3</b>	<b>0.3</b>	<b>-</b>	<b>-</b>	<b>0.3 CR</b>	<b>0.3 CR</b>	<b>0.3 CR</b>	<b>-</b>	<b>-</b>
<b>Rephasing of Expenditure Between Years</b>										
Q3 2009/10 Variations										
- Self Funded	0.5 CR	0.1 CR	1.0 CR	1.6	-	0.1 CR	-	0.2	0.2 CR	-
- Net Expenditure	0.8 CR	1.4	0.5 CR	-	-	-	-	-	-	-
<b>Total rephasing between years</b>	<b>1.3 CR</b>	<b>1.3</b>	<b>1.5 CR</b>	<b>1.6</b>	<b>-</b>	<b>0.1 CR</b>	<b>-</b>	<b>0.2</b>	<b>0.2 CR</b>	<b>-</b>
<b>Updated Gross Capital Spend - Business &amp; Environmental Services</b>	<b>45.1</b>	<b>50.7</b>	<b>5.6</b>	<b>5.7</b>	<b>5.1</b>	<b>2.9</b>	<b>0.7</b>	<b>33.6</b>	<b>39.2</b>	<b>28.7</b>
<b>Grants &amp; Contributions - Business &amp; Environmental Services</b>	<b>12.9 CR</b>	<b>13.7 CR</b>	<b>6.1 CR</b>	<b>5.6 CR</b>	<b>0.0</b>	<b>3.0 CR</b>	<b>0.8 CR</b>	<b>3.0 CR</b>	<b>9.2 CR</b>	<b>25.9 CR</b>
<b>Updated Net Capital Spend - Business &amp; Environmental Services</b>	<b>32.2</b>	<b>37.0</b>	<b>0.5 CR</b>	<b>0.1</b>	<b>5.1</b>	<b>0.1 CR</b>	<b>0.1</b>	<b>30.6</b>	<b>30.0</b>	<b>2.8</b>

	Capital Programme					Capital Forecast				
	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m
<b>CHILDREN AND YOUNG PEOPLE'S SERVICE</b>										
<b>Capital Plan approved by Executive on 19th November 2009</b>	<b>54.4</b>	<b>26.5</b>	<b>1.7</b>	<b>-</b>	<b>0.1</b>	<b>9.9</b>	<b>41.4</b>	<b>45.7</b>	<b>28</b>	<b>41.1</b>
<b>Schemes Funded from Supported Borrowing</b>	-	-	-	-	-	-	-	-	-	-
<b>Variations in Schemes Self Funded from Grants, Contributions and Revenue</b>	<b>0.5</b>	<b>0.8 CR</b>	-	-	-	-	<b>1 CR</b>	-	-	-
<b>Movement in Schemes Between Plan and Forecast</b>	<b>9.6</b>	<b>12.0</b>	<b>7.3</b>	<b>5.0</b>	-	<b>9.6 CR</b>	<b>12.0 CR</b>	<b>7.3 CR</b>	<b>5.0 CR</b>	-
<b>Rephasing of Expenditure Between Years</b>										
Q3 2009/10 Variations										
- Self Funded	2.0 CR	0.5 CR	7.5	5.0 CR	-	0.4 CR	0.2	2.2	1.1 CR	1 CR
- Net Expenditure	1.9 CR	0.2 CR	2.1	-	-	0.4	0.2 CR	1.3 CR	1.1	-
<b>Total rephasing between years</b>	<b>3.9 CR</b>	<b>0.7 CR</b>	<b>9.6</b>	<b>5.0 CR</b>	-	-	-	<b>1</b>	-	<b>1 CR</b>
<b>Other Funding Approvals</b>	<b>0.0</b>	-	-	-	-	-	-	-	-	-
<b>Updated Gross Capital Spend - Children &amp; Young People's Services</b>	<b>60.6</b>	<b>37.0</b>	<b>18.6</b>	<b>-</b>	<b>0.1</b>	<b>0.3</b>	<b>28.5</b>	<b>39.3</b>	<b>23.4</b>	<b>40.2</b>
<b>Grants &amp; Contributions - Children &amp; Young People's Services</b>	<b>56.4 CR</b>	<b>33.5 CR</b>	<b>15.9 CR</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>25.4 CR</b>	<b>27.6 CR</b>	<b>16.2 CR</b>	<b>31.5 CR</b>
<b>Updated Net Capital Spend - Children &amp; Young People's Services</b>	<b>4.2</b>	<b>3.5</b>	<b>2.7</b>	<b>-</b>	<b>0.1</b>	<b>0.3</b>	<b>3.1</b>	<b>11.7</b>	<b>7.2</b>	<b>8.7</b>

	Capital Programme					Capital Forecast				
	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	Later Years £m
<b>OTHER COUNTY SERVICES</b>										
<b>Capital Plan approved by Executive on 19th November 2009</b>	<b>10.6</b>	<b>2.4</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.8</b>	<b>6.0</b>	<b>4.3</b>	<b>1.4</b>	<b>-</b>
<b>Schemes Funded from Prudential Borrowing</b>	-	<b>0.8</b>	-	-	-	-	-	-	-	-
<b>Variations in Schemes Self Funded from Grants, Contributions and Revenue</b>	<b>0.1</b>	<b>0.1</b>	-	-	-	-	<b>1.3</b>	-	-	-
<b>Movement in Schemes Between Plan and Forecast</b>	<b>0.1 CR</b>	<b>0.1</b>	-	-	-	<b>0.1</b>	<b>0.1 CR</b>	-	-	-
<b>Rephasing of Expenditure Between Years</b>										
Q3 2009/10 Variations										
- Self Funded	0.7 CR	0.5	0.1	-	-	0.1	0.1 CR	-	-	-
- Net Expenditure	1.3 CR	1.3	-	-	-	0.1 CR	1.0 CR	-	1.1	-
<b>Total rephasing between years</b>	<b>2.0 CR</b>	<b>1.8</b>	<b>0.1</b>	<b>-</b>	<b>-</b>	<b>0.0</b>	<b>1.1 CR</b>	<b>-</b>	<b>1.1</b>	<b>-</b>
<b>Other Funding Approvals</b>	-	-	-	-	-	-	-	-	-	-
<b>Updated Gross Capital Spend - Other County Services</b>	<b>8.6</b>	<b>5.2</b>	<b>0.1</b>	<b>-</b>	<b>-</b>	<b>0.9</b>	<b>6.1</b>	<b>5.3</b>	<b>2.5</b>	<b>-</b>
<b>Grants &amp; Contributions - Other County Services</b>	<b>2.8 CR</b>	<b>3.2 CR</b>	<b>0.1 CR</b>	<b>-</b>	<b>-</b>	<b>0.2 CR</b>	<b>2.7 CR</b>	<b>0.9 CR</b>	<b>-</b>	<b>-</b>
<b>Updated Net Capital Spend - Other County Services</b>	<b>5.8</b>	<b>2.0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.7</b>	<b>3.4</b>	<b>4.4</b>	<b>2.5</b>	<b>-</b>

## FINANCING OF CAPITAL PLAN (Updated to January 2010)

	2009/10	2010/11	2011/12	2012/13	Later Yrs
	£000s	£000s	£000s	£000s	£000s
<b>A FORECAST FUNDING AVAILABLE</b>					
<b>1 Borrowing</b>					
DCLG Supported Borrowing approvals					
Highways LTP block allocation	27,208	28,859	28,725	29,327	-
Education approvals	9,388	5,039	4,050	3,650	-
Social Services approvals	54	54	50	50	-
Prudential (Unsupported) Borrowing Approved	11,709	4,984	2,860	2,730	-7,227
Rephased borrowing (capital expenditure & receipts slippage)	-7,478	6,182	17,224	5,288	21,679
	<b>40,881</b>	<b>45,118</b>	<b>52,909</b>	<b>41,045</b>	<b>14,452</b>
<b>2 Capital Grants and Contributions</b>					
Children & Young People's Service					
Devolved funding to schools	11,136	11,915	10,600	10,496	8,600
Building Schools for the future	8,051	8,680	5,067	10	-
Modernisation Programme Grant	3,997	7,352	1,379	-	11,460
Childrens Centres Capital Grant	3,716	2,873	-	-	-
Primary Capital Programme Grant	1,145	772	10,020	-	7,400
Targeted Capital Fund	1,529	8,407	227	-	-
National Digital Infrastructure Grant	1,719	-	-	-	-
ICT Harnessing Technology Grant	4,062	4,207	3,000	3,100	2,800
Early Years Settings Grant	2,500	4,023	-	-	-
0-19 Capital Funding	1,000	-	-	-	-
Surestart	1,567	553	-	-	-
School Self Help schemes - private contributions	4,456	620	500	500	-
Various other grants and contributions	3,487	3,589	250	-	250
Business & Environmental Services					
LTP	9,582	10,299	5,113	8,283	-
Waste Capital Grant	874	1,663	264	-	-
Bedale Bypass	-	-	-	6,392	25,767
Development Grants	492	254	744	135	102
Road Safety Grant	598	429	-	-	-
Various other grants and contributions	347	151	-	-	-
Adult & Community Services	1,610	959	315	315	-
Other County Services	195	412	-	-	-
	<b>62,062</b>	<b>67,154</b>	<b>37,478</b>	<b>29,231</b>	<b>56,379</b>
<b>3 Schemes financed from Revenue</b>					
Children & Young People's Service					
Capitalised structural maintenance	478	450	825	425	1,000
School self help schemes	3,889	2,650	1,900	1,650	-
Schemes funded from Corporate Pending Issues Provision	-	-	4,000	-	-
National Digital Infrastructure	957	-	4,956	-	-
Other CYP Revenue contributions	2,730	2,789	730	-	-
BES					
Streetlighting - from Pending Issues Provision	1,500	1,500	3,000	-	-
LTP Maintenance	646	-	-	-	-
Waste Management	286	120	-	-	-
Footways - from Pending Issues provision	800	-	-	-	-
Other	742	-	-	-	-
ACS - various	339	198	-	-	-
Other County Services					
Northallerton Bright Office Strategy	51	1,450	-	-	-
Skipton Bright Office Strategy	-	375	125	-	-
Harrogate Bright Office Strategy	-	1,205	-	-	-
Capital Expenditure Funded from Revenue	2,609	1,954	616	-	-
Other	109	503	250	-	-
ICT revenue financing adjustment	-26	-	-	-	-
	<b>15,111</b>	<b>13,194</b>	<b>16,402</b>	<b>2,075</b>	<b>1,000</b>
<b>4 Capital Receipts available to finance Capital Spending</b>					
County Farms receipts	3,373	2,000	2,000		
Earmarked for Depots rationalisation programme receipts	700	5,250			
Other capital receipts from sale of properties	1,103	6,325	960		
Company Loan repayments (treated as capital receipts)		160	440		10,800
	<b>5,176</b>	<b>13,735</b>	<b>3,400</b>	<b>-</b>	<b>10,800</b>
<b>= Total Forecast Funding Available</b>	<b>123,230</b>	<b>139,201</b>	<b>110,189</b>	<b>72,351</b>	<b>82,631</b>
<b>B CAPITAL PLAN</b> Updated gross spend January 2010	<b>-122,593</b>	<b>-138,383</b>	<b>-110,094</b>	<b>-72,351</b>	<b>-82,631</b>
<b>C FUNDING REMAINING</b> January 2010	<b>637</b>	<b>818</b>	<b>95</b>	<b>0</b>	<b>0</b>
<b>D TOTAL FUNDING REMAINING OVER 4 YEAR PERIOD TO 12/13</b>					<b>1,550</b>

Proposed amendments to Constitution 2009/2010

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)
<p>Part 1, Summary and Explanation</p>	<p><b>The Council's Constitution</b>                      North Yorkshire County Council has agreed a new Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols later in the document.</p>	<p><b>The Council's Constitution</b>                      North Yorkshire County Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols later in the document.</p>	<p>General updating.                      To reflect the legislative changes in relation to the role of overview and scrutiny.</p>
<p>Part 1, Summary and Explanation                      (How the Council Operates)                      Second paragraph, page 12</p>	<p>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 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.</p>	<p>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 seven area Committees to deal with local matters and nine overview and scrutiny committees (and other ad hoc joint scrutiny of health overview and scrutiny committees established as and when required) to look at the effectiveness of the</p>	<p>To clarify that in addition to the standing Overview and Scrutiny Committees there are also ad hoc joint Scrutiny of Health Overview and Scrutiny Committees established as and when necessary.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Part 1, Summary and Explanation</p>	<p><b>How decisions are made</b></p> <p>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. When major decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide. Citizens have a right to have a say about decisions which affect them, and to be able to understand what decisions have been taken and why.</p>	<p>Executive and help develop Council policy.</p> <p><b>How decisions are made</b></p> <p>The Executive is the part of the Council which is responsible for most day-to-day decisions. When major decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide. Citizens have a right to have a say about decisions which affect them, and to be able to understand what decisions have been taken and why.</p>	<p>The deletion re Executive is because it repeats what is said in the paragraph before re composition of the Executive</p>
<p>Part 1, Summary and Explanation (Overview and Scrutiny) page 12</p>	<p>There are nine overview and scrutiny committees whose job it is to look into how effectively the Council is serving the needs of its communities. They produce reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery, as well as looking at reviews of individual services to see if they provide best value for local people. Overview and scrutiny committees also monitor the decisions of the Executive. They can scrutinise an Executive decision which has been "called in" by any six Councillors. This enables them to consider whether the decision is appropriate. They may recommend that the</p>	<p>There are nine standing overview and scrutiny committees (and other ad hoc joint scrutiny of health overview and scrutiny committees established as and when required) whose job it is to look into how effectively the Council is serving the needs of its communities. They produce reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery, as well as looking at reviews of individual services. Overview and scrutiny committees also monitor the decisions of the Executive. They can scrutinise an Executive decision which has been "called in" by any six Councillors. This enables</p>	<p>To clarify that in addition to the standing Overview and Scrutiny Committees there are also ad hoc joint Scrutiny of Health Overview and Scrutiny Committees established as and when necessary.</p> <p>To reflect the legislative changes in relation to the role of overview and scrutiny.</p> <p>To remove out of date reference to best value.</p> <p><b>NOTE: the number of committees is</b></p>



Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>Executive reconsider the decision or they may refer the matter to full Council. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy. Their meetings are generally in public and they may involve citizens and other interested parties in their work, so that the public has a say in Council affairs.</p>	<p>them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision or they may refer the matter to full Council. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy. The Overview and Scrutiny Committees perform specific statutory functions in relation to the scrutiny of health and crime and disorder matters. Their meetings are generally in public and they may involve citizens and other interested parties in their work, so that the public has a say in Council affairs.</p>	<p><b>under review and the figures in this extract will be amended accordingly.</b></p>
<p>Part 1, Summary and Explanation (Members' Conduct and Interests) page 14</p>	<p><b>Members' Conduct and Interests</b></p> <p>All Members of the Council must give a written undertaking that in performing their functions they will observe the Members' Code of Conduct. The Code is set out in Part 5 of this Constitution.</p> <p>The Monitoring Officer maintains a register of the interests of the Members and co-opted Members of the Council. This register is available for inspection by the public at County Hall, Northallerton during normal office hours, by contacting the Secretary to The Assistant Chief Executive (Legal and Democratic Services).</p>	<p><b>Members' Conduct and Interests</b></p> <p>All Members of the Council must give a written undertaking that in performing their functions they will observe the Members' Code of Conduct. The Code is set out in Part 5 of this Constitution.</p> <p>The Monitoring Officer maintains a register of the interests of the Members and certain co-opted Members of the Council. This register is available for inspection by the public at County Hall, Northallerton during normal office hours, by contacting the Monitoring Officer or by viewing the electronic version of the register published on the Council's website.</p>	<p>To update references to post title, to reflect that not all co-optees need register their interests and to make reference to the electronic version of the Register of Members' Interests published on the Council's website.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Article 1 – The Constitution</p> <p>1.03 Purpose of the Constitution</p>	<p>(i) ensure that the work of the Council promotes its vision and key objectives:-</p> <p>Our Vision</p> <p>“A county which provides opportunity, independence and security for all”.</p> <p>Our objectives</p> <p>Following extensive consultation the County Council has affirmed seven key objectives;</p> <ul style="list-style-type: none"> <li>▪ Security for all – by promoting safe, healthy and sustainable communities.</li> <li>▪ Growing up prepared for the future – through good education and care and protection when it is needed.</li> <li>▪ Independence – through employment, opportunity and appropriate support.</li> <li>▪ Keeping us on the move – with good roads and a safe and reliable transport system.</li> <li>▪ Strengthening our economy – by supporting business, developing our infrastructure, investing in powerful telecommunications and helping people improve their skills.</li> <li>▪ Looking after our heritage and our environment – in our countryside and our towns and villages.</li> <li>▪ Keeping in touch – by listening to your views, planning to meet your needs, providing new ways to contact us and by telling you what we are doing.</li> </ul>	<p><i>Previous text to remain same, then amend (i) as follows:</i></p> <p>(ii) ensure that the work of the Council promotes its vision and key objectives:-</p> <p>Our Vision</p> <p>“North Yorkshire is a place of equal opportunity where all can develop their full potential, participate in a flourishing economy, live and thrive in secure communities, see their high-quality environment and cultural assets maintained and enhanced, and receive effective support when they need it.”</p> <p>Our objectives</p> <p>Following extensive consultation the County Council has affirmed six key objectives;</p> <ul style="list-style-type: none"> <li>• to ensure good access for all;</li> <li>• to help people to live in safe communities;</li> <li>• to help all children and young people to develop their full potential;</li> <li>• to promote a flourishing economy;</li> <li>• to maintain and enhance our environment and heritage; and</li> <li>• to improve health and wellbeing and give people effective support when they need it.</li> </ul>	<p>To update the Council's vision and objectives</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Article 2 – Members of the Council</p> <p>Article 2.01 - Composition and eligibility</p>	<p>(a) <b>Composition:</b> The Council comprises 72 Members, otherwise called Councillors. One Councillor is elected by the voters of each electoral division in accordance with a scheme drawn up by the Electoral Commission’s Boundary Committee for England.</p>	<p>(a) <b>Composition:</b> The Council comprises 72 Members, otherwise called Councillors. One Councillor is elected by the voters of each of 64 electoral divisions, and two are elected to each of 4 electoral divisions in the County in accordance with a scheme drawn up by the Electoral Commission’s Boundary Committee for England.</p>	<p>To further clarify the composition of the Council and electoral arrangements for Councillors.</p>
<p>Article 2 – Members of the Council</p> <p>Article 2.02 - Election and Terms of Councillors</p>	<p><b>Election and terms:</b> The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2005. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.</p>	<p><b>Election and terms:</b> The regular election of Councillors will be held on the first Thursday in May (unless the Government determines otherwise) every four years. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.</p>	<p>To further clarify the composition of the Council and electoral arrangements for Councillors.</p>
<p>Article 2 – Members of the Council</p> <p>Article 2.03(a)(ix)</p>	<p><b>2.03 Roles and Functions of all Councillors</b></p> <p>(a) <b>Key roles.</b> All Councillors will:</p> <p>.... <i>(rest of text to stay same)</i> ....</p> <p>(ix) participate in Best Value Reviews;</p> <p>.... <i>(rest of text to stay same)</i> ....</p>	<p><b>2.03 Roles and Functions of all Councillors</b></p> <p>(a) <b>Key roles.</b> All Councillors will:</p> <p>.... <i>(rest of text to stay same)</i> ....</p> <p>(x) participate in Scrutiny Reviews;</p> <p>.... <i>(rest of text to stay same)</i> ....</p>	<p>To reflect that Best Value Reviews no longer exist and to update the reference.</p>
<p>Article 3 – Citizens and the Council</p> <p>Article 3.01 (c)</p>	<p>(c) <b>Participation:</b> Citizens have the right to participate by making statements or asking questions at meetings of the Council and its committees (including overview and scrutiny committees and area committees). Citizens may also respond to consultation exercises organised by the Council, or make their views known by speaking, writing or e-mailing to a</p>	<p>(c) <b>Participation:</b> Citizens have the right to participate by making statements or asking questions at meetings of the Council and its committees (including overview and scrutiny committees and area committees), and the Executive. Citizens may also respond to consultation exercises organised by the Council, or make their views known by</p>	<p>To clarify public rights to make statements or ask questions to the Executive.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	Councillor or member of staff.	speaking, writing or e-mailing to a Councillor or member of staff.	
Article 4 – The Full Council Article 4.01	<p><b>4.01 Meanings</b></p> <p>(a) <b>Policy Framework:</b> The policy framework means the following plans and strategies:-</p> <ul style="list-style-type: none"> <li>◆ Annual Library Plan</li> <li>◆ Best Value Performance Plan</li> <li>◆ Crime and Disorder Reduction Strategy (aka Community Safety Strategy)</li> <li>◆ Early Years Development and Childcare Partnership Strategic Plan</li> <li>◆ Education Development Plan</li> <li>◆ Local Transport Plan</li> <li>◆ Plans and strategies which together comprise the Development Plan</li> <li>◆ Sustainable Community Strategy</li> <li>◆ Youth Justice Plan (Youth Offending Team Plan)</li> <li>◆ Adult Learning Plan</li> <li>◆ Council's Corporate Plan</li> <li>◆ Food Law Enforcement Service Plan</li> <li>◆ Admissions Policy for Community and Voluntary Schools</li> <li>◆ Asset Management Planning Framework</li> <li>◆ Asset Management Framework: Our Overall Approach to Property</li> <li>◆ Behaviour Support Plan</li> <li>◆ Children and Families Services Policy 2003-2006</li> <li>◆ Children and Young People's Plan 2006/07 – 2008/09</li> <li>◆ Children and Young People's Strategic Partnership - Governance Arrangements</li> <li>◆ Communications Strategy</li> <li>◆ Community Legal Service Partnership</li> </ul>	<p><b>4.01 Meanings</b></p> <p>(a) <b>Policy Framework:</b> The policy framework means the following plans and strategies:-</p> <ul style="list-style-type: none"> <li>◆ Community Safety Strategy</li> <li>◆ Local Transport Plan</li> <li>◆ Plans and strategies which together comprise the Development Plan</li> <li>◆ Sustainable Community Strategy</li> <li>◆ Youth Justice Plan (Youth Offending Team Plan)</li> <li>◆ Council's Corporate Plan (aka the Council Plan)</li> <li>◆ Food Law Enforcement Service Plan</li> <li>◆ Admissions Policy for Community and Voluntary Schools</li> <li>◆ Asset Management Planning Framework</li> <li>◆ Asset Management Framework: Our Overall Approach to Property</li> <li>◆ Behaviour Support Plan</li> <li>◆ Children and Young People's Plan</li> <li>◆ Communications Strategy</li> <li>◆ Community Transport Strategy</li> <li>◆ Compact with the Third Sector</li> <li>◆ Corporate Procurement Strategy</li> <li>◆ Corporate Risk Management Strategy</li> <li>◆ Definitive Map Modification Orders (including Guidance note for Members re DMMOs) - Policy</li> <li>◆ E-Government Strategy</li> <li>◆ Education Capital Local Policy Statement</li> <li>◆ Equality and Diversity Policy</li> <li>◆ Household Waste Recycling Centre Policies</li> <li>◆ Infant Class Size Plan</li> </ul>	To update the Policies included in the policy framework.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<ul style="list-style-type: none"> <li>◆ Community Transport Strategy</li> <li>◆ Compact with the Community/Voluntary Sector</li> <li>◆ Corporate Procurement Strategy</li> <li>◆ Corporate Risk Management Strategy</li> <li>◆ Definitive Map Modification Orders (including Guidance note for Members re DMMOs) - Policy</li> <li>◆ E-Government Strategy</li> <li>◆ Education Capital Local Policy Statement</li> <li>◆ Equalities Policy</li> <li>◆ Extended Schools Strategy</li> <li>◆ Heritage Strategy</li> <li>◆ Household Waste Recycling Centre Policies</li> <li>◆ Infant Class Size Plan</li> <li>◆ Learning Disability Plan 2005/08</li> <li>◆ "lets talk less rubbish" (Revised Joint Municipal Waste Strategy)</li> <li>◆ LMS Formula</li> <li>◆ Local Cultural Strategy</li> <li>◆ Mental Health Policy for Working Age Adults 2006-11</li> <li>◆ Obstructions on Public Rights of Way - Policy on removal</li> <li>◆ OFSTED Post Inspection Action Plan</li> <li>◆ "Our Future Lives" (Strategy for Older People)</li> <li>◆ Physical Disability Strategy</li> <li>◆ Rights of Way Improvement Plan</li> <li>◆ Signing Policy for Tourist Destinations</li> <li>◆ Small Schools Policy Statement</li> <li>◆ Special Educational Needs Policy</li> <li>◆ Special Educational Needs Strategy</li> <li>◆ Supporting People Five Year Strategy</li> <li>◆ Sustainable Development Policy Statement</li> <li>◆ Treasury Management Policy and Strategy</li> <li>◆ Winter Maintenance of Highways - Policy</li> <li>◆ Youth Work Plan</li> <li>◆ "95 Alive" Road Safety Strategy</li> </ul>	<ul style="list-style-type: none"> <li>◆ Learning Disability Plan 2005/08</li> <li>◆ "lets talk less rubbish" (Revised Joint Municipal Waste Strategy)</li> <li>◆ LMS Formula</li> <li>◆ Local Cultural Strategy</li> <li>◆ Mental Health Policy for Working Age Adults 2006-11</li> <li>◆ North Yorkshire Children's Trust Governance Arrangements</li> <li>◆ Obstructions on Public Rights of Way - Policy on removal</li> <li>◆ OFSTED Post Inspection Action Plan</li> <li>◆ "Our Future Lives" (Strategy for Older People)</li> <li>◆ Physical Disability Strategy</li> <li>◆ Rights of Way Improvement Plan</li> <li>◆ Signing Policy for Tourist Destinations</li> <li>◆ Small Schools Policy Statement</li> <li>◆ Special Educational Needs Policy</li> <li>◆ Special Educational Needs Strategy</li> <li>◆ Supporting People Five Year Strategy</li> <li>◆ Sustainable Development Policy Statement</li> <li>◆ Treasury Management Policy and Strategy</li> <li>◆ Winter Maintenance of Highways - Policy</li> <li>◆ "95 Alive" Road Safety Strategy</li> </ul>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Article 4 – The Full Council</p> <p>Italicised explanatory note at end of bulleted list in 4.01(a)</p>	<p><b>4.01 Meanings</b></p> <p>(a) Policy Framework: The policy framework means the following plans and strategies:-</p> <p>.... <i>(rest of text to stay same)</i> ....</p> <p><i>Note: the first 9 of the above plans and strategies are required by law to be approved by full Council. The next 3 are recommended by DTLR to be approved by full Council. The remainder are included purely by local decision.</i></p>	<p><b>4.01 Meanings</b></p> <p>(a) Policy Framework: The policy framework means the following plans and strategies:-</p> <p>.... <i>(rest of text to stay same)</i> but delete italicised note.</p>	<p>The note is now out of date, as the legislation and guidance has changed. The note is not necessary and removing it avoids the need to have to keep updating it each time the legislation changes.</p>
<p>Article 4 – The Full Council</p>	<p><b>4.02 Functions of the Full Council</b></p> <p>.... <i>(rest of text to stay same)</i> ....</p> <p>(b) approving or adopting the policy framework and the budget;</p> <p>.... <i>(rest of text to stay same until)</i> ....</p> <p>(i) through the Chief Officers Appointments Committee, making the appointment of the Chief Executive Officer (Head of Paid Service), and other Chief Officers;</p> <p>(j) designating officers to be the Council's Head of Paid Service, Chief Finance Officer and Monitoring Officer, and appointing officers as Proper Officer for particular purposes (see Article 12);</p>	<p><b>4.02 Functions of the Full Council</b></p> <p>.... <i>(rest of text to stay same)</i> ....</p> <p>(b) adopting the policy framework and the budget;</p> <p>.... <i>(rest of text to stay same until)</i> ....</p> <p>(i) through the Chief Officers Appointments Committee, making the appointment of the Chief Executive Officer (Head of Paid Service), and other Chief Officers;</p> <p>(j) designating officers to be the Council's Head of Paid Service, Chief Finance Officer, Monitoring Officer and Scrutiny Officer, and appointing officers as Proper Officer for particular purposes (see Article 12);</p>	<p>To reflect the requirement for the Council to designate an officer as Scrutiny Officer pursuant to the Local Democracy Economic Development and Construction Act 2009</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	.... (rest of text to stay same) ....	.... (rest of text to stay same) ....	
Article 5 – Chairing The Council  Italicised note after 5.01(f)	<i>Note: For the year 2008/09, the Chairman of the Council is Councillor Peter Sowray and the Vice-Chairman is Councillor John Savage..</i>	<i>Note: For the year 2010/11, the Chairman of the Council is (insert Chairman's name) and the Vice-Chairman is (insert Vice-Chairman's name).</i>	To update the Constitution.
Article 6 – Overview and Scrutiny Committees  Article 6.01 – Terms of Reference	<b>6.01 Terms of reference</b> The Council will appoint the overview and scrutiny committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations [proposed] under section 32 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the table.	<b>6.01 Terms of reference</b> The Council will appoint the overview and scrutiny committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 as amended or regulations under section 32 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the table.	General updating: regulations have now been made under section 32 of the Local Government Act 2000.
Article 6 – Overview and Scrutiny Committees  Article 6.01 – Terms of Reference Table  Safe and Sustainable Communities' entry	<i>Amend entry in 'Scope' column for Safe and Sustainable Communities Committee (or whichever other Committee may be subsequently designated to act as the Crime and Disorder Overview and Scrutiny Committee) from:</i>  Community development, community safety, community strategies and the accessibility of Council Services to communities. Responsible for monitoring progress of the Social Inclusion Strategy.	<i>Amend entry in 'Scope' column for Safe and Sustainable Communities Committee (or whichever other Committee may be subsequently designated to act as the Crime and Disorder Overview and Scrutiny Committee) to:</i>  Community development, community safety, community strategies and the accessibility of Council Services to communities. Responsible for monitoring progress of the Social Inclusion Strategy. This Committee shall be the Crime and Disorder Committee for the purposes of Part 3 of the Police and Justice Act 2006.	The Police and Justice Act 2006 created a responsibility upon relevant authorities to put in place specific arrangements to secure the effective Scrutiny of crime and disorder matters. The Council has already designated the Safe and Sustainable Communities Overview and Scrutiny Committee as the crime and disorder overview and scrutiny committee for the purposes of the 2006 Act, and the proposed amendments add detail in accordance with the specific requirements.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Article 6 – Overview and Scrutiny Committees</p> <p>Article 6.02 – General Role</p>	<p><b>6.02 General Role</b></p> <p>Within their terms of reference, overview and scrutiny committees:</p> <p>(a) will review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;</p> <p>(b) will make reports and/or recommendations to the full Council and/or the Executive and/or any joint or area committee in connection with the discharge of any functions;</p> <p>(c) will consider any matter affecting the county or its inhabitants;</p> <p>(d) will consider decisions which have been called in, under the Overview and Scrutiny Procedure Rules, and decide whether to refer such decisions to full Council, or refer them back to the decision maker; and</p> <p>(e) may monitor the performance and effectiveness of the services they overview.</p>	<p><b>6.02 General Role</b></p> <p>Within their terms of reference, overview and scrutiny committees:</p> <p>(a) will review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;</p> <p>(b) will make reports and/or recommendations to the full Council and/or the Executive and/or any joint or area committee in connection with the discharge of any functions;</p> <p>(c) will consider any matter affecting the county or its inhabitants;</p> <p>(d) will consider decisions which have been called in, under the Overview and Scrutiny Procedure Rules, and decide whether to refer such decisions to full Council, or refer them back to the decision maker;</p> <p>(e) may monitor the performance and effectiveness of the services they overview; and</p> <p>(f) will seek to resolve issues raised by Members under Councillor Call for Action in accordance with the Overview and Scrutiny Procedure Rules of this Constitution.</p>	<p>To include provision for the statutory Councillor Call for Action process under section 21A(1)(c) of the Local Government Act 2000 (inserted by section 119 of the Local Government and Public Involvement in Health Act 2007).</p>
<p>Article 6 – Overview and</p>	<p><b>(c) Best Value Reviews.</b> Overview and scrutiny committees will receive reports</p>	<p><b>(c) Scrutiny Reviews.</b> Overview and scrutiny committees will receive reports</p>	<p>To reflect that Best Value Reviews no</p>



Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Scrutiny Committees 6.03 Specific Functions	from best value reviews, and may offer recommendations for improvement to the Executive.	from scrutiny reviews, and may offer recommendations for improvement to the Executive.	longer exist and to update the reference.
Article 6 – Overview and Scrutiny Committees A new Article 6.07		<p><i>Insert a new 6.07 as follows:</i></p> <p><b>6.07 Joint Scrutiny of Health Overview and Scrutiny Committees</b></p> <p>(a) The Council may appoint a joint Scrutiny of Health Committee with one or more other authorities and arrange for relevant scrutiny of health functions (eg health scrutiny reviews, consideration of cross boundary health issues) in relation to any (or all) of those authorities to be exercisable by the joint committee, subject to such terms and conditions as the authorities may consider appropriate.</p> <p>(b) Such a joint Scrutiny of Health Committee may be appointed either on a standing basis or for a particular purpose or period of time and on either a discretionary basis or as a result of statutory requirement.</p>	To clarify that the Constitution provides for the establishment of joint health overview and scrutiny committees.
Article 6 – Overview and Scrutiny Committees A new Article 6.08		<p><i>Insert a new 6.08 as follows:</i></p> <p><b>6.08 Statutory Scrutiny Officer</b></p> <p>(a) The Council must appoint a designated Scrutiny Officer to:</p> <ul style="list-style-type: none"> <li>• promote the role of overview and</li> </ul>	To include provision for the statutory scrutiny officer role prescribed under section 21ZA of the Local Government Act 2000 (inserted by section 31 of the Local Democracy, Economic Development and Construction Act 2009 which provision comes into force on 1

Provision in Constitution	Current Wording	Reason(s)
	<p>scrutiny committees;</p> <ul style="list-style-type: none"> <li>• provide support for them and Members of them; and</li> <li>• provide support and guidance to Members and Officers in relation to the functions of overview and scrutiny committees.</li> </ul> <p>(b) The Monitoring Officer, Chief Finance Officer and Head of Paid Service cannot act as Scrutiny Officer.</p> <p>(c) The Council's Head of Scrutiny and Corporate Performance is currently designated as Scrutiny Officer.</p>	<p>April 2010).</p> <p>Every County Council and single tier authority (not districts in two tier areas) must appoint a designated “<b>scrutiny officer</b>” to undertake the specified functions.</p>
<p>Article 7 – The Executive</p> <p>Article 7.03 – Leader</p>	<p><i>Insert new text after sub-paragraph (e) as follows:</i></p> <p>The Leader will appoint a member of the Executive to be Deputy Leader, and may remove the Deputy Leader from Office if s/he thinks fit. Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another member of the Executive to take his/her place. If for any reason the Leader is unable to act or the office of Leader is vacant, the deputy Leader must act in his/her place.</p> <p>If for any reason—</p> <p>(a) the Leader is unable to act or the office of Leader is vacant, and</p> <p>(b) the Deputy Leader is unable to act or the office of Deputy Leader is vacant,</p>	<p>To reflect the legislative requirements in the Local Government and Public Involvement in Health Act 2007 to make provision for situation where the Leader and Deputy Leader are unable to act.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Article 9 - The Standards Committee	<p><b>9.01 Standards Committee</b></p> <p>The Council has established a Standards Committee.</p> <p>The responsibility for receiving and considering complaints that a Member may have breached the Members' Code of Conduct lies with the <b>standards committees</b> of local and other relevant public authorities (NOT the Standards Board for England anymore).</p> <p>... <i>rest of text stays same until:</i></p> <p>The Standards Board (an independent, national body) continues to be a key part of the ethical framework, providing advice and guidance to authorities on the framework and acting as a 'light touch' regulator. The Board may still investigate more serious complaints in particular, limited circumstances.</p>	<p>the Executive must act in the Leader's place or must arrange for a member of the Executive to act in his/her place.</p> <p><b>9.01 Standards Committee</b></p> <p>The Council has established a Standards Committee.</p> <p>The responsibility for receiving and considering complaints that a Member may have breached the Members' Code of Conduct lies with the <b>standards committees</b> of local and other relevant public authorities (NOT Standards for England anymore).</p> <p>... <i>rest of text stays same until:</i></p> <p>Standards for England (an independent, national body) is a key part of the ethical framework, providing advice and guidance to authorities on the framework and acting as a 'light touch' regulator. Standards for England may still investigate more serious complaints in particular, limited circumstances.</p>	Nomenclature: to update references to 'the Standards Board for England' to 'Standards for England'.
Article 9 - The Standards Committee	<p><b>9.03 Roles, Terms of Reference and Functions</b></p> <p>....</p> <p>(i) determining complaints (other than those being determined by the Standards Board/Adjudication Panel) that Councillors, co-opted members and church and parent governor representatives may have breached</p>	<p><b>9.03 Roles, Terms of Reference and Functions</b></p> <p>....</p> <p>(i) determining complaints (other than those being determined by Standards for England/ the First Tier Tribunal (Local Government Standards in England)), that Councillors, co-opted members and church and parent</p>	Nomenclature: to update references to 'the Standards Board for England' to 'Standards for England', and 'Adjudication Panel' to 'First Tier Tribunal (Local Government Standards in England)'.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>the Code of Conduct for Members;</p> <p>....</p>	<p>governor representatives may have breached the Code of Conduct for Members;</p> <p>....</p>	
<p>Article 10 – Area Committees</p> <p>Article 10.02 Form, Composition and Function</p> <p>(a) Table of Area Committees</p>		<p><i>The addition of the word ‘County’ before ‘Councillors’ in the ‘Composition’ column of the table.</i></p>	<p>To clarify that the voting members on the Area Committee are County Councillors for the Area in question.</p>
<p>Article 10 – Area Committees</p> <p>Article 10.02 Form, Composition and Function</p>	<p>... <i>earlier text to remain same ...</i></p> <p>(e) <b>Liaison with Executive:</b> The agenda for Executive meetings shall include an item entitled “Feedback from area committees”, and reports covering the major items of business at each area committee shall be presented under this agenda item as soon as convenient after the area committee meeting in question.</p>	<p>... <i>earlier text to remain same ...</i></p> <p>(e) <b>Liaison with Executive:</b> The agenda for Executive meetings shall include feedback from area committees, and reports covering the major items of business at each area committee shall be presented under this agenda item as soon as convenient after the area committee meeting in question.</p>	<p>For clarification purposes.</p>
<p>Article 12 – Staff</p> <p>Article 12.01 (c) - Terminology</p>	<p>(c) <b>Head of Paid Service, Monitoring Officer and Chief Finance Officer:</b> The Council designates the following posts as shown:</p> <ul style="list-style-type: none"> <li>◆ Head of Paid Service - Chief Executive Officer</li> <li>◆ Chief Finance Officer - Corporate Director</li> </ul>	<p>(c) <b>Head of Paid Service, Monitoring Officer and Chief Finance Officer:</b> The Council designates the following posts as shown:</p> <ul style="list-style-type: none"> <li>◆ Head of Paid Service - Chief Executive Officer</li> <li>◆ Chief Finance Officer - Corporate</li> </ul>	<p>To reflect the requirement for the Council to designate an officer as Scrutiny Officer pursuant to the Local Democracy Economic Development and Construction Act 2009.</p>

Provision in Constitution			Reason(s)
	<p>– Finance and Central Services</p> <ul style="list-style-type: none"> <li>♦ Monitoring Officer - Assistant Chief Executive (Legal and Democratic Services)</li> </ul>	<p>Director – Finance and Central Services</p> <ul style="list-style-type: none"> <li>♦ Monitoring Officer - Assistant Chief Executive (Legal and Democratic Services)</li> <li>♦ Scrutiny Officer - Head of Scrutiny and Corporate Performance</li> </ul>	
Article 12 - Staff	<p>....</p> <p><b>12.03 Functions of the Monitoring Officer</b></p> <p>(d) <b>Receiving reports:</b> The Monitoring Officer will receive and act on complaint referrals made by the Standards Committee and any reports made by Ethical Standards Officers and decisions of the case tribunals. <i>(Note: Ethical Standards Officers are persons appointed by the Standards Board for England to investigate cases of alleged breaches of the Members' Code of Conduct, where these are referred to the Board by local standards committees. Case tribunals are bodies appointed by the Adjudication Panel for England to adjudicate on cases referred to them by standards committees or Ethical Standards Officers).</i></p> <p>....</p>	<p><b>12.03 Functions of the Monitoring Officer</b></p> <p>....</p> <p><b>(d) Receiving reports:</b> The Monitoring Officer will receive and act on complaint referrals made by the Standards Committee and any reports made by Ethical Standards Officers and decisions of the case tribunals. <i>(Note: Ethical Standards Officers are persons appointed by Standards for England ("SFE") to investigate cases of alleged breaches of the Members' Code of Conduct, where these are referred to the SFE by local standards committees. Case tribunals are bodies appointed by the First Tier Tribunal (Local Government Standards in England) to adjudicate on cases referred to them by standards committees or Ethical Standards Officers).</i></p> <p>....</p>	<p>Nomenclature: to update references to 'the Standards Board for England' to 'Standards for England', and 'Adjudication Panel' to 'First Tier Tribunal (Local Government Standards in England)'.</p>
Article 15 - Review and Revision of the	<p><b>15.02 Changes to the Constitution</b></p> <p>(a) <b>Approval.</b> Subject to (d) below changes to the Constitution will only be approved by the</p>	<p><b>15.02 Changes to the Constitution</b></p> <p>(b) <b>Approval.</b> Subject to (d) below changes to the Constitution will only be approved by the</p>	<p>To avoid repeated reports to Council re changes to the Constitution arising out of structural changes or administrative matters. To allow such matters to be</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Constitution</p> <p>15.02 Changes to the Constitution</p>	<p>full Council.</p> <p>....</p> <p>(d) The Assistant Chief Executive (Legal and Democratic Services) may amend this Constitution:</p> <ul style="list-style-type: none"> <li>◆ to ensure that the Constitution and the Council's procedures meet all legal requirements;</li> <li>◆ to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by the person(s) or body with authority to take such action; and</li> <li>◆ consequentially, to give effect to changes explicitly approved by the full Council;</li> </ul> <p>and any such amendments shall be reported to the next meeting of the full Council.</p>	<p>full Council.</p> <p>....</p> <p>(d) The Assistant Chief Executive (Legal and Democratic Services) may amend this Constitution:</p> <ul style="list-style-type: none"> <li>(i) to correct administrative issues such as cross-references, title changes, typographical errors and formatting;</li> <li>(ii) to ensure that the Constitution and the Council's procedures meet all legal requirements;</li> <li>(iii) to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by the person(s) or body with authority to take such action; and</li> <li>(iv) consequentially, to give effect to changes explicitly approved by the full Council;</li> </ul> <p>and any such amendments as set out in subparagraph (d)(ii) above shall be reported to the next meeting of the full Council.</p>	<p>amended in the Constitution by the Monitoring Officer without reporting back to full Council. The only matters now stipulated to be required to be reported back to full Council are those which are required to be made under legal provisions.</p>
<p>Article 16 – Suspension, Interpretation and Publication of the Constitution</p>	<p><b>16.03 Publication</b></p> <p>(a) The Assistant Chief Executive (Legal and Democratic Services) of the authority at County Hall, and that copies are maintained on the County Council's Intranet and its Internet website.</p>	<p><b>16.03 Publication</b></p> <p>(b) The Assistant Chief Executive (Legal and Democratic Services) will maintain the Constitution of the authority at County Hall, and will ensure that copies are maintained on the County Council's Intranet and its</p>	<p>To improve drafting.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	....	Internet website.  ...	
Part 3 Responsibility for Functions  Contents page - Schedule 1 entry	<p>Council Committees, their membership and their powers:</p> <ul style="list-style-type: none"> <li>◆ Planning and Regulatory Functions Committee</li> <li>◆ Standards Committee</li> <li>◆ Audit Committee</li> <li>◆ Appeals Committee</li> <li>◆ Chief Officers Appointments Committee</li> <li>◆ Pension Fund Committee</li> <li>◆ Area Committees</li> <li>◆ Governors Committee</li> </ul>	<p>Council Committees, their membership and their powers:</p> <ul style="list-style-type: none"> <li>◆ Planning and Regulatory Functions Committee</li> <li>◆ Standards Committee</li> <li>◆ Audit Committee</li> <li>◆ Appeals Committee</li> <li>◆ Employment Appeals Committee</li> <li>◆ Chief Officers Appointments Committee</li> <li>◆ Pension Fund Committee</li> <li>◆ Area Committees</li> <li>◆ Governors Committee</li> </ul>	To add in missing reference to the Employment Appeals Committee.
Part 3 Responsibility for Functions  Contents page - Schedule 2 entry	<p>The Executive:</p> <ul style="list-style-type: none"> <li>◆ Executive Members and their Responsibilities</li> <li>◆ Register of Executive Committees</li> <li>◆ Delegation of Executive Functions</li> </ul>	<p>The Executive:</p> <ul style="list-style-type: none"> <li>◆ Executive Members and their Responsibilities</li> <li>◆ Register of Executive Committees</li> <li>◆ Delegation of Executive Functions</li> <li>◆ Executive Members' Delegation Scheme</li> </ul>	To add in missing reference to the Executive Members' Delegation Scheme.
Part 3 Responsibility for Functions  Explanatory Introduction	<p>....</p> <p>4. <i>The attached diagram sets out the above framework.</i></p>	<p>....</p> <p>4. <i>The attached flowcharts set out the above framework.</i></p>	To improve the drafting.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Part 3 Responsibility for Functions</p> <p>2. Functions of the Full Council</p>	<p>2.2 Under Article 6 of this Constitution, the Council's overview and scrutiny committees have important roles in relation to review and scrutiny of decisions, call in of executive decisions, and best value reviews. These roles are set out in Articles 6.02 and 6.03, and the Council and the Executive in the development of the budget and of the policy framework.</p>	<p>2.2 Under Article 6 of this Constitution, the Council's overview and scrutiny committees have important roles in relation to review and scrutiny of decisions, call in of executive decisions, and scrutiny reviews. These roles are set out in Articles 6.02 and 6.03, and include assisting the Council and the Executive in the development of the budget and of the policy framework.</p>	<p>To reflect that Best Value Reviews no longer exist and to update the reference.</p>
<p>Part 3 Responsibility for Functions</p> <p>2. Functions of the Full Council</p>	<p>2.5 In accordance with the Human Rights Act 1998, the Council has established an Appeals Committee, with the functions set out in Schedule 1 in order to ensure that no one who was involved in making a decision is involved in the determination of an appeal against that decision.</p>	<p>2.5 In accordance with the Human Rights Act 1998, the Council has established an Appeals Committee and an Employment Appeals Committee, with the functions set out in Schedule 1, in order to ensure that no one who was involved in making a decision is involved in the determination of an appeal against that decision.</p>	<p>To include reference to the Employment Appeals Committee, now that functions have been divided between that Committee and the Appeals Committee.</p>
<p>Part 3 Responsibility for Functions</p> <p>2. Functions of the Full Council</p>	<p>2.8 Certain powers of the Council in relation to highways, common land and other environmental issues are delegated to area committees as set out in Schedule 1 (the powers in question are those marked *).</p>	<p>2.8 Certain powers of the Council in relation to highways, common land and other environmental issues are delegated to area committees and the Planning and Regulatory Functions Committee as set out in Schedule 1 (the powers in question are those marked *).</p>	<p>To reflect the proposals to centralise the handling of applications in relation to footpaths and bridleways, Definitive Map Modification, and the registration of Towns and Village Greens from area committees to the Planning and Regulatory Functions Committee.</p>
<p>Part 3 Responsibility for Functions</p>	<p>2. The determination of an appeal against any decision made by or on behalf of the Council.</p>	<p><i>Inserting the following before the sub-entry relating to the Executive:</i> Employment Appeals Committee - To the extent</p>	<p>To make reference to the Employment Appeals Committee.</p>



Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
4. Table: Responsibility for Local Choice Functions		set out in the terms of reference of the Employment Appeals Committee.	
Part 3 Responsibility for Functions 4. Table: Responsibility for Local Choice Functions	5. The making of arrangements in relation to appeals by Governing Bodies.	<i>Inserting the following after the sub-entry relating to the Appeals Committee:</i>  Employment Appeals Committee - To the extent set out in the terms of reference of the Employment Appeals Committee.	To make reference to the Employment Appeals Committee.
Part 3 Responsibility for Functions 4. Table: Responsibility for Local Choice Functions	8. The conducting of Best Value reviews under Section 5 of the Local Government Act 1999	<i>Delete all entries relating to this item at number 8.</i>  <i>Re-number the following paragraphs and cross references in the Table of Local Choice Functions.</i>	To reflect that Best Value Reviews no longer exist and this is no longer listed in the legislation as a local choice function.
Part 3 Responsibility for Functions <b>5. DELEGATION OF FUNCTIONS BY THE COUNCIL</b>	<b>5.1</b> The Council delegates to the Planning and Regulatory Functions Committee, the Standards Committee, the Appeals Committee, the Chief Officers Appointments Committee and the Pension Fund Committee the powers set out as the delegated powers of those committees in Article 9.03 and Part 3 of this Constitution.	<b>5.1</b> The Council delegates to the Planning and Regulatory Functions Committee, the Standards Committee, the Audit Committee, the Appeals Committee, the Employment Appeals Committee, the Chief Officers Appointments Committee, the Pension Fund Committee and the Governors Committee the powers set out as the delegated powers of those committees in Article 9.03 and Part 3 of this	Updating amendments: to include references to the Audit Committee, the Employment Appeals Committee and the Governors Committee.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Part 3 Responsibility for Functions</p> <p><b>5. DELEGATION OF FUNCTIONS BY THE COUNCIL</b></p>	<p>5.4 The Council delegates to Harrogate Borough Council and Scarborough Borough Council certain functions in relation to highways which are functions of the full Council. This delegation operates within the areas, and in relation to the powers, specified in an agency agreement between the Council and Scarborough Borough Council.</p>	<p>Constitution.</p> <p>5.4 The Council delegates to Scarborough Borough Council certain functions in relation to highways which are functions of the full Council. This delegation operates within the areas, and in relation to the powers, specified in an agency agreement between the Council and Scarborough Borough Council.</p>	<p>To remove reference to the delegations to and agency agreement with Harrogate Borough Council as the agency with that authority ends on 31 March 2010.</p>
<p>Part 3 Responsibility for Functions</p> <p>Schedule 1 Planning and Regulatory Functions Committee Delegated Powers</p>		<p><i>The addition of new paragraphs 26 – 29 as set out below (the relevant statutory reference to be included across from the delegation in the table, being shown in parentheses):</i></p> <p>26. The making and advertising of Orders for the creation, stopping up, extinguishment or diversion of public rights of way where an objection is received from any person or body entitled under the relevant statute to the proposed making of the Order, and the confirmation of creation, extinguishment and diversion Orders to which no objection has been received following public advertisement.</p> <p>[Sections 26, 116, 118 and 119 of the Highways Act 1980 and Sections 257 and 258 of the Town and Country Planning Act 1990]</p> <p>*Note responsibility for the confirmation of Orders where there are unresolved objections lies with the Secretary of State for Environment, Food and</p>	<p>To transfer from the Area Committees the handling of matters relating to public rights of way, the registration of common land and town and village greens, registration of variation of rights of common, and DMMO modification and review.</p> <p>The reasons are that the process for handling these matters involves consideration of evidence against strict legal criteria. Whilst local evidence can assist the process, local views cannot influence the outcome and it is considered more appropriate if the functions are handled by a sub-committee of the Planning and Regulatory Functions Committee which will receive appropriate training in the regulations affecting the handling of these matters. It is proposed to keep the Area Committee advised of applications and their progress</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p><u>Rural Affairs - responsibility for the granting of Stopping up Orders lies with the Magistrates Court.</u></p> <p>27. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:</p> <p>(i) an exchange of lands affected by an Order under Section 19(3) of, or paragraph (6), or Schedule 3 to the Acquisition of Land Act 1981; or</p> <p>(ii) a Release Order issued to the County Council under section 17 of the Commons Act 2006; or</p> <p>(iii) a variation of rights of common in respect of any entry in the Register of Common Land.</p> <p>[Section 15 of the Commons Act 2006]</p> <p>28. Power to register variations of rights of common.</p> <p>[Section 7 of the Commons Act 2006]</p> <p>29. Power to keep the Definitive Map and Statement of the Public Rights of Way under review and to modify the map under section 53 of the Wildlife and Countryside Act 1981; and to receive an annual report on all Definitive Map Modification Orders (including those refused by officers); (NB: <i>The Policy on Definitive Map Modification Orders and the accompanying Guidance Note for Members should be followed when</i></p>	<p>nevertheless so that those in the locality will be able to contribute if they have evidence that it relevant. It is also proposed that wherever possible, the Sub-Committee dealing with the application will meet in the area involved.</p> <p>In addition, in relation to the registration of village greens, instances have occurred where because members have been dual hatted, and the land involved belongs to the District Council, Members have had a prejudicial interest or have been involved in decisions affecting the land at district level which has affected their ability to participate in the Committee dealing with an application for registration. In some cases the Area Committee has been inquired as a result, and Members have had to seek a dispensation from the Standards Committee to allow them to participate. This in itself causes a delay in handling, and if the Standards Committee does not consider it appropriate to give a dispensation, the matter has to be dealt with in any event by Planning and Regulatory Functions Committee. The proposed changes will bring about more efficient handling.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p><i>dealing with Definitive Map Modification Orders.)</i></p> <p>[Section 53(2) of the Wildlife and Countryside Act 1981]</p> <p>30. To appoint a Sub-Committee of five members of the Committee to perform the functions set out at 26-29 above.</p> <p>[Section 101 Local Government Act 1972]</p>	
Part 3 Responsibility for Functions Schedule 1 Standards Committee membership list		<p><i>Will need updating to reflect independent member changes.</i></p>	
Part 3 Responsibility for Functions Schedule 1 Employment Appeals Committee membership list	<p>....</p> <p><i>NOTE: It was the view of the Members' Group on New Political Structures that a group of about \$ Members should develop particular expertise and experience on appeals matters, but that only four Members should sit on the committee at any one time. It is intended, therefore, that the Substitution Scheme should be used to vary membership of the committee in order to ensure that the expertise and experience of all Members of the committee, including all Substitute</i></p>	<p>....</p> <p><i>NOTE: It was the view of the Members' Group on New Political Structures that a group of about 12 Members should develop particular expertise and experience on appeals matters, but that only four Members should sit on the committee at any one time. It is intended, therefore, that the Substitution Scheme should be used to vary membership of the committee in order to ensure that the expertise and experience of all Members of the committee, including all Substitute</i></p>	To include the requisite number of members in the note.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Part 3 Responsibility for Functions</p> <p>Schedule 1</p> <p>Craven Area Committee membership list</p> <p>Italicised note at end</p>	<p><i>Members, is developed.</i></p> <p>...</p> <p><i>Only persons who have been appointed by the Committee as Substitute Members and have agreed to comply with the County Council's Code of Conduct for Members, including registering their interests in the Register of Members' Interests, may attend a meeting in place of a Co-opted Member. Notice that a Substitute is to attend a meeting must be given to The Assistant Chief Executive (Legal and Democratic Services), either orally in writing (<b>democratic.services@northyorks.gov.uk</b>) or orally, prior to the commencement of the meeting.</i></p>	<p><i>Members, is developed.</i></p> <p>....</p> <p><i>Only persons who have been appointed by the Committee as Substitute Members and have agreed to comply with the County Council's requirements regarding completion of the necessary standards documentation (including registering their interests in the Register of Members' Interests where necessary), may attend a meeting in place of a Co-opted Member. Notice that a Substitute is to attend a meeting must be given to The Assistant Chief Executive (Legal and Democratic Services), either in writing (<b>democratic.services@northyorks.gov.uk</b>) or orally, prior to the commencement of the meeting.</i></p>	<p>To update the italicised note as not all co-opted members are required to register their interests (eg non-councillor co-optees).</p>
<p>Part 3 Responsibility for Functions</p> <p>Schedule 1</p> <p>County Area Committee for the Harrogate District Rights of Way Sub-Committee</p> <p>Membership List and Delegated authority</p>		<p><i>Delete the page relating to this Sub-Committee including the Membership List and Delegated authority.</i></p>	<p>The County Area Committee for the Harrogate District Rights of Way Sub-Committee will not be needed if the proposed amendments to the Planning and Regulatory Function Committee delegated powers and the Area Committee terms of reference to reflect the centralised handling by P&amp;RF Committee of public rights of way, the registration of common land and town and village greens, registration of variation of rights of common, and DMMO modification and review, set out elsewhere in this Amendments Chart, are accepted.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Part 3 Responsibility for Functions</p> <p>Schedule 1</p> <p>Ryedale Area Committee membership list</p> <p>Italicised note at end</p>	<p>Only persons who have been appointed by the Committee as Substitute Members and have agreed to comply with the County Council's Code of Conduct for Members, including registering their interests in the Register of Members' Interests, may attend a meeting in place of a Co-opted Member. Notice that a Substitute is to attend a meeting must be given to The Assistant Chief Executive (Legal and Democratic Services), either in writing or orally, prior to the commencement of the meeting. (<b>democratic.services@northyorks.gov.uk</b>) or orally, prior to the commencement of the meeting.</p>	<p>Only persons who have been appointed by the Committee as Substitute Members and have agreed to comply with the County Council's requirements regarding completion of the necessary standards documentation (including registering their interests in the Register of Members' Interests where necessary), may attend a meeting in place of a Co-opted Member. Notice that a Substitute is to attend a meeting must be given to The Assistant Chief Executive (Legal and Democratic Services), either in writing (<b>democratic.services@northyorks.gov.uk</b>) or orally, prior to the commencement of the meeting.</p>	<p>To update the italicised note as not all co-opted members are required to register their interests (eg non-councillor co-optees).</p>
<p>Part 3 Responsibility for Functions</p> <p>Schedule 1</p> <p>Yorkshire Coast and Moors County Area Committee membership list</p> <p>Italicised note at end</p>	<p>Only persons who have been appointed by the Committee as Substitute Members and have agreed to comply with the County Council's Code of Conduct for Members, including registering their interests in the Register of Members' Interests, may attend a meeting in place of a Co-opted Member. Notice that a Substitute is to attend a meeting must be given to The Assistant Chief Executive (Legal and Democratic Services), either in writing or orally, prior to the commencement of the meeting. (<b>democratic.services@northyorks.gov.uk</b>) or orally, prior to the commencement of the meeting.</p>	<p>Only persons who have been appointed by the Committee as Substitute Members and have agreed to comply with the County Council's requirements regarding completion of the necessary standards documentation (including registering their interests in the Register of Members' Interests where necessary), may attend a meeting in place of a Co-opted Member. Notice that a Substitute is to attend a meeting must be given to The Assistant Chief Executive (Legal and Democratic Services), either in writing (<b>democratic.services@northyorks.gov.uk</b>) or orally, prior to the commencement of the meeting.</p>	<p>To update the italicised note as not all co-opted members are required to register their interests (eg non-councillor co-optees).</p>
<p>Part 3 Responsibility for Functions</p>	<p>9. To exercise, within the approved budget and policy framework, the following powers and duties:</p> <p>(a) aspects of the Private Street Works</p>	<p>9. To exercise, within the approved budget and policy framework, the following powers and duties:</p> <p>(a) aspects of the Private Street Works</p>	<p>To reflect the proposed amendments to the Planning and Regulatory Function Committee delegated powers and the Area Committee terms of reference to reflect the centralised handling by P&amp;RF Committee of public rights of way, the</p>

Provision in Constitution			Reason(s)
<p>Schedule 1</p> <p>Area Committees Delegated Powers</p> <p>Paragraph 9</p>	<p>procedure for which objections have been received;</p> <p>(b) the making and enforcement of new street Byelaws and Orders;</p> <p>(c) the provision and regulation of parking places both off and on the highway where an objection is received from any person or body entitled under the relevant statute;</p> <p>(d) Traffic Regulation Orders, pedestrian crossings and speed limits where an objection is received from any person or body entitled under the relevant statute;</p> <p>(e) the stopping up or diversion of highways where an objection is received from any person or body entitled under the relevant statute;</p> <p>* (f) the creation, stopping-up, extinguishment or diversion of public footpaths and bridleways where an objection is received from any person or body entitled under the relevant statute;</p> <p>(g) the stopping-up and provision of access to premises from highways;</p> <p>(h) the promotion of road safety information, advice or training;</p> <p>* (i) power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:</p>	<p>procedure for which objections have been received;</p> <p>(b) the making and enforcement of new street Byelaws and Orders;</p> <p>(c) the provision and regulation of parking places both off and on the highway where an objection is received from any person or body entitled under the relevant statute;</p> <p>(d) Traffic Regulation Orders, pedestrian crossings and speed limits where an objection is received from any person or body entitled under the relevant statute;</p> <p>(e) the stopping up or diversion of highways where an objection is received from any person or body entitled under the relevant statute;</p> <p>(f) the stopping-up and provision of access to premises from highways;</p> <p>(g) the promotion of road safety information, advice or training;</p> <p>*(h) power to issue licences authorising the use of land as a caravan site;</p> <p>*(i) power to licence the use of moveable dwellings and camping sites;</p> <p>*(j) power to enter into agreements with respect to means of access to the countryside, and to provide access in the absence of agreement under sections 35 and 37 of the Countryside and Rights of Way Act</p>	<p>registration of common land and town and village greens, registration of variation of rights of common, and DMMO modification and review, set out elsewhere in this Amendments Chart.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>(1) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) or schedule 3 to, the Acquisition of Land Act 1981; or</p> <p>(2) an order under section 147 of the Inclosure Act 1845.</p> <p>(j) power to remove land from the register of common land and town or village greens;</p> <p>*(k) power to register variation of rights of common;</p> <p>*(l) power to issue licences authorising the use of land as a caravan site;</p> <p>*(m) power to licence the use of moveable dwellings and camping sites;</p> <p>*(n) power to keep the Definitive Map and Statement of the Public Rights of Way under review and to modify the map under section 53 of the Wildlife and Countryside Act 1981; and to receive an annual report on all Definitive Map Modification Orders (including those refused by officers); <i>(NB: The Policy on Definitive Map Modification Orders and the accompanying Guidance Note for Members should be followed when dealing with Definitive Map Modification Orders.)</i></p> <p>*(o) power to enter into agreements with respect to means of access to the countryside, and to provide access</p>	<p>2000.</p> <p><i>Rest of text to stay same ...</i></p>	



Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>in the absence of agreement under sections 35 and 37 of the Countryside and Rights of Way Act 2000.</p>		
<p>Part 3 Responsibility for Functions Schedule 2 Executive Members and their Responsibilities</p>	<p>Amend "Areas of Responsibility" of Councillor Les from: Corporate services, finance and Performance management procurement</p>	<p>Amend "Areas of Responsibility" of Councillor Les to read: Corporate services (including corporate and ethical governance), finance and Performance management procurement</p>	<p>To make specific reference to responsibility for standards matters in the Corporate Services portfolio. This is an area which now forms part of the Authority's Annual Return to Standards for England, the national regulator of the ethical framework.</p>
<p>Part 3 Responsibility for Functions Schedule 2 Delegation of Executive Functions <b>NEW provisions re Corporate Parenting (Looked after Children Member's Group)</b></p>		<p>Changes to style for example amending "eg" to "e.g"</p> <p>Insert following sentence after bulleted list in second paragraph: This section also deals with the role of the Looked After Children Members' Group.</p> <p>Insert following provisions after section 8 (Adoption Panels):</p> <p><b>9. Looked After Children Members' Group</b></p> <p>9.1 The Looked After Children Member's Group is not a Committee of the Executive</p>	<p>Improvement in drafting.</p> <p>To formally include in the Constitution the Council's role and responsibilities in relation to Looked after Children by the establishment of a Looked After Children's Member Group, reporting periodically to the Executive Member and a part of the quarterly monitoring to Executive and full Council. The Group will also report direct to full Council each year.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p>but a non-decision making member working group responsible for supporting the Executive, and the Council as a whole, in its role as corporate parent. The group will regularly report to the Lead Executive Member for Children's Services on a quarterly basis on corporate parenting issues, and at any stage, should any issues arise in the interim which they consider should be drawn to the attention of the Executive. The report of the Looked After Children Members' Group shall be reported to the Executive and full Council as part of the quarterly monitoring process.</p> <p>9.2 The Looked After Children Members' Group may refer any issues directly to the Young People Overview and Scrutiny Committee.</p> <p>9.3 The Looked After Children Members' Group will present an annual report directly to the Council at the Annual Council meeting.</p> <p>9.4 The Looked After Children's Members' Group will comprise between five and ten members, appointed annually by the Executive, and may include members and co-opted members from the Young People Overview and Scrutiny Committee. <i>(Note that if an item of work for the Young People Overview and Scrutiny Committee involves scrutiny of a decision or work that has involved or been significantly influenced by the Looked After Children Members' Group, those members of the Looked After Children Members' Group who are also members of the Young People Overview and Scrutiny Committee will not be able to participate in the Scrutiny process for that</i></p>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p><i>item</i>). The Chairman of the Group will be appointed by the Executive.</p> <p>9.5 The role of the Looked After Children Members' Group will include the following (which is not exhaustive):</p> <ul style="list-style-type: none"> <li>a) Monitoring and reporting to the Executive Member on all aspects of the Council's responsibilities as a Corporate Parent in relation to looked after children, and on any specific issues they are required to consider.</li> <li>b) The monitoring shall include performance against key indicators for the quality, stability and outcomes of Looked After arrangements for all children and young people in the preceding year.</li> <li>c) Enquiring into issues about looked after children who are also disabled.</li> <li>d) The numbers of teenage pregnancies arising in relation to looked after children and their health and sex education.</li> <li>e) Health issues affecting the Council's looked after children.</li> <li>f) The educational attainment of the Council's looked after children and the work of the Virtual Head Teacher.</li> <li>g) Considering the minutes and reports from the Young Person's Council.</li> <li>h) The recruitment and retention of social workers and staff and the morale of all service staff and officers.</li> </ul>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p>i) Any issues affecting looked after children in relation to drugs, alcohol and smoking.</p> <p>j) The transition arrangements for all looked after children as they enter adulthood.</p> <p>k) The work of the Young People's Champion.</p> <p>l) The Looked After Children Members' Group will undertake inspections under Regulation 33 of residential homes. This will involve reporting any concerns from the residential homes and receiving any concerns raised by officer inspections of residential schools.</p> <p>m) Any other relevant matter considered appropriate by the Lead Member for consideration by the group.</p>	
<p>Part 3 Responsibility for Functions  Schedule 2  Delegation of Executive Functions  <b>5. Other local authorities</b></p>	<p>...</p> <p><b>5.1</b> The Executive delegates to the Executives of Harrogate Borough Council and Scarborough Borough Council certain functions in relation to Highways which are functions of the Executive. This delegation operates within the areas and in relation to the powers, specified in agency agreements between the Council and Harrogate Borough Council, and between the Council and Scarborough Borough Council.</p>	<p><b>5.1</b> The Executive delegates to the Executive of Scarborough Borough Council certain functions in relation to Highways which are functions of the Executive. This delegation operates within the areas and in relation to the powers, specified in an agency agreement between the Council and Scarborough Borough Council.</p>	<p>To remove reference to the delegations to and agency agreement with Harrogate Borough Council as the agency with that authority ended on 31 March 2010.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Part 3 Responsibility for Functions Schedule 2 Delegation of Executive Functions</p> <p><b>8. Adoption Panels</b></p>	<p>8.1 The Executive will appoint one or more panels to discharge the functions of adoption panels under the Adoption Agencies Regulations 1983. Each such panel must include at least one member of the Executive (being an Executive member for Children's Services) or of the Young People Overview and Scrutiny Committee.</p> <p><i>Note: There are currently two such Panels:</i></p> <ul style="list-style-type: none"> <li>▪ <i>The Harrogate Child Placement Panel</i></li> <li>▪ <i>The Northallerton Child Placement Panel</i></li> </ul>	<p>8.1 The Executive will appoint one or more panels to discharge the functions of adoption panels under the Adoption Agencies Regulations 2005. Each such panel must include at least one member of the Executive (being an Executive member for Children's Services) or of the Young People Overview and Scrutiny Committee.</p> <p><i>Note: There are currently two such Panels:</i></p> <ul style="list-style-type: none"> <li>▪ <i>The Harrogate Child Placement Panel</i></li> <li>▪ <i>The Northallerton Child Placement Panel</i></li> </ul>	<p>To update the statutory reference.</p>
<p>Part 3 Responsibility for Functions Schedule 2 Executive Members' Delegation Scheme</p>	<p>8. To receive reports from best value reviews; to report to the Executive about such reviews (in the light also of Overview and Scrutiny Committee views) and to authorise such action in respect of those reviews as the Executive may direct.</p> <p>9. To determine any action required following assessments of outcomes against standards and targets set out in Best Value Service Performance Plans.</p>	<p>8. To receive reports from scrutiny reviews; to report to the Executive about such reviews (in the light also of Overview and Scrutiny Committee views) and to authorise such action in respect of those reviews as the Executive may direct.</p> <p>9. To determine any action required following assessments of outcomes against standards and targets set out in Service Performance Plans.</p>	<p>To reflect that Best Value Reviews no longer exist and to update the reference.</p>
<p>Part 4 Rules of Procedure Council Procedure Rules 2.3 Order of Business</p>	<p>.. <i>earlier text to remain same ...</i></p>	<p>.. <i>earlier text to remain same ...</i></p> <p><i>Insert new (v) as follows:</i></p> <p>(v) to elect the Leader at the annual meeting in an election year.</p>	<p>To set out the provision for election as Leader.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Council Procedure Rules</p> <p>2.3 Order of Business</p>	<p>(v) statement by the Leader and any questions from Members to the Leader.</p>	<p>(vi) the statement by the Leader and any questions from Members to the Leader.</p>	<p>Improvement in drafting.</p>
<p>Council Procedure Rules</p> <p>2.3 Order of Business</p>	<p>(vi) any questions or statements from members of the public who are residents of North Yorkshire relating to County Council business, subject to:</p> <ul style="list-style-type: none"> <li>• notice having been given of the question or statement and the Member to whom it is addressed at least three working days before the meeting; and</li> <li>• no member of the public being entitled to speak for more than three minutes.</li> </ul>	<p>(vii) any questions or statements from members of the public who are residents of North Yorkshire relating to County Council business, subject to:</p> <ul style="list-style-type: none"> <li>• notice having been given of the question or statement and the Member to whom it is addressed at least three working days before the meeting; and</li> <li>• no member of the public being entitled to speak for more than three minutes.</li> </ul>	
<p>Council Procedure Rules</p> <p>2.3 Order of Business</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 make those appointments has been delegated to other bodies or persons.</p>	<p>(viii) at the annual meeting in an election year, to appoint Members to serve on committees of the Council and/or as representatives of the Council on other bodies unless power to make those appointments has been delegated to other bodies or persons.</p> <p><i>Re-number all subsequent sub-paragraphs.</i></p>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Council Procedure Rules</p> <p>2.3 Order of Business</p>	<p>(ix) any matter referred to the Council for decision by:</p> <p>(a) the Executive</p> <p>(b) the Standards Committee</p> <p>(c) the Head of Paid Service, Monitoring Officer or Chief Finance Officer;</p> <p>(d) a committee of the Council, other than an overview and scrutiny committee.</p>	<p>(x) any matter referred to the Council for decision by:</p> <p>(a) the Executive;</p> <p>(b) the Standards Committee;</p> <p>(c) the Head of Paid Service, Monitoring Officer or Chief Finance Officer;</p> <p>(d) a committee of the Council, other than an overview and scrutiny committee;</p> <p>(e) the Looked After Children Members' Group.</p>	<p>To amend paragraph numbering.</p> <p>To add in reference to the Looked After Children Members' Group: it is proposed elsewhere in these suggested amendments to the Constitution that the Group reports annually to full Council direct.</p>
<p>Council Procedure Rules</p> <p>Rule 9.3</p>	<p><b>9.3 Notice of Questions/Statements</b></p> <p>A question may only be asked (or statement made) if notice has been given by delivering it in writing or by electronic mail to The Assistant Chief Executive (Legal and Democratic Services) no later than midday three working days before the day of the meeting. Each question must give the name of the questioner and must name the Member of the Council to whom it is to be put. Each statement must give the name of the person by whom it is to be made.</p>	<p><b>9.3 Notice of Questions/Statements</b></p> <p>A question may only be asked (or statement made) if notice including the full text of the question or statement has been given by delivering it in writing or by electronic mail to The Assistant Chief Executive (Legal and Democratic Services) no later than midday three working days before the day of the meeting. Each question must give the name of the questioner and must name the Member of the Council to whom it is to be put. Each statement must give the name of the person by whom it is to be made.</p>	<p>To clarify that that written notice of the text of the question or statement should be given.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Council Procedure Rules</p> <p><b>Rule 11</b> <b>MOTIONS ON NOTICE</b></p> <p>Rule 11.1 (b)</p>	<p>(b) Every notice of motion, shall relate to a matter for which the Council has duties or powers or which affects North Yorkshire or to the performance of the Chairman, the Leader, the Executive or any member of it, or any committee. All such notices shall be in writing signed by the Member giving the notice and any proposed second and other supporter; and shall be given or sent by post or fax to The Assistant Chief Executive (Legal and Democratic Services), who shall enter it in a book, to be open to inspection by Members, at his/her office. A notice of motion received after midnight on the ninth day before a meeting of the Council shall not be specified in the summons for that meeting.</p>	<p>(b) Every notice of motion, shall relate to a matter for which the Council has duties or powers or which affects North Yorkshire or to the performance of the Chairman, the Leader, the Executive or any member of it, or any committee. All such notices shall be in writing signed by the Member giving the notice and any proposed second and other supporter; and shall be given or sent by post or fax, or by e-mail from a North Yorkshire County Councillor email address) in which case signatures are not required, to the Assistant Chief Executive (Legal and Democratic Services), who shall enter it in a book, to be open to inspection by Members, at his/her office. A notice of motion received after midnight on the ninth day before a meeting of the Council shall not be specified in the summons for that meeting.</p>	<p>To clarify that notice can be given by e mail and that in that event signatures are not required.</p>
<p>Council Procedure Rules</p> <p><b>Rule 11</b> <b>MOTIONS ON NOTICE</b></p> <p>Rule 11.2 (a)(ii)</p>	<p><b>11.2 Other Meetings</b></p> <p>(a) The Assistant Chief Executive (Legal and Democratic Services) shall insert in the summons for a meeting of a committee of the Council every notice of motion which is specified by a Member giving the notice as being for consideration by that committee, provided that:-</p> <p>(i) the notice of motion is in writing signed by the Member giving the notice and the proposed second and other supporter;</p> <p>(i) the notice of motion is given or sent</p>	<p><b>11.2 Other Meetings</b></p> <p>(a) The Assistant Chief Executive (Legal and Democratic Services) shall insert in the summons for a meeting of a committee of the Council every notice of motion which is specified by a Member giving the notice as being for consideration by that committee, provided that:-</p> <p>(i) the notice of motion is in writing signed by the Member giving the notice and the proposed second and other supporter;</p> <p>(ii) the notice of motion is given or sent</p>	<p>To clarify that notice of motion can be given by e mail and that in that event no signatures are needed.</p>



Provision in Constitution	Reason(s)	
<p>by post to The Assistant Chief Executive (Legal and Democratic Services) and received by him/her not later than the twenty-first day before the meeting of the committee.*</p> <p>* This is to allow sufficient time for an Officers' report to be prepared on the subject matter of the notice of motion as an aid to enabling a decision to be taken on it at that meeting.</p>	<p>by post (or by e-mail from a North Yorkshire County Councillor email address in which case signatures are not required), to The Assistant Chief Executive (Legal and Democratic Services) and received by him/her not later than the twenty-first day before the meeting of the committee.*</p> <p>* This is to allow sufficient time for an Officers' report to be prepared on the subject matter of the notice of motion as an aid to enabling a decision to be taken on it at that meeting.</p>	
<p>Access to Information Procedure Rules</p> <p>1. Scope</p>	<p><b>1.1</b> These rules apply to all meetings of the Council, its committees and sub-committees and formal meetings of the Executive and any Committees of the Executive (together called meetings). These rules do not apply to the Assessment and Review Sub-Committees of the Standards Committee.</p>	<p>General, updating amendments.</p>
<p>Access to Information Procedure Rules</p> <p>Rule 5 - ACCESS TO AGENDA AND REPORTS BEFORE THE</p>	<p><b>1.1</b> These rules apply to all meetings of the Council, including overview and scrutiny committees, area committees the Standards Committee and public meetings of the Executive and any Committees of the Executive (together called meetings).</p> <p><b>5.1</b> The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and/or on the Council's website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, The Assistant Chief Executive (Legal and Democratic Services) shall make each such report available to the</p>	<p>General, updating amendments.</p>

Provision in Constitution	Proposed Amendment	Reason(s)
MEETING	<p>public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.</p> <p><b>5.2</b> Where a meeting is convened at shorter notice in accordance with Rule 15 or 16 of these Rules, a copy of the agenda and any associated reports will be available to the public for inspection at the time the meeting is convened.</p>	
<p>Access Information Procedure Rules</p> <p>Rule 7</p>	<p><b>7. ACCESS TO MINUTES ETC AFTER THE MEETING</b></p> <p>The Council will make available copies of the following for six years after a meeting:</p> <p>(a) the minutes of the meeting [or records of decisions taken, together with reasons, for all meetings of the Executive and/or Executive Committees], excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;</p> <p>(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;</p> <p>(c) the agenda for the meeting; and</p> <p>(d) reports relating to items when the meeting was open to the public.</p>	<p>General, updating amendments.</p>
	<p><b>7. ACCESS TO MINUTES ETC AFTER THE MEETING</b></p> <p>The Council will make available copies of the following for six years after a meeting:</p> <p>(a) the minutes of the meeting (or records of decisions taken, together with reasons), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;</p> <p>(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;</p> <p>(c) the agenda for the meeting; and</p> <p>(d) reports relating to items considered when the meeting was open to the public.</p>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Access to Information Procedure Rules</p> <p>Rule 8 – BACKGROUND PAPERS</p>	<p><b>8.1 List of background papers</b></p> <p>The Assistant Chief Executive (Legal and Democratic Services) will ensure that there is set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:</p> <p>(a) disclose any facts or matters on which the report or an important part of the report is based; and</p> <p>(b) which have been relied on to a material extent in preparing the report but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and, in respect of Executive reports, the advice of a political advisor.</p>	<p><b>8.1 List of background papers</b></p> <p>The Assistant Chief Executive (Legal and Democratic Services) will ensure that there is set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:</p> <p>(a) disclose any facts or matters on which the report or an important part of the report is based; and</p> <p>(b) which have been relied on to a material extent in preparing the report,</p> <p>but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10), and in respect of executive reports, the advice of a political adviser or assistant.</p>	<p>General, updating amendments.</p>
<p>Access to Information Procedure Rules</p> <p>Rule 8 – BACKGROUND PAPERS</p>	<p><b>8.2 Public inspection of background papers</b></p> <p>The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.</p>	<p><b>8.2 Public inspection of background papers</b></p> <p>The Council will make available for public inspection, both from the date from which the relevant report was made available for public inspection, and for four years after the date of the meeting, one copy of each of the documents on the list of background papers.</p>	<p>General, updating amendments.</p>
<p>Access to Information Procedure</p>	<p><b>10.2 Exempt information – discretion to exclude public</b></p> <p>(a) The public may be excluded from</p>	<p><b>10.2 Exempt information – discretion to exclude public</b></p> <p>The public may be excluded from</p>	<p>General, updating amendments.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Rules</p> <p>Rule 10 – EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS</p>	<p>meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information (see 10.5) would be disclosed.</p> <p>(b) The public may also be excluded from a meeting where an executive decision is being taken, where it is likely in view of the nature of the item, that the advice of a Group Research &amp; Communications Officer would be disclosed.</p>	<p>meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential or exempt information (see 10.4 and 10.5) would be disclosed. The public may also be excluded from a meeting where an executive decision is being taken, where it is likely in view of the nature of the item, that the advice of a political adviser or assistant would be disclosed.</p> <p><i>and then delete sub-paragraph (b).</i></p>	
<p>Access Information Procedure Rules</p> <p>Rule 10 – EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS</p>	<p><b>10.3 Information marked “not for publication”</b></p> <p>No Councillor or member of staff shall:</p> <p>(a) disclose any information which has been reported to Council, to the Executive or to a committee or sub-committee and which is confidential information; or</p> <p>(b) without the permission of the Council, the Executive or the relevant committee or sub-committee, disclose any information which is identified as exempt information in a resolution by the Council, the Executive or a committee or sub-committee to exclude the public in accordance with the provisions of section 100A of the Local Government Act 1972, except:</p>	<p><b>10.3 Information marked “not for publication”</b></p> <p>No Councillor or member of staff shall:</p> <p>(a) disclose any information which has been reported to Council, to the Executive or to a committee or sub-committee and which is confidential information; or</p> <p>(b) without the permission of the Council, the Executive or the relevant committee or sub-committee, disclose any information which is identified as exempt information in a resolution by the Council, the Executive or a committee or sub-committee to exclude the public in accordance with the provisions of section 100A of the Local Government Act 1972, except:</p> <ul style="list-style-type: none"> <li>• in so far as that is</li> </ul>	<p>General, updating amendments.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<ul style="list-style-type: none"> <li>in so far as that is necessary to provide a public summary of information considered in private; or</li> <li>if authorised by the Chief Executive Officer as justified for the benefit of the Council and the efficient conduct of business.</li> </ul>	<p>necessary to provide a public summary of information considered in private; or</p> <ul style="list-style-type: none"> <li>if authorised by the Monitoring Officer as reasonable and in the public interest.</li> </ul>	
<p>Access to Information Procedure Rules</p> <p>Rule 12 – APPLICATION OF RULES TO EXECUTIVE</p>	<p><b>12.3</b> Subject to Rules 15 and 16, any report on which a decision by the Executive, a Committee of the Executive, or an individual Executive Member is to be based will be available five clear days in advance, and will be copied by the relevant Chief Officer to the Chairman – and Vice-Chairman of the relevant Overview and Scrutiny Committee(s).</p>	<p><b>12.3</b> Subject to Rules 15 and 16, any report on which a decision by the Executive, a Committee of the Executive, or an individual Executive Member, is to be based will be available five clear days in advance of the decision, and will be copied by the Chief Executive or the relevant Corporate Director to the Chairman and Vice-Chairman of the relevant Overview and Scrutiny Committee(s).</p>	<p>General, updating amendments.</p>
<p>Access to Information Procedure Rules</p> <p>Rule 13</p>	<p><b>13. PROCEDURE BEFORE TAKING KEY DECISIONS</b></p> <p>Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision (as defined in Article 13) may not be taken unless:</p> <p>(a) a notice (called here a forward plan) has been published in connection with the matter in question;</p>	<p><b>13. PROCEDURE BEFORE TAKING KEY DECISIONS</b></p> <p>Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision (as defined in Article 13) may not be taken unless:</p> <p>(a) a notice (called here a forward plan) has been published in connection with the matter in question;</p>	<p>General, updating amendments.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>(b) at least five clear days have elapsed since the publication of the forward plan; and</p> <p>(c) where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).</p>	<p>(b) at least five clear days have elapsed since the publication of the forward plan; and</p> <p>(c) where the decision is to be taken at a meeting of the Executive or its committees or by an Area Committee, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).</p>	
<p>Access to Information Procedure Rules</p> <p>Rule 14 – THE FORWARD PLAN</p>	<p><b>14.2 Contents of forward plan</b></p> <p>(a) The forward plan will be in the format contained in the Appendix to these Rules and will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, Officers, area committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan:</p> <p>(b) Other important (but non-Executive) decisions should also be included on the Plan, even if they are not ‘key’ decisions as defined in Article 13.03(b).</p> <p>...</p>	<p><b>14.2 Contents of forward plan</b></p> <p>(a) The forward plan will be in the format contained in the Appendix to these Rules and will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, Officers, area committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan.</p> <p>(b) Other important (but non-Executive) decisions should also be included in the Plan, even if they are not ‘key’ decisions as defined in Article 13.03(b).</p> <p>... [rest of text to stay same] ...</p>	<p>General grammatical amendments.</p>
<p>Access to Information</p>	<p><b>15. GENERAL EXCEPTION</b></p>	<p><b>15. GENERAL EXCEPTION</b></p>	<p>General updating and grammatical</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Procedure Rules</p> <p>Rule 15 – GENERAL EXCEPTION</p>	<p>If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:</p> <p>(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;</p> <p>(b) The Assistant Chief Executive (Legal and Democratic Services) has informed the Chairman of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;</p> <p>(c) The Assistant Chief Executive (Legal and Democratic Services) has made copies of that notice available to the public at the offices of the Council; and</p> <p>(d) at least five clear days have elapsed since The Assistant Chief Executive (Legal and Democratic Services) complied with (a) and (b).</p> <p>Where such a decision is taken collectively, it must be taken in public.</p>	<p>If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:</p> <p>(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;</p> <p>(b) The Assistant Chief Executive (Legal and Democratic Services) has informed the Chairman of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;</p> <p>(c) The Assistant Chief Executive (Legal and Democratic Services) has made copies of that notice available to the public at the offices of the Council; and</p> <p>(d) at least five clear days have elapsed since the Assistant Chief Executive (Legal and Democratic Services) complied with (a) and (b).</p> <p>Where such a decision is taken collectively, it must be taken in public, subject to any confidential or exempt information not being made available to the public</p>	<p>amendments.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Access to Information Procedure Rules</p> <p>Rule 18 – RECORD OF DECISIONS</p>	<p><b>18.1</b> <u>Executive Decisions Made Collectively at Meetings</u></p> <p>After any meeting of the Executive or any of its committees, or any meeting of any other decision making body at which an executive decision has been made, whether held in public or private, the Assistant Chief Executive (Legal and Democratic Services) or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable (usually in the form of minutes of the meeting). The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, along with details of any conflict of interest declared and any dispensations granted by the Standards Committee in respect of such conflict.</p>	<p><b>18.1</b> <u>Executive Decisions Made Collectively at Meetings</u></p> <p>After any meeting of the Executive or any of its committees, or any meeting of any other decision making body at which an executive decision has been made, whether held in public or private, the Assistant Chief Executive (Legal and Democratic Services) or, where no Officer was present, the person presiding at the meeting, will produce a record of every executive decision taken at that meeting usually within two days of the meeting e (usually in the form of minutes of the meeting). The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, along with details of any conflict of interest declared and any dispensations granted by the Standards Committee in respect of such conflict.</p>	<p>General updating and grammatical amendments.</p>
<p>Access to Information Procedure Rules</p> <p>Rule 19 – DECISIONS BY INDIVIDUAL OFFICERS OR INDIVIDUAL MEMBERS OF THE EXECUTIVE</p> <p>Rule 19.3 –</p>	<p>....</p> <p>(h) The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a Group Research &amp; Communications Officer.</p>	<p><i>Re-number sub-paragraphs after (b), when numbering goes awry.</i></p> <p><i>Then amend current (h) as follows:</i></p> <p>(e) The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Executive. This does not require the disclosure of exempt or confidential information.</p>	<p>General updating and formatting amendments.</p>



Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Record of Individual Decision			
<p>Access to Information Procedure Rules</p> <p>Rule 21 – ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS</p> <p>21.1 General Provisions</p>	<p>(b) Any Member is also entitled to have access to any document under the control of the Executive which is relevant:</p> <p>(1) to business to be transacted at a public meeting; or</p> <p>(2) to business to be transacted at a private meeting; or</p> <p>(3) to any decision to be made by an individual Executive Member; or</p> <p>(4) to any key decision made by an Officer;</p> <p>and in the case of (2), (3) and (4), such document shall be available for inspection by any Member when the meeting concludes or the decision has been taken by the individual Member or Officer as the case may be, UNLESS the document contains certain categories of exempt information (paragraphs 1 to 6, 9, 11, 12 and 14 of Rule 10.5 above) or discloses advice from a Group Research &amp; Communications Officer.</p>	<p>(b) Any Member is also entitled to have access to any document under the control of the Executive which is relevant:</p> <p>(1) to business to be transacted at a public meeting; or</p> <p>(2) to business to be transacted at a private meeting; or</p> <p>(3) to any decision to be made by an individual Executive Member; or</p> <p>(4) to any key decision made by an Officer;</p> <p>and in the case of (2), (3) and (4), such document shall be available for inspection by any Member when the meeting concludes or the decision has been taken by the individual Member or Officer as the case may be, unless the document contains certain categories of exempt information or discloses advice from a political adviser or assistant.</p>	<p>General updating amendments.</p>
<p>Overview and Scrutiny Procedure Rules</p> <p>Contents page</p>		<p>Add new entry on the Contents page as follows:</p> <p>21. Scrutiny of Crime and Disorder Matters</p>	<p>To reflect later proposed amendments to the Rules.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Overview and Scrutiny Procedure Rules</p> <p>Rule 1</p>	<p><b>1. What will be the number and arrangements for overview and scrutiny committees?</b></p> <p>The Council will have the overview and scrutiny committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees and/or task groups. Overview and scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.</p> <p>The broad approach to overview and scrutiny is:</p> <ul style="list-style-type: none"> <li>• To have thematically based overview and scrutiny committees.</li> <li>• Chairmen and Vice-Chairmen of those committees may meet informally, but have no formal role or functions, other than when acting as the Scrutiny Board.</li> <li>• Cross cutting issues to be looked at by task groups, established jointly by two or more overview and scrutiny committees.</li> <li>• One task group would be established for each cross cutting issue which is to be looked at. The task group would be time limited; its function would be to examine the issue, and then report back to the overview and scrutiny committees which</li> </ul>	<p><b>1. What will be the number and arrangements for overview and scrutiny committees?</b></p> <p>The Council will have the overview and scrutiny committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees and/or task groups. Overview and scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.</p> <p>The broad approach to overview and scrutiny is:</p> <ul style="list-style-type: none"> <li>• To have thematically based overview and scrutiny committees.</li> <li>• Chairmen and Vice-Chairmen of those committees may meet informally, but have no formal role or functions, other than when acting as the Scrutiny Board.</li> <li>• Cross cutting issues to be looked at by task groups, established jointly by two or more overview and scrutiny committees.</li> <li>• One task group would be established for each cross cutting issue which is to be looked at. The task group would be time limited; its function would be to examine the issue, and then report back to the overview and</li> </ul>	<p>The Police and Justice Act 2006 created a responsibility upon relevant authorities to put in place specific arrangements to secure the effective Scrutiny of crime and disorder matters. The Council has already designated the Safe and Sustainable Communities Overview and Scrutiny Committee as the crime and disorder overview and scrutiny committee for the purposes of the 2006 Act, and the proposed amendments add detail in accordance with the specific requirements.</p>

Provision in Constitution			Reason(s)
	<p>established it. The task groups would not themselves be overview and scrutiny committees.</p>	<p>scrutiny committees which established it. The task groups would not themselves be overview and scrutiny committees.</p> <ul style="list-style-type: none"> <li>To fulfil statutory requirements in relation to specific overview and scrutiny functions.</li> </ul>	
<p>Overview and Scrutiny Procedure Rules Rule 4 Heading amendment and new 4.3</p>	<p><b>4. Education representatives</b></p> <p><b>4.1</b> The Young People Overview and Scrutiny Committee (and any sub-committee dealing with education matters) shall include in its membership the following voting representatives:</p> <p>(a) one Church of England diocese representative;</p> <p>(b) one Roman Catholic diocese representative;</p> <p>(c) two parent governor representatives; and</p> <p>(d) one representative of non-conformist churches.</p> <p>Voting rights of the above representatives are limited to education matters.</p> <p><b>4.2</b> Where a task group is examining an issue which includes education matters, the task group will seek the views of the Young People Overview and Scrutiny Committee in relation to such education matters.</p>	<p><b>4. Education and Crime and Disorder Representatives</b></p> <p><b>4.1</b> The Young People Overview and Scrutiny Committee (and any sub-committee dealing with education matters) shall include in its membership the following voting representatives:</p> <p>(a) one Church of England diocese representative;</p> <p>(b) one Roman Catholic diocese representative;</p> <p>(c) two parent governor representatives; and</p> <p>(d) one representative of non-conformist churches.</p> <p>Voting rights of the above representatives are limited to education matters.</p> <p><b>4.2</b> Where a task group is examining an issue which includes education matters, the task group will seek the views of the Young People Overview and Scrutiny Committee in</p>	<p>The Police and Justice Act 2006 created a responsibility upon relevant authorities to put in place specific arrangements to secure the effective Scrutiny of crime and disorder matters. The Council has already designated the Safe and Sustainable Communities Overview and Scrutiny Committee as the crime and disorder overview and scrutiny committee for the purposes of the 2006 Act, and the proposed amendments add detail in accordance with the specific requirements.</p>

Provision in Constitution	Current Wording	Reason(s)
		<p>relation to such education matters.</p> <p><b>4.3</b> The Safe and Sustainable Communities Overview and Scrutiny Committee (and any Sub-committee dealing with Crime and Disorder matters) may include in its membership co-opted representatives, who may be voting representatives if the Committee so determines, but shall not be members of the Executive.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Overview and Scrutiny Procedure Rules</p>		<p><i>Insert a new 9.1.1 (after existing 9.1) as follows:</i></p> <p><b>9.1.1 <u>Councillor Call for Action</u></b></p> <p>9.1.1.1 Any Member of an overview and scrutiny committee or sub-committee may refer to the committee/sub-committee for inclusion in an agenda and discussion at a meeting, any matter which is relevant to that committee/sub-committee's functions.</p> <p>9.1.1.2 Any Member of the Council may refer to an overview and scrutiny committee of which s/he is not a member, for inclusion in an agenda and discussion at a meeting, any local government matter which is relevant to the functions of the committee.</p> <p>9.1.1.3 A "local government matter" is one which relates to the discharge of any function of the authority, affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and is not an "excluded matter".</p> <p>9.1.1.4 Excluded matters are:</p>	<p>To include provision for the statutory Councillor Call for Action process under section 21A(1)(c) of the Local Government Act 2000 (inserted by section 119 of the Local Government and Public Involvement in Health Act 2007).</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p>(a) any matter relating to a planning decision;</p> <p>(b) any matter relating to a licensing decision;</p> <p>(c) any matter relating to an individual or entity in respect of which that individual has a right of recourse to a review or right of appeal conferred by or under any enactment (other than the right to complain to the Local Government Ombudsman);</p> <p>NB: a matter does not fall within (a) –(c) above (and is therefore not excluded) if it consists of an allegation that a function has not been discharged or the discharge has failed or is failing on a systemic basis.</p> <p>(d) any matter which is considered to be vexatious, discriminatory or not reasonable to be included in the agenda for, or discussions at, the meeting of the overview and scrutiny committee/sub-committee;</p> <p>(e) a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters).</p> <p>9.1.1.5 Councillor Call for Action gives all Members the opportunity to refer an issue to an overview and scrutiny committee where local problems have arisen and where other methods of resolution have been exhausted.</p>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p>9.1.1.6 In considering whether to make such a referral, Members must have regard to any Guidance issued by the Secretary of State and any Council Protocol concerning the Councillor Call for Action process.</p> <p>9.1.1.7 In considering whether or not to exercise any of its powers under section 21(2) (see Article 6 of this Constitution) in relation to the matter, the overview and scrutiny committee may have regard to:</p> <p>(a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors), and</p> <p>(b) any representations made by the Member as to why it would be appropriate for the committee to exercise any of its powers in relation to the matter.</p> <p>9.1.1.8 If the committee decides not to exercise any of those powers in relation to the matter, it must notify the Member of its decision and the reasons for it.</p> <p>9.1.1.9 The committee must provide the Member with a copy of any report or recommendations which it makes to the Council or the Executive in relation to the matter.</p>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Overview and Scrutiny Procedure Rules</p> <p>Rule 12 (a)</p>	<p><b>12. Making sure that Overview and Scrutiny reports are considered by the Executive</b></p> <p>(a) The agenda for Executive meetings shall include an item entitled 'Issues arising from overview and scrutiny'. The reports of overview and scrutiny committees referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within one month of the overview and scrutiny committee completing its report/recommendations. The reports (and the Executive's comments on them) shall then be referred to the next available Council.</p>	<p><b>12. Making sure that Overview and Scrutiny reports are considered by the Executive</b></p> <p>(a) The reports of overview and scrutiny committees referred to Executive shall be included immediately after feedback from Area Committees on the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within one month of the overview and scrutiny committee completing its report/recommendations. The reports (and the Executive's comments on them) shall then be referred to the next available Council by the relevant overview and scrutiny committee(s).</p>	<p>Rule 12(a) currently says the agenda for Executive meetings shall include an item entitled "Issues arising from overview and scrutiny". The reports of overview and scrutiny committees referred to the Executive shall be included at this point in the agenda ..... The amendment reflects what happens now in practice as Overview and Scrutiny Committees do not report to most meetings of the Executive, but when there is a matter of report it is generally listed and taken immediately after feedback from Area Committees.</p> <p>Rule 12(a) also states "The reports (and the Executive's comments on them) shall then be referred to the next available Council." Matters are in fact only referred to Council by Executive when there are matters which only the Council must determine and it is suggested that the words "by the relevant overview and scrutiny committee(s)" should be added at the end of this Rule.</p>



Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Overview and Scrutiny Procedure Rules</p> <p>Rule 16 Call In</p> <p>Call-in of Area Committee decisions.</p>	<p>(h) Where an executive decision has been taken by an area committee, then the right of call-in shall extend to 25% of the members of another area committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those Members may call-in the decision. The Assistant Chief Executive (Legal and Democratic Services) shall call a meeting of the relevant overview and scrutiny committee on such a date as he/she may determine, where possible after consultation with the Chairman of the committee, and in any case within 10 working days of the decision to call-in, or such later date as the Leader may agree to, subject to it being practicable for any reference back under paragraph (d) to be included, for reconsideration, on the agenda for the second meeting of the Executive, in the County Council Diary of meetings, following receipt of the call-in request. All other provisions relating to call in shall apply as if the call in had been exercised under (b) above.</p>	<p>Delete sub-paragraph (h) and re-number following sub-paragraphs.</p>	<p>Paragraph (a) refers to decisions being made by the Executive, individual Executive Members, an Executive Committee, Area Committee or key decisions by officers. Paragraphs (b) to (g) then set out the detailed process, but (h) appears to set limits on which Members may call-in an Executive decision made by an Area Committee. This appears to be in conflict with the powers given in (b) and it is proposed that (h) should be deleted, for the avoidance of doubt.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Overview and Scrutiny Procedure Rules</p> <p>NEW Rule 21</p>		<p><i>Insert new Rule 21 sequentially, as follows:</i></p> <p><b>21. Scrutiny of Crime and Disorder Matters</b></p> <p>(a) The Safe and Sustainable Communities Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) may make a report or recommendations to the Council with respect to any local crime and disorder matter in relation to a Member of the Council. A local crime and disorder matter in relation to a Member means any matter concerning:</p> <ul style="list-style-type: none"> <li>• crime and disorder (including, in particular, forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment);</li> <li>• the misuse of drugs, alcohol or other substances which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area).</li> </ul> <p>(b) Any Member of the Council may give notice to the Head of Scrutiny and Corporate Performance that s/he wishes an item which s/he considers to be a crime and disorder matter to be included on the agenda for discussion at the next meeting of the Safe and Sustainable Communities Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee).</p>	<p>The Police and Justice Act 2006 created a responsibility upon relevant authorities to put in place specific arrangements to secure the effective Scrutiny of crime and disorder matters. The Council has already designated the Safe and Sustainable Communities Overview and Scrutiny Committee as the crime and disorder overview and scrutiny committee for the purposes of the 2006 Act, and the proposed amendments add detail in accordance with the specific requirements.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p>(c) On receipt of the request, the Head of Scrutiny and Corporate Performance will ensure that the item is included on the next available agenda for consideration by the Safe and Sustainable Communities Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee), and the following shall apply:</p> <p>(i) The subject matter considered will be the subject of a report from the relevant Corporate Director, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Committee meeting to provide that information, make representations and answer questions;</p> <p>(ii) The matter will be considered by the Committee in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules;</p> <p>(iii) The Member who referred the matter under sub-paragraph (b) above may address the Committee in respect of the matter for up to 10 minutes;</p>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p>(iv) The Committee may also consider representations from any residents of the electoral division affected by the matter, subject to the discretion of the Chairman of the Committee;</p> <p>(v) If the matter concerns issues that fall within the remit of the Executive, the relevant Executive Member shall also attend the Committee to answer questions and make any representations.</p> <p>(d) If the Safe and Sustainable Communities Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) decides not to make a report or recommendation to the Council in relation to the crime and disorder matter, it must notify the Member who referred the matter of its decision and the reasons for it.</p> <p>(e) Where the Committee makes a report or recommendations to the Council it must:</p> <p>(i) provide a copy of the report or recommendations to the Member who referred the matter to the Committee, and</p>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p>(ii) provide a copy of the report or recommendations to such of:</p> <ul style="list-style-type: none"> <li>• the responsible authorities (within the meaning of Section 5 Crime and Disorder Act 1998); and</li> <li>• the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) Crime and Disorder Act 1998);</li> </ul> <p>as it thinks appropriate.</p>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p>(f) Where the Safe and Sustainable Communities Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) makes a report or recommendations to the Council or provides a copy of a report or recommendations under sub-paragraph (e)(ii) above, the Committee must notify the Council, body or person to whom it makes or provides a copy of the report or recommendations that the Council, body or person must:</p> <ul style="list-style-type: none"> <li>(i) consider the report or recommendations;</li> <li>(ii) respond to the Safe and Sustainable Communities Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) indicating what (if any) action it proposes to take;</li> <li>(iii) have regard to the report or recommendations in exercising its functions.</li> </ul>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p>(g) For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations 2009, the Safe and Sustainable Communities Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) will meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than once in every 12 month period.</p>	
		<p>(h) Where the Safe and Sustainable Communities Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the Police and Justice Act 2006, the Committee shall review the responses received and monitor the action (if any) taken by the relevant authority, person or body in accordance with its powers under section 19(1) of the 2006 Act.</p>	
<p>Part 6 Members' Allowances Scheme  Note - Approved Duties - Eligibility For</p>	<p>(c) <i>All meetings of the Best Value Review Teams, and of Business Units' Special Interest Groups of Members.</i></p>	<p>(c) <i>All meetings of the Scrutiny Review Teams, and of Business Units' Special Interest Groups of Members.</i></p>	<p>To reflect that Best Value Reviews no longer exist and to update the reference.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Travel And Subsistence Allowances			
Part 6 Members' Allowances Scheme Note - Approved Duties Eligibility For Travel And Subsistence Allowances -	... <i>Payments of travel and subsistence allowances will be made on the last working day of each month in respect of claims received up to the day 14 days before that date.</i> ....	... <i>Payments of travel and subsistence allowances will be made on the last working day of each month. Claims should be submitted as soon as possible after the end of the month and Members should aim to submit their claim by no later than the 10th of the month to ensure payment at the end of that month.</i>	In practical terms, the way that claims are processed has changed, and Members have been given guidance that they should aim to submit claims within the first 10 days of the month. Amendments have therefore been suggested to the Constitution to meet these new administrative arrangements.



## North Yorkshire County Council

### Petitions Scheme

The County Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. Anyone who lives, works or studies in the County of North Yorkshire, including under 18's, can sign or organise a petition and trigger a response. All petitions sent or presented to the County Council will receive an acknowledgement within 10 working days of receipt. This will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions of any size may be sent to:

Assistant Chief Executive (Legal & Democratic Services)  
North Yorkshire County Council  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AD

#### **What are the guidelines for submitting a petition?**

Petitions submitted must include:

- A clear and concise statement covering the subject of the petition;
- It should state what action the petitioners wish the County Council to take;
- It should include the name and address (including postcode) and signature of any person supporting the petition;
- Petitions should be accompanied by contact details, including an address (including postcode), for the petition organiser.

We will contact the petition organiser to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the County Council may decide not to do anything further. In that case, we will write to you to explain the reasons.

#### **What will the County Council do when it receives my petition?**

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. Its receipt will also be published on our website.

If we can do what the petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.

If the petition has enough signatures, it will trigger either:

- A debate either at the relevant Area Committee;
- A debate at County Council;
- A senior officer giving evidence at a meeting of the relevant Overview and Scrutiny Committee.

The acknowledgment will confirm which is the appropriate course of action and advise as to when and where, if appropriate, any meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, other procedures apply and the matter will not be dealt with through the petition scheme. Further information on all these procedures and how you can express your views is available here *[links to be detailed/inserted]*.

The Council will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate - whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

### **How will the County Council respond to petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition;
- Considering the petition at a relevant Area Committee meeting;
- Considering the petition at County Council;
- Undertaking research into the matter – options including meeting with lead petitioners, holding a public meeting;
- Referring the petition for consideration by a County Council Overview and Scrutiny Committee\*;
- Writing to the petition organiser setting out our views about the request in the petition.

\*Overview and Scrutiny Committees are committees of County Councillors who are responsible for scrutinising the work of the Council. The Overview and Scrutiny Committees have the power to hold the County Council's decision makers to account.

In addition to these steps, the County Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the County Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The County Council

works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with County Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the County Council is responsible here [insert link].

If your petition is about something that a different council is responsible for, we will consider the best method for responding to it. This might consist of simply forwarding the petition to the relevant council, but it could involve other steps. In any event we will always notify you of the action we have taken.

## **Debates**

Petitions supported by a significant proportion of people from a District Area or the Council Area as a whole will be presented to a meeting of the relevant Area Committee or the County Council for debate, depending upon the number of signatories and whether it relates to a matter of concern to a particular locality or a matter of county-wide interest. If your petition contains signatures from 3% or more of the District population, it will be scheduled for debate at the next meeting of the appropriate Area Committee. If there are more than 5% of the County wide population signatories, it will be scheduled for a County Council debate.

Area Committees usually take place 5 times a year and County Council quarterly. The dates and times may be found at [insert link]. If you would like to present your petition when it is to be considered by the relevant Area Committee, or County Council, or would like your County Councillor or someone else to present it on your behalf, please contact Democratic Services on 01609 532848, at least 10 working days before the meeting and they will talk you through the process.

Following receipt, the Council will endeavour to consider the petition at the next appropriate meeting, if the thresholds are met, although on some occasions this may not be possible and consideration will then take place at the following meeting.

At the meeting the petition organiser will be given five minutes to present the petition and the petition will then be discussed by County Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide:

- to take the action the petition requests,
- not to take the action requested for reasons put forward in the debate,
- to commission further investigation into the matter, for example by a relevant committee.
- Where the issue is one on which the County Council Executive are required to make the final decision, the County Council will decide whether to make recommendations to inform that decision.

The petition organiser will receive written confirmation of this decision and this confirmation will also be published on our website.

## **Officer evidence**

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. If your petition contains signatures from 0.5% or more, of the County's

population, the officer will be asked to appear at the next meeting of the appropriate Overview and Scrutiny Committee.

The senior officers concerned will be limited to Chief Officers and Statutory Officers. The posts of senior staff who may be called to give evidence can be found here *insert link*. You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. It should be noted that if legal or disciplinary proceedings are ongoing in relation to the issue, the Council may not consider it appropriate for the petition to be the subject of debate or for an officer to be called to give evidence. The Committee may also decide to call relevant County Councillor/s to attend the meeting. Committee members will ask the questions at the meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting the Assistant Chief Executive (Legal & Democratic Services) up to three working days before the meeting with details of your questions.

### **What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the relevant County Council Overview and Scrutiny Committee review the steps that the County Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the County Council's response is not considered to be adequate. The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include:

- Instigating an investigation,
- Making recommendations to the County Council Executive and arranging for the matter to be considered at a meeting of the County Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.