

NORTH YORKSHIRE COUNTY COUNCIL



ANNUAL MEETING

20 May, 2015

**Summons, Agenda, Minutes
and Reports**

QUESTIONS

Council Procedure Rules 2.4 and 10 set out the procedures for asking questions at the County Council Meeting.

2.4 REPORTS, STATEMENTS AND QUESTIONS

- (a) Any reports of the Executive or committees shall, whenever possible, be printed and circulated to Members of the Council before the meetings at which they are to be considered.
- (b) The Leader of the Council may make a statement to the Council on any matters relevant to the Council and any portfolio holder (including the Leader if he/she holds a portfolio) or Chairman of any overview and scrutiny committee may make a statement to the Council on any matters relevant to that portfolio or the work of that overview and scrutiny committee. Members of the Council may, without notice, ask the Member who made the statement questions arising from matters raised in that statement or may ask any questions on matters in that portfolio not mentioned in the statement, but unless notice has been given by 10 am the previous day the person to whom the question has been put may respond in writing, with a copy being placed in Members' Group Rooms. The provisions of Council Procedure Rule 10 (b), (c), (d) and (e) shall apply to questions under this Council Procedure Rule.
- (c) No Member shall speak more than once or for more than two minutes on any statement made by the Leader or a portfolio holder or Chairman of the Scrutiny Board or of an Overview and Scrutiny Committee, except that one representative of each Group may speak for 5 minutes when responding to the statement made by the Leader. The Leader or portfolio holder or Chairman of the Scrutiny Board or of an Overview and Scrutiny Committee making the statement is not limited in the time allowed to make the statement or limited in time or frequency of speaking when responding to questions.

10. QUESTIONS BY MEMBERS

- (a) In addition to his/her right under Council Procedure Rule 2.4 to ask questions of the Leader or a portfolio holder or Chairman of an overview and scrutiny committee or in any report, a Member may ask the Chairman of any committee, other than an overview and scrutiny committee, any questions relating to the business of the Council or may ask the Chairman or nominated member of the North Yorkshire Police Authority, the North Yorkshire Fire and Rescue Authority, the North York Moors National Park Authority or the Yorkshire Dales National Park Authority, a question on the discharge of the functions of such Authority.
- (b) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.
- (c) With the consent of the Chairman of the Council, the Member who has asked a question may ask a supplementary question arising out of the reply.
- (d) Where the information asked for in a question is contained in any of the Council's publications, it shall be deemed a sufficient reply if the publication containing the information is indicated.
- (e) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is supplied to the Member asking the question as soon as reasonably possible and copies shall at the same time be placed in the Members' Group Rooms.
- (f) The Chairman shall call on Members to ask questions under this Council Procedure Rule in the order of respondent set out below and, within that order, in the order in which notice of questions was given to the Head of Legal and Committee Services by noon the previous day. In the absence of prior notice having been given, Members must inform the Chairman of their wish to ask a question and these will be called in the order received, but after questions of which prior notice was given.
- (g) The time limit for questions under this Council Procedure Rule for each respondent will be 5 minutes. Once the time allocated for any respondent has expired at any meeting, the Chairman shall not permit any further questions to be asked of that respondent under this Council Procedure Rule but, if a question or response has been started it may be completed, irrespective of the time limit, as may any response to any question being asked when the time limit is reached.

Order of questions

- (i) to the Chairman of the Standards Committee;
- (ii) to the Chairman of an Area Committee;
- (iii) to the Chairman of any other of the Council's committees;
- (iv) to the Chairman or other representative of:-
 - North Yorkshire Fire and Rescue Authority
 - North Yorkshire Police Authority
 - North York Moors National Park Authority
 - Yorkshire Dales National Park Authority



NORTH YORKSHIRE COUNTY COUNCIL

You are hereby summoned to attend the Meeting of the County Council to be held at County Hall, Northallerton, on **Wednesday, 20 May 2015 at 10.30 am**, at which the following business will be transacted.

Recording is allowed at County Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted under the direction of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available to download below. Anyone wishing to record must contact, prior to the start of the meeting, the Officer whose details are at the foot of the first page of the Agenda. Any recording must be clearly visible to anyone at the meeting and be non-disruptive. <http://democracy.northyorks.gov.uk/>

BUSINESS

1. **To elect a Chairman of County Council** to serve until the Annual Meeting of the Council in 2016.
2. To move that the **Minutes of the meeting of the County Council held on 18 February 2015** having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.
(Pages 1 to 15)
3. **To appoint a Vice-Chairman of the County Council** to serve until the Annual Meeting of the Council in 2016.
4. **Chairman's Announcements** - Any correspondence, communication or other business brought forward by the direction of the Chairman of the Council.
5. **A Statement by the Leader of the Council**
(Pages 16 to 17)
6. **Public Questions or Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice to Barry Khan, Assistant Chief Executive (Legal and Democratic Services) – contact: barry.khan@northyorks.gov.uk) by **midday on 15 May 2015**, three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item.

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

7. To consider the **report and recommendations of the Executive** and make decisions on them.

(Pages 18 to 75)

- Highways Infrastructure Asset Management Plan (HIAMP) Policy
- Constitution Review 2015 – Tranche One
- Appointments to Committees and Outside Bodies

8. **Statements of Executive Members**, in the order set out below, **followed by Statements by the Chairmen of the Overview and Scrutiny Committees**

(Pages 76 to 109)

Executive Members:

- (a) Public health and prevention. (Portfolio holder: County Councillor Don MacKenzie)
- (b) Central and financial services including assets, IT and procurement. (Portfolio holder: County Councillor Carl Les).
- (c) Children's services, special education needs youth justice, youth service and adult learning. (Portfolio holder: County Councillor Tony Hall).
- (d) Schools, 16-19 year old education and early years' provision. (Portfolio holder: County Councillor Arthur Barker).
- (e) Adult social care and health integration. (Portfolio holder: County Councillor Clare Wood).
- (f) Highways and planning services. (Portfolio holder: County Councillor Gareth Dadd).
- (g) Rural Services, waste disposal, public passenger transport, trading standards, economic development and library services. (Portfolio holder: County Councillor Chris Metcalfe).
- (h) **Scrutiny Annual Report for 2014/2015 which incorporates Statements from the Overview and Scrutiny Committees Chairmen**
 - Scrutiny Board (Chairman: County Councillor Elizabeth Casling).
 - Care and Independence Overview and Scrutiny Committee (Chairman: County Councillor Patrick Mulligan).
 - Corporate and Partnerships Overview and Scrutiny Committee (Chairman: County Councillor Derek Bastiman).
 - Scrutiny of Health Committee (Chairman: County Councillor Jim Clark).
 - Transport, Economy and Environment Overview and Scrutiny Committee (Chairman: County Councillor David Jeffels).
 - Young People Overview and Scrutiny Committee (Chairman: County Councillor Elizabeth Shields).

Members of the Council may, without notice, ask the Member who made the statement questions arising from matters raised in that statement or may ask any questions on matters in that portfolio not mentioned in the statement, but **unless notice has been given by 10 am on 19 May 2015**, the person to whom the question has been put may respond in writing, and this is then circulated to all Members.

9. **Council Procedure Rule 10 Questions**
10. **Appointment of new Council Leader:** to elect a Leader to serve until the Annual Meeting of the Council in 2017 and to hear a statement by the new Leader of the Council, including appointments to the Executive, followed by any questions arising from the statement.
11. **Any other appointments to Committees**

RICHARD FLINTON
Chief Executive Officer

County Hall,
NORTHALLERTON
12 May 2015

BARRY KHAN,
Assistant Chief Executive
(Legal and Democratic Services)

Meetings of the County Council - Evacuation in Emergency

Although it is very unlikely that there will be a fire, or any other emergency, on the day of a meeting of the County Council, it remains a possibility that such an emergency will arise. The following guidance notes are intended to assist Members of the Council and the public to evacuate the building safely, in such circumstances.

The Council Chamber, and the associated Public Gallery, pose a number of difficulties for rapid evacuation in an emergency, not least being the considerable number of people who can be in the Chamber and the Gallery at any time, but also because of evacuation routes from the building. If, in the case of a fire or other emergency, the main staircase were to be impassable, it would be necessary to evacuate the Council Chamber through the Public Gallery and, from there, down the staircase that leads from the Public Gallery to the central courtyard. It is not possible, however, to know which route is most appropriate, if an alarm is sounded, without a quick preliminary examination being made.

(a) Therefore, if the fire alarm is sounded during a meeting of the County Council:-

- the Democratic Services Manager (or another Democratic Services Officer) will act as Fire Evacuation Warden and will issue instructions on the appropriate exit to use, as soon as it is established by a Democratic Services officer whether the main staircase is clear of fire or obstruction;
- please leave your seat without delay, so that you are ready to leave the Chamber when the evacuation route is clear;
- if evacuation is via the main staircase, please leave the building by the main doors, but assemble on the south side car park (with Members' parking bays marked in red);
- if evacuation is via the Public Gallery, please leave the Chamber via the doors in the Labour/Liberal Democrat corner of the room, through the Public Gallery and down the staircase to the centre courtyard, from there via the courtyard gate to assemble in the north side car park (by the Superintendent's house on Racecourse Lane);
- Democratic Services staff will ensure that the Chamber and Public Gallery are cleared, that windows and doors are closed wherever possible, and will report to the Fire Evacuation Controller.

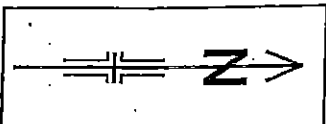
(b) If the fire alarm is sounded during Group meetings:-

- please close all windows and proceed to the nearest exit (subject to that being free of fire or other obstruction) closing any doors behind you;
- check that no-one has been left in the room in which you are meeting;
- assemble on the south side car park (with Members' parking bays marked in red); and
- ask one of the Group to report to the Fire Evacuation Controller who will be at the main entrance doors, (without re-entering the building) that the room you evacuated was clear of people.

(c) If you are in another room when the fire alarm is sounded, for example your Group Room, the Members' Lounge or Dining Room:-

- please ensure that no-one else remains in the room;
- check (as far as reasonably practicable) that windows and adjoining doors are closed;
- close the door after leaving the room and leave the building by the nearest exit
- then, without re-entering the building, report to the Fire Evacuation Controller at the main entrance doors that the room which you evacuated was clear of other persons.

(NOTE: These notes and the plan overleaf seek to do no more than give outline guidance to Members on action they should take if the fire alarm is sounded while they are in the building. It is not possible to provide detailed guidance which will cover every eventuality. The core purposes of the guidance note are to assist with the safe evacuation of all persons in the building and to ensure that the officer acting as Fire Evacuation Controller is able to give the Fire and Rescue Service, when they attend any fire, the best achievable information about whether any persons may remain in the building and, if so, their likely location. Every report of a room being clear of persons assists substantially in this task. The Democratic Services Manager will be pleased to receive any comments about these guidance notes, particularly as to how they might be improved).



Members
Car Parking

Visitors
Car Parking

Pond

Pond

**SOUTH SIDE
CAR PARK**

Fire Assembly
Point

MAIN
EVACUATION ROUTE

Council
Chamber

Fire Assembly
Point

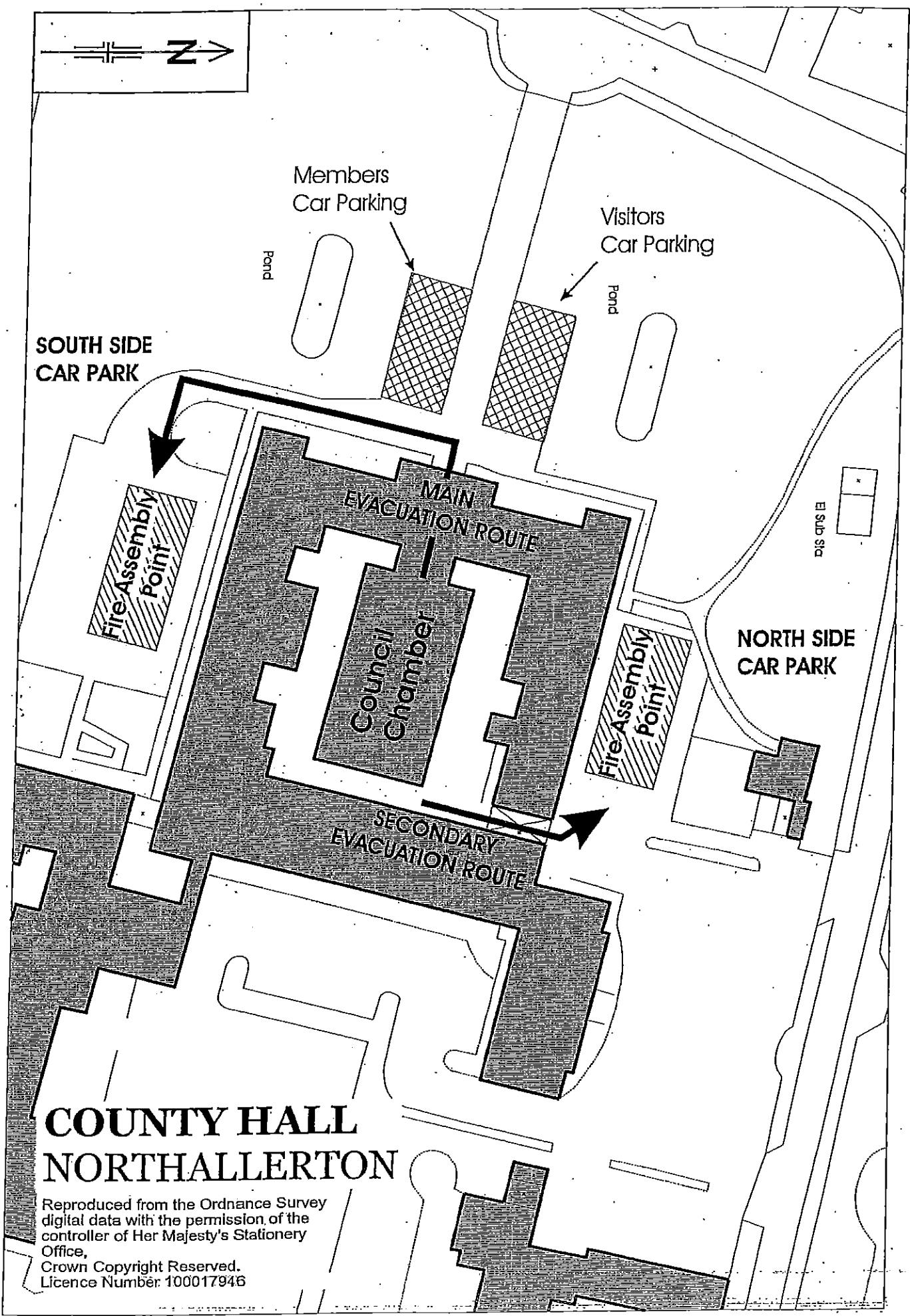
**NORTH SIDE
CAR PARK**

El Sub Sid

SECONDARY
EVACUATION ROUTE

COUNTY HALL NORTHALLERTON

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NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the Annual General meeting of the County Council held at County Hall, Northallerton on 18 February 2015 at 10.30 am.

Present:-

County Councillor Tim Swales in the Chair.

County Councillors Val Arnold, Margaret Atkinson, Andrew Backhouse, Arthur Barker, Philip Barrett, Derek Bastiman, Bernard Bateman MBE, David Billing, John Blackburn, John Blackie, David Blades, Eric Broadbent, Jean Butterfield, Liz Casling, David Chance, Jim Clark, John Clark, Richard Cooper, Sam Cross, Gareth Dadd, Margaret-Ann de Courcey-Bayley, John Fort BEM, Andrew Goss, Helen Grant, Bryn Griffiths, Tony Hall, Michael Harrison, Robert Heseltine, Peter Horton, David Ireton, David Jeffels, Janet Jefferson, Anne Jones, Mike Jordan, Andrew Lee, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Brian Marshall, Shelagh Marshall, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Robert Packham, Stuart Parsons, Caroline Patmore, Chris Pearson, Joe Plant, John Ritchie, Janet Sanderson, John Savage, Steve Shaw-Wright, Elizabeth Shields, David Simister, Peter Sowray, Helen Swiers, John Weighell, Richard Welch, James Windass and Clare Wood.

Minutes

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday, 12 November 2014, the having been printed and circulated, are taken as read and confirmed and signed by the Chairman as a correct record.

The vote was taken and, on a show of hands, the motion was declared carried with none against and no abstentions.

Resolved -

71. That the Minutes of the meeting of the County Council held on Wednesday, 12 November 2014, having been printed and circulated, are taken as read and are confirmed and signed by the Chairman as a correct record.

Chairman's Announcements

The Chairman noted the apologies for absence received and welcomed Honorary Aldermen Michael Knaggs and John Marshall to the meeting. He then formally announced the death of former County Councillor John Piper who had served as a member of the authority between 1973 – 1993, he was also Chairman of the North Yorkshire Dales National Park Authority. The Chairman then advised of the death of former County Councillor and Honorary Alderman Betsy Hill, who served 1985 to 2005. Members of Council stood in silence to their memory.

The Chairman also informed Members that Janet Warin was recognised in the New Year Honours, she was appointed MBE in recognition of her work volunteering with the 95 Alive Project, she was also honoured for her community volunteer work.

Statement by the Leader of the Council

County Councillor John Weighell made a statement, under Council Procedure Rule 2.3, as Leader of the Council, a summary of the key points of which had previously been circulated and which appear in the Minute Book (pages 6421-6422). County Councillor John Weighell then responded to various questions.

Public Questions or Statements

Mrs Eileen Driver representing the Steering Group for the Save Stokesley Library Campaign made the following statement:

"1,695 Stokesley residents signed for their library to be a hybrid because an all-volunteer library is more vulnerable to closure and they need their library to have a sustainable future. We are campaigning because almost every local we spoke to wanted to sign the petition immediately. It was remarkable to encounter an almost unanimous quantity of strong support for the uses of the library and support for the campaign. With resounding clarity, they reject NYCC's proposals to close the library and want it to remain in County provision. Last year (2013-14) Stokesley Library:

- 41,000 visits
- 61,000 books and media loans
- 2,000 active borrowers
- 3,000 active users
- 8,000 PC sessions
- 500 Wi-Fi hours.

Taken together a staggering 125,500 reasons for the library to remain under NYCC control.

Local people are deeply concerned that NYCC is not recognising the educational, cultural, economic and social benefits that the library brings to our community. NYCC's usage figures show the largest group of users are the under 24s, closely followed by the 25-54 year olds with, by far the smallest, group being over 55s. Ironically it is this very age group that an all-volunteer library would call on to keep it running.

There is strong questioning of the County's criteria for choosing Stokesley to become a community library since we would be 18 miles from our Northallerton core library while 4 out of 5 of the proposed hybrids are much nearer. Stokesley people are extremely puzzled as to why our library has running costs of £26,000 when other comparable libraries have none. Local people feel that Stokesley is judged as needing to be closed because of high costs when only 9 years ago the previous library was sold.

The financial history of Town Close, the building where the library is located, and the costs of closure, need to be carefully considered before a decision is made. Town Close is operated under a 99 year lease and a Partnership Agreement with Broadacres Housing and Hambleton District Council. This document records that North Yorkshire County Council provided in total £1.9 million towards the building of Town Close, which is owned by Broadacres. This money was raised from the sale of the former library building in Stokesley Manor House, and from the sale of the former old persons home at Springfield House. The Council's contribution was recognised by the fact that it has rent free occupation of the new library premises. If this library was closed, the Council is effectively abandoning almost £2million is put towards this building, which, it is submitted is an unconscionable waste of public money.

The Partnership Agreement also makes it clear that if the Council wishes to walk away from the current arrangement, which is what would happen if the library is closed, it would have effectively to make good Broadacres' losses on the empty unit, which could be substantial and long term and include rates plus a share of the running costs of the building. It is submitted that the Committee should be fully informed of the likely claims by Broadacres before taking any decision which would cause closure of the library, given that the whole point of the exercise is to save money, not waste it on paying compensation.

At a public meeting an NYCC spokesperson promised us that the Communities Fund could be called upon to help financially, making it sound as though this would make an enormous cash difference. However, when questioned more closely he revealed that not only was it very small- £3 million – but that was for all council departments and that it had not been decided where the funding would be allocated. The funding was invoked to persuade us of the 'opportunity' that a volunteer run library, supported by substantial funding, would have. Then we discover that there may not be any funding at all, and if there is, it would clearly be very small. If all of the proposed Community libraries were changed to hybrids the cost to each North Yorks household (if spread evenly) would be £2.62 per annum. A small price for thousands of learning, social and cultural opportunities.

All the criteria that the decisions on whether libraries would be hybrid or not would be based upon the size of the town. Criteria such as 'footfall'; 'business use' –meaning the number of books and services used- and the number of visitors to the town, are clearly just proportional to the size of the town. A factor such as the value to the local community is not considered. Using the NYCC financial criteria seems to be designed to prevent Stokesley becoming a hybrid. One of the personal statements called the library a "public space oasis." We support the suggestion that all of the proposed Community libraries be kept within County management and the necessary cuts be spread across all North Yorks libraries.

We do appreciate the financial constraints on the Council but, as evidenced by the accompanying 1261 petition signatures; 135 primary children's comments and 435 adult personal statements (small overlap of same people signing petition and personal responses), Stokesley people ask their Elected Representatives to keep their library within County provision and not to make it a Community library. We ask for a hybrid library model for Stokesley."

In response County Councillor Chris Metcalfe said:

"Thank you for your submission, I am delighted to see such strong support for the library from local people. It confirms our view that libraries are valued by their communities for all the reasons you mentioned in your statement.

In putting together the proposals we consulted on, officers started from the position of what could be afforded providing the widest coverage possible with the money available. The geography and demography of North Yorks support at least one library per district, to

support the whole network of libraries, hence the proposal for seven core libraries. In looking to make the budget go as far as possible the next option was that of Hybrid – part paid staff/part volunteer. The criteria for identifying which libraries should be proposed as hybrids was based on business levels across a wide range of criteria, and those proposed are all in the top 12 highest performing libraries. The running cost of individual libraries was not a factor in whether a library was proposed as core, hybrid or community managed.

The experience of the existing community managed libraries is that their volunteers have not necessarily been library users previously, but they, like the people of Stokesley see the wider contribution that their library makes to their local community.

The approach across the library service has long been to minimise costs, by co-locating where that is mutually beneficial, and to maximise income (within the constraints of the Public Library and Museums Act and Local Government Finance Regulations) through charging for services and exploiting opportunities for retail, as long as these do not conflict with the library's core purpose (or business). We welcome any ideas from the public of ways we can expand on this. In terms of the Hambleton District presence in the Extra Care facility, the decision to maintain their separate office is theirs.

In terms of support for groups coming forward to manage their local library, I can confirm that the Stronger Communities Team will offer considerable financial support towards the building running costs, as like you, we want libraries to be sustainable going forward.

As stated earlier, the proposals are aimed at getting the maximum for the given budget of £4.2 million, which equates to £16.37 per household across North Yorkshire. It would therefore require at least an additional £670k, using your figure of £2.62 per household per annum, to upgrade the proposed community libraries to the hybrid model.

Over the next couple of months officers will be analysing all the responses to the Library proposals. These will inform the reports which will come to the Executive to make a decision in late June/early July."

Report of the Executive Council Plan

The recommendations in paragraph 1 of the report (page 6427) were moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with none against and one abstention.

Resolved –

- 72.** a) That County Council approve the 2020 North Yorkshire Council Plan
- b) That County Council authorise the Chief Executive to make any necessary changes to the text, including reflecting decisions made by the County Council on the Medium Term Financial Strategy and updated performance data.

The recommendations in paragraph 2 of the report (pages 6428-6430) were moved and seconded, subject to the deletion of recommendation e).

The Council voted on the first Liberal Democrat amendment regarding the Youth Service and, on a vote by name there were:

For the amendment: Margaret-Ann de Coursey-Bayley, Andrew Goss, Bryn Griffiths, Anne Jones, Stuart Parsons, Elizabeth Shields.

Against the amendment: Val Arnold, Margaret Atkinson, Andrew Backhouse, Arthur Barker, Derek Bastiman, Bernard Bateman MBE, David Billing, John Blackburn, David Blades, Eric Broadbent, Jean Butterfield, Liz Casling, David Chance, Jim Clark, Richard Cooper, Gareth Dadd, John Fort BEM, Tony Hall, Michael Harrison, Robert Heseltine, David Ireton, David Jeffels, Mike Jordan, Andrew Lee, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Brian Marshall, Shelagh Marshall, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Robert Packham, Caroline Patmore, Chris Pearson, Joe Plant, John Ritchie, Janet Sanderson, Steve Shaw-Wright, Peter Sowray, Tim Swales, Helen Swiers, John Weighell, Richard Welch, James Windass and Clare Wood.

Absentions: Philip Barrett, John Blackie, John Clark, Sam Cross, Helen Grant, Peter Horton, Janet Jefferson, John Savage, David Simister.

and the amendment was lost.

The Council voted on the second Liberal Democrat amendment regarding Community Libraries and, on a vote by name there were:

For the amendment: Philip Barrett, John Blackie, Margaret-Ann de Coursey-Bayley, Andrew Goss, Helen Grant, Bryn Griffiths, Peter Horton, Anne Jones, Stuart Parsons, Elizabeth Shields.

Against the amendment: Val Arnold, Margaret Atkinson, Andrew Backhouse, Arthur Barker, Derek Bastiman, Bernard Bateman MBE, David Billing, John Blackburn, David Blades, Eric Broadbent, Jean Butterfield, Liz Casling, David Chance, Jim Clark, Richard Cooper, Gareth Dadd, John Fort BEM, Tony Hall, Michael Harrison, Robert Heseltine, David Ireton, David Jeffels, Mike Jordan, Andrew Lee, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Brian Marshall, Shelagh Marshall, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Robert Packham, Caroline Patmore, Chris Pearson, Joe Plant, John Ritchie, Janet Sanderson, Steve Shaw-Wright, Peter Sowray, Tim Swales, Helen Swiers, John Weighell, Richard Welch, James Windass and Clare Wood.

Absentions: John Clark, Sam Cross, Janet Jefferson, John Savage, David Simister.

and the amendment was lost.

The Council voted on the third Liberal Democrat amendment regarding Public Transport and, on a vote by name there were:

For the amendment: John Clark, Margaret-Ann de Coursey-Bayley, Andrew Goss, Bryn Griffiths, Anne Jones, John Savage, Elizabeth Shields.

Against the amendment: Val Arnold, Margaret Atkinson, Andrew Backhouse, Arthur Barker, Philip Barrett, Derek Bastiman, Bernard Bateman MBE, David Billing, John Blackburn, John Blackie, David Blades, Eric Broadbent, Jean Butterfield, Liz Casling, David Chance, Jim Clark, Richard Cooper, Gareth Dadd, John Fort BEM, Tony Hall, Michael Harrison, Robert Heseltine, Peter Horton, David Ireton, David Jeffels, Janet

Jefferson, Mike Jordan, Andrew Lee, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Brian Marshall, Shelagh Marshall, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Robert Packham, Stuart Parsons, Caroline Patmore, Chris Pearson, Joe Plant, John Ritchie, Janet Sanderson, Steve Shaw-Wright, Peter Sowray, Tim Swales, Helen Swiers, John Weighell, Richard Welch, James Windass and Clare Wood.

Absentions: Sam Cross, Helen Grant, David Simister.

and the amendment was lost.

The Council voted on the Liberal amendment regarding the regular review of the effectiveness of the changes set out at Appendix D – CYP2, CYP7, HAS3/4/5/7 and on a vote by name there were:

For the amendment: Val Arnold, Margaret Atkinson, Andrew Backhouse, Arthur Barker, Philip Barrett, Derek Bastiman, Bernard Bateman MBE, David Billing, John Blackburn, John Blackie, David Blades, Eric Broadbent, Jean Butterfield, Liz Casling, David Chance, Jim Clark, John Clark, Richard Cooper, Sam Cross, Gareth Dadd, Margaret-Ann de Courcey-Bayley, John Fort BEM, Andrew Goss, Helen Grant, Bryn Griffiths, Tony Hall, Michael Harrison, Robert Heseltine, Peter Horton, David Ireton, David Jeffels, Janet Jefferson, Anne Jones, Mike Jordan, Andrew Lee, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Brian Marshall, Shelagh Marshall, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Robert Packham, Stuart Parsons, Caroline Patmore, Chris Pearson, Joe Plant, John Ritchie, Janet Sanderson, John Savage, Steve Shaw-Wright, Elizabeth Shields, David Simister, Peter Sowray, Tim Swales, Helen Swiers, John Weighell, Richard Welch, James Windass and Clare Wood.

Against the amendment: none

Absentions: none

and the amendment was carried.

The Council voted on the motion as amended (with the addition of recommendation (t)) and, on a vote by name there were:

For the amendment: Val Arnold, Margaret Atkinson, Andrew Backhouse, Arthur Barker, Philip Barrett, Derek Bastiman, Bernard Bateman MBE, David Billing, John Blackburn, John Blackie, David Blades, Eric Broadbent, Jean Butterfield, Liz Casling, David Chance, Jim Clark, John Clark, Richard Cooper, Gareth Dadd, Margaret-Ann de Courcey-Bayley, John Fort BEM, Andrew Goss, Helen Grant, Bryn Griffiths, Tony Hall, Michael Harrison, Robert Heseltine, Peter Horton, David Ireton, David Jeffels, Janet Jefferson, Anne Jones, Mike Jordan, Andrew Lee, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Brian Marshall, Shelagh Marshall, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Robert Packham, Caroline Patmore, Chris Pearson, Joe Plant, John Ritchie, Janet Sanderson, John Savage, Steve Shaw-Wright, Elizabeth Shields, Peter Sowray, Tim Swales, Helen Swiers, John Weighell, Richard Welch, James Windass and Clare Wood.

Against the amendment: Sam Cross, Stuart Parsons, David Simister.

Absentions: none

and the motion was carried.

Resolved -**73.**

- a) That the Section 25 assurance statement provided by the Corporate Director, Strategic Resources regarding the robustness of the estimates and the adequacy of the reserves (**paragraph 15.28**) and the risk assessment of the MTFS detailed in **Section 14** are noted.
- b) That, in accordance with Section 42A of the Local Government Finance Act 1992 (as amended by Section 75 of The Localism Act 2011), a Council Tax requirement for 2015/16 of £241,795k is approved and that a Council Tax precept of this sum be issued to billing authorities in North Yorkshire (**paragraphs 5.4 and 13.2 to 13.4** and **Appendix G**)
- c) That, in accordance with Section 42B of the Local Government Finance Act 1992 (as amended by Section 75 of The Localism Act 2011) a basic amount (Band D equivalent) of Council Tax of £1,099.98k is approved (**paragraphs 5.4 and 13.2 to 13.4** and **Appendix G**).
- d) That a net Revenue Budget for 2015/16 of £363,511k (**paragraphs 5.1 to 5.5** and **Appendix B**) is approved, and that the financial allocations to each Directorate, net of planned savings, be as detailed in **Appendix E**.
- e) That in the event that the final Local Government Settlement results in a difference of less than £1m then the difference to be addressed by a transfer to / from the General Working Balance in line with **paragraph 4.13** with such changes being made to **Appendix E** as appropriate (not now required).
- f) That the Corporate Director – Children and Young People’s Service is authorised, in consultation with the Executive Member for Schools, to take the final decision on the allocation of the Schools Block (**paragraph 12.15**)
- g) That £4m is earmarked for the further roll-out of broadband in line with the Superfast North Yorkshire project and that drawdown of the funding is subject to further Executive consideration and subsequent approval (**paragraph 7.4**).
- h) That the Corporate Director - Strategic Resources is authorised to utilise up to £10m of existing General Working Balance to reduce the future recurring revenue costs of capital financing as set out in **paragraph 7.12**.
- i) That the surplus on the County Council’s share of the North Yorkshire Business Rates Pool is earmarked for development schemes in line with **paragraph 13.11** and that such sums are delegated to the Corporate Director – Business & Environmental Services in the year following that in which the surplus is generated.
- j) That the Medium Term Financial Strategy for 2016/17 to 2019/20, and its caveats, as laid out in **Section 2** and **Appendix B** is approved.
- k) That the Corporate Director – Business & Environmental Services is authorised, in consultation with the Executive Members for BES, to:-
 - i) Review the provision of household waste recycling centres across the County (**BES 8 – Appendix D**).
 - ii) Review the existing subsidy to local bus services as part of the wider review of accessibility (**BES 13 – Appendix D**).

- l) That the Corporate Director – Health and Adult Services is authorised, in consultation with the Executive Members for HAS, to implement measures in order to deliver Targeted Prevention activity as set out in **HAS 1 to 1.3 of Appendix D**.
- m) That the Corporate Director – Children and Young People’s Services is authorised, in consultation with the Executive Members for CYPS, to:-
- (i) Consider the responses of ongoing consultations regarding discretionary home to school transport provision and proposed school admission arrangements and clothing grants and to review the services as appropriate (**CYPS 5 – Appendix D**).
 - (ii) nature of placement provision to meet local needs (**CYPS 7 – Appendix D**).
 - (iii) Review staffing structures with respect to the current consultation of our strategy for meeting the social care needs of disabled children (**CYPS 8 – Appendix D**).
 - (iv) In the context of the new model for preventative services, to continue to locally review the nature of existing universal children’s services provision (**CYPS 1 – Appendix D**).
- n) That any outcomes requiring changes following **Recommendations k), l) and m)** above be brought back to the Executive to consider and, where changes are recommended to the existing major policy framework, then such matters to be considered by full County Council.
- o) That the arrangements under which additional funds are allocated each year in respect of Adult Social Care and the Waste Strategy are approved and continue to be reviewed at least annually (**paragraphs 6.4 and 12.1**)
- p) That the existing policy target for the minimum level of the General Working Balance is retained at a minimum of 2% of net revenue budget supplemented with a cash sum of £20m for 2015/16 in line with **paragraph 15.22 and Appendix M**.
- q) That the attached pay policy statement (**Appendix I**) covering the period 1 April 2015 to 31 March 2016 (**paragraphs 13.16 to 13.20**) is approved.
- r) That County Council note the delegation arrangements referred to in **Section 16** that authorise the Corporate Directors to implement the Budget proposals contained in this report for their respective service areas and for the Chief Executive in those areas where there are cross-Council proposals.
- s) That County Council have regard to the Public Sector Equality Duty (identified in **paragraphs 15.2 to 15.9**) in approving the Budget proposals contained in this report.
- t) That the savings proposals identified in Appendix D as CYPS2, CYPS7, HAS3/4/5 and HAS7 are subject to a regular review (at least twice each year) of their effectiveness, including the extent to which those impacted are kept safe. Such reviews to be carried out by the relevant Overview & Scrutiny Committee. The impact upon operational activity and budget savings as identified by this review should then be actively considered as part of the Budget and Medium Term Financial Strategy for future **8** years.

Capital Plan

The recommendations in paragraph 3 of the report (page 6431) were moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with none against and no abstentions.

Resolved -

- 74.** That the Quarter 3 2014/15 Capital Plan, as summarised in Appendices 3A to E, in Booklet Two, is adopted.

Treasury Management 2015/16

The recommendations in paragraph 4 of the report (page 6432) were moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with none against and no abstentions.

Resolved -

- 75.**
- (a) that the Treasury Management Policy Statement as attached as **Appendix 4A** (in Booklet Two);
 - (b) the Annual Treasury Management and Investment Strategy for 2015/16 as detailed in **Appendix 4B** (in Booklet Two) and in particular;
 - (i) an authorised limit for external debt of £398.7m in 2015/16;
 - (ii) an operation boundary for external debt of £378.7m in 2015/16;
 - (iii) a borrowing limit on fixed interest rate exposure of 60% to 100% of outstanding principal sums and a limit on variable interest rate exposure of 0% to 40% of outstanding principal sums;
 - (iv) borrowing from the money market for capital purposes is to be limited to 30% of external debt outstanding at any one point in time;
 - (v) an investment limit on fixed interest rate exposure of 0% to 30% of outstanding principal sums and a limit on variable interest rate exposure of 70% to 100% of outstanding principal sums;
 - (vi) a limit of £20m of the total cash sums available for investment (both in house and externally managed) to be invested in Non Specified Investments over 364 days;
 - (vii) a 10% cap on capital financing costs as a proportion of the annual Net

Revenue Budget

- (viii) a Minimum Revenue Provision (MRP) policy for debt repayment to be charged to Revenue in 2014/15 as set out in **Section 11 of Appendix 4B** (in Booklet Two);
- (ix) the Corporate Director - Strategic Resources to report to the County Council if and when necessary during the year on any changes to this Strategy arising from the use of operational leasing, PFI or other innovative methods of funding not previously approved by the County Council;
- (c) that the Audit Committee be invited to review **Appendices 4A and 4B** (in Booklet Two) referred to in (a) and (b) above and submit any proposals to the Executive for consideration at the earliest opportunity.

Revision of Prudential Indicators

The recommendations in paragraph 4 of the report (page 6434) were moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with none against and no abstentions.

Resolved -

- 76.** .
- a) That the updated Prudential Indicators for 2015/16 to 2017/18 as set out in **Appendix 5** (Booklet Two) are approved
 - b) That an Authorised Limit for External Debt of £398.7m in 2015/16 under Section 3(1) of the Local Government Act 2003 (paragraph 3.4) is approved.

Asset Management Plan: Local Policy Statement

The recommendations in paragraph 5 of the report (page 6436) were moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with none against and no abstentions.

Resolved -

- 77.** That the proposed asset Management Plan: Local Policy Statement is approved.

The recommendations in paragraph 6 of the report (page 6437) were moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with none against and no abstentions.

Resolved -

78.

- a) That approval is given to the establishment of a Pension Board
- b) That the Terms of Reference at Appendix 7 are approved
- c) That one County Councillor is nominated to serve on the Pension Board – the appointment to be made under item 10 of the Executive Report.

School Admission Arrangements 2016/17

The recommendations in paragraph 7 of the report (page 6439-6440) were moved and seconded. County Councillor Arthur Barker introducing the report highlighted a correction to the published admission number (PAN) for St John's Church of England Primary School Knaresborough, Appendix 8 p179 - DfE reference 3903, which should be 45 and not 50.

The vote was taken and, on a show of hands, the motion was declared carried, with none against and no abstentions.

Resolved -

79. That the following Admission Arrangements are approved:

- - i) the proposed admission policy for community and voluntary controlled schools; and
 - ii) the proposed admissions policy for nursery schools, schools with nursery and pre-reception classes, appendices 1 & 2.
- the proposed published admission numbers [PAN's] for community and voluntary controlled schools as show in appendices 4 [primary] – noting the correction of the PAN for St John's Church of England Primary School Knaresborough to 45 - and 5 [secondary]
- the proposed co-ordinated admission arrangements which include in year co-ordination, the In Year fair Access Protocol and Managed Moves Protocol, [Appendices Section 8 – 3, 3a and 3b]
- the proposed changes to the catchment area of Eskdale School
- the proposed changes to the North Yorkshire Selection Scheme, including the discontinuance of Selection Reviews
 - (i) Two sets of tests each comprising one VR and one NVR test, using

historic bank of NY questions.

- (ii) Testing on two consecutive Saturdays.
- (iii) Central test venue [grammar schools].
- (iv) Discontinuance of familiarisation test.
- (v) Discontinuance of selection reviews.
- the proposed discontinuance of School Clothing Allowances

North Yorkshire Local Flood Risk Management Strategy

The recommendations in paragraph 8 of the report (page 6442) were moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with none against and no abstentions.

Resolved -

80. That the Local Flood Risk Management Strategy is approved.

Appointments to Committees and Outside Bodies

The recommendations in paragraph 9 of the report (page 6442) were moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with none against and no abstentions.

Resolved -

81.

- (a) That County Councillor Cliff Trotter is nominated to serve on the Harrogate District Community Safety Local Delivery Team.
- (b) That County Councillor Michael Heseltine is nominated to serve on the Richmondshire District Community Safety Local Delivery Team.
- (c) That County Councillor Andy Solloway is nominated to serve on the Craven District Community Safety Local Delivery Team.
- (d) That County Councillor Steve Shaw-Wright is nominated to serve on the Selby District Community Safety Local Delivery Team.
- (e) That County Councillor Val Arnold is nominated to serve on the Ryedale District Community Safety Local Delivery Team.

- (f) That County Councillor Heather Moorhouse is nominated to serve on the Hambleton District Community Safety Local Delivery Team.
- (g) That one County Councillor is nominated to serve on the Pension Board from April 2015.
- (h) That County Council's Constitution is updated to remove Malton School Endowment from the Outside Body list.
- (i) That the Chairman of the County Council's Audit Committee be appointed serve on the Pension Board.

Report of the Chief Executive and Independent Panel on Members' Remunerations

The recommendations in paragraph 1 of the report (page 6940) were moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with none against and no abstentions.

Resolved –

- 82.** That the County Council approves:
- (a) a Scheme of Allowances (as attached at **Annex B(i)**) for 2015/16
 - (b) a Scheme of Approved Duties (as attached at **Annex B(ii)**) for 2015/16

Statements of Executive Members and Chairmen of Overview and Scrutiny Committees

County Councillor Chris Metcalfe, the Executive Member for rural services, waste disposal, public passenger transport, trading standards, economic development and library services presented a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 6981-6986) and responded to questions.

County Councillor Don Mackenzie, the Executive Member for public health and prevention made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 6987-6988) and responded to questions.

County Councillor Carl Les, the Executive Member for central and financial services including assets, IT and procurement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 6989-6990). He also highlighted a written update regarding City Farms which had been circulated to all present.

County Councillor Tony Hall, the Executive Member for children's services, special education needs youth justice, youth service and adult learning made a statement, a

summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 6991-7002) and responded to questions.

County Councillor Arthur Barker, the Executive Member for schools, 16-19 year old education and early years' provision made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 7003-7006) and responded to questions.

County Councillor Clare Wood, the Executive Member for adult social care and health integration made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 7007-7010) and responded to questions.

County Councillor Gareth Dadd, the Executive Member for highways and planning services made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 7011-7012) and responded to questions.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees (pages 7013-7030) having previously been circulated, and responded to questions.

Council Procedure Rule 10 Questions

The Chairman of the North Yorkshire Fire and Rescue Authority, County Councillor John Fort BEM, responded to a question under Council Procedure Rule 10 questions.

Motion - The economic, social and environmental benefits that would be delivered by electrification of the Leeds-Harrogate-York line

The Motion was moved by County Councillor Michael Harrison and seconded by County Councillor Richard Cooper

"North Yorkshire County Council:

- (i) notes the economic, social and environmental benefits that would be delivered by electrification of the Leeds-Harrogate-York line, as set out in the Leeds-Harrogate-York Rail line Improvements Outline Transport Business Case, and calls upon the Department of Transport and Network Rail to make this a priority;
- (ii) invites the Chief Executive to continue to work with York City Council and other interested stakeholders such as local Members of Parliament, Harrogate Borough Council and local Chambers of Commerce in order to make representations to the Department of Transport, Network Rail and others particularly the Electrification Task Force, to secure these benefits for the people of Harrogate and York;
- (iii) notes that York City Council and Harrogate Borough Council have already approved similar motions lobbying relevant parties to support electrification of this line".

The vote was taken and, on a show of hands, the motion was declared carried with none against and no abstentions.

The meeting concluded at 13:50 pm.

NORTH YORKSHIRE COUNTY COUNCIL**20 May 2015****STATEMENT OF THE LEADER
COUNTY COUNCILLOR JOHN WEIGHELL****Tour of Yorkshire**

The Tour of Yorkshire took place on the 1st, 2nd and 3rd May. This was the legacy event staged following the successful Grand Départ of the Tour de France in the County. Once again large numbers of people came out to see a tremendous race which featured a significant part of North Yorkshire. The first day started in Bridlington but then spent much of the day touring through Dalby Forest, the North Yorkshire Moors before hitting the coast at Whitby and descending down the coastline for a finish in Scarborough. It is estimated that a quarter of million people watched this first day which was fantastic given that it was a normal working week day. Day 2 once again started with large crowds in Selby in front of the impressive Selby Abbey before moving off to East Yorkshire and into York having passed through southern parts of Ryedale on route. Day 3 was mostly spent in West Yorkshire with only a short stretch coming through the South of Craven before culminating in a finish at Roundhay Park in Leeds. The County Council was one of a group of partners involved in the successful staging of the event.

Welcome to Yorkshire

The County Council is one of a number of councils currently working with Welcome to Yorkshire to look at the financial sustainability of the organisation moving forward. Clearly, Welcome to Yorkshire incurred large expenses following the Tour de France and needs continued support from partners to be sustainable in the years to come. Considerable investment has been made in the brand Welcome to Yorkshire and the profile of Yorkshire has increased enormously over the last few years. The county has a brand recognition that many areas are envious of. It is extremely important to maintain this profile and to generate business from tourism and also from entrepreneurs who see the county as a vibrant and successful place to be based.

2020 North Yorkshire

At the time of writing we have had the general election result and the ministerial posts are being allocated. There remains a major financial challenge for the country and it is clear that public service austerity will continue for some years yet.

The Council has already been on a hard journey over recent years to make significant savings from our budgets. Over the last 4 years we have delivered £94 million worth of savings and in the process worked very hard to protect front line services achieving something in the region of £57 million through genuine efficiencies. In the Council's budget set in February we set out the latest approach to savings with the 2020 North Yorkshire transformation programme. This programme first started in February 2014

and I am pleased to report that the delivery of this programme is proceeding to plan and we are making the necessary savings slightly in advance of our forecast timescale. I am aware that there has been difficult decisions needed to be made that have affected the public using services and also our staff. It is important that we have made a positive start and that the early savings made in some areas will be reflected in a positive outturn position to be reported at the Executives next quarterly monitoring meeting. Early savings help our position in relation to reserves which will be important given the uncertainties that lie ahead for all councils and the fact that local government is an unprotected area of government expenditure.

I am pleased that this Council has been brave enough to fundamentally look at how we deliver services, to look at opportunities to do things differently and more efficiently and thereby to protect more services than would have occurred through a traditional cuts programme. My Executive Member colleagues will make reference to a number of new service developments ranging from the stronger communities initiative, consultation on a new way of delivering libraries, a new children and families service looking to work differently with our most vulnerable young people, a new way of working with schools to enable school improvement, our ambitious plans for extra care and later in the year a launch of a new preventative service for older people. Through the 2020 North Yorkshire programme it is important that we continue to explain the service changes to the public and also to our staff and to work hard as a council to reduce the number of redundancies to a minimum that will be needed to be made as a consequence of the changes.

County Councillor John Weighell
Leader of the Council

The Report of the Executive

The Executive met on Tuesday, 24 February 2015 commencing at 11.00 am. Present: County Councillor John Weighell in the Chair. County Councillors Arthur Barker, Gareth Dadd, Tony Hall, Carl Les, Don Mackenzie, Chris Metcalfe and Clare Wood.

Also in attendance: County Councillors Andrew Backhouse, Derek Bastiman, Liz Casling, David Jeffels, Patrick Mulligan, Janet Sanderson and Elizabeth Shields.

The Executive met on Tuesday, 17 March 2015 commencing at 11.00 am. Present: County Councillor Carl Les in the Chair. County Councillors Arthur Barker, Gareth Dadd, Tony Hall, Carl Les, Don Mackenzie, Chris Metcalfe and Clare Wood.

Also in attendance: County Councillor John Savage

The Executive met on Tuesday, 28 April 2015 commencing at 11.00 am. Present: County Councillor John Weighell in the Chair. County Councillors Arthur Barker, Gareth Dadd, Tony Hall, Carl Les, Don Mackenzie, Chris Metcalfe and Clare Wood.

1. Highways Infrastructure Asset Management Plan (HIAMP) Policy: The Highways Infrastructure Asset Management Policy describes the County Council's commitment to highway infrastructure asset management. The asset management policy aims to demonstrate to the public and all stakeholders, including senior decision makers, elected members, practitioners and service providers, how it supports the County Council's corporate objectives. It provides a visible commitment to achieving the benefits that can be delivered through asset management.

The adoption of the asset management policy is fully in line with the Department for Transport's Highway Maintenance Efficiency Programme requirements and a draft copy is attached at Appendix 1. The policy has been developed in line with the Local Transport Plan 3, adopted in 2011 and will complement and further enhance our established asset management based approach to highways maintenance and management. A Highway Infrastructure Asset Management Strategy is also being developed and this will be the subject of a further report in the coming months.

The draft asset management policy was considered by members of the Transport, Economy and Environment Overview and Scrutiny Committee at their meeting 15 April and by the Executive on 28 April 2015.

It is anticipated that the formal adoption of a Highway Infrastructure Asset Management Policy will be a key part of the Department for Transport's (DfT) highway efficiency self-assessment questionnaire. The outcome of the self-assessment process later this year will determine part of the County Council's highway maintenance capital allocation for 2016/17. The County Council, as highway authority, has a statutory duty to maintain the highway under the Highways Act 1980 and the development of this policy will support the Council in fulfilling its duty. Consideration has been given to the potential for any adverse equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010. A copy of the 'Record of Decision that Equality Impact Assessment is attached as Appendix 2.

The Highway Infrastructure Asset Management Strategy is also being developed which will influence the County Council's approach to highway maintenance work and therefore may impact on the public, will be the subject of a further equalities assessment.

The Executive RECOMMENDS:

That County Council approve the Highway Infrastructure Asset Management Policy.

2. Constitution Review 2015 - Tranche One: A full review of the Constitution is usually undertaken every four years and this is now due. Tranche One of the review was considered by the Members' Constitution Working Group on 15 April 2015 and by the Executive 28 April 2015. The issues set out in this report reflect Members' views.

Proposed Amendments to the Constitution: The proposed changes are summarised as follows:-

- (a) Update of the Contract Procedure Rules
- (b) Update of the Members' Looked After Children's Group terms of reference
- (c) Update of the Protocol on Audio/Visual Recording and Photography at Public Meetings.
- (d) Proposals to change the current process for Disciplinary/Capability Dismissal Appeals.
- (e) Changes to clarify appeal arrangements for Chief Officers and Chief Executive

Update of the Contract Procedure Rules: Changes to the Contract Procedure Rules necessitated by the Public Contracts Regulations 2015, this came into force on 28 February 2015. The Assistant Chief Executive (Legal and Democratic Services) exercised his delegated authority to implement these changes at the time on the understanding that they would be reported retrospectively to the Executive 28 April 2015 and County Council 20 May 2015. The changes are as follows:

- New definitions of 'Contracts Finder', 'Services and Supplies', 'Works' and 'Social and Other Specific Services' have been included to assist with clarity based on the new Public Contract Regulations.
- The definition of EU Threshold has been amended to capture the introduction of a new threshold for Social and Other Specific Services Contracts.
- The old level of £20,000 for various activities has been amended to £25,000 throughout due to the introduction of a mandatory £25,000 threshold at which procurement processes for public sector contracts (other than central government contracts) now have to be:
 - a. conducted electronically,
 - b. if advertised are advertised on Contract Finder,
 - c. contract award is recorded on Contracts Finder.
- A new rule in Quotations (8.3) has been added to capture the requirement for

quotations between £25,000 and £100,000 (if advertised) to be advertised on Contracts Finder

- The Open Tenders rule (10.1) has been amended to capture the new requirement that Pre-Qualification Questionnaires (PQQ) are not to be used for below Services Threshold (£172,514) procurements.
- The Restricted Tenders rule (10.2) has been amended to capture the ability for Works Contracts and Social and Other Specific Services Contracts with a value between £172,514 and the relevant EU Thresholds for Works Contracts and Social and Other Specific Services Contracts to include a PQQ stage.
- The OJEU Tenders rule (10.3) has been amended to capture the new time limits for receipt of tenders.
- The rule in respect of Competitive Dialogue (rule 10.6) has been amended to include the other new procedures that have been introduced by the new regulations.
- A new rule has been added in Tender Evaluation and Acceptance (12.8) to capture the requirement for Contract Award Notices to be sent no more than 30 days after the award of the contract for OJEU Tenders.
- The Exceptions to Contract Procedure Rules (16) has been amended to reflect the abolition of 'Part B Services' and to capture the new category of Social and Other Specific Services Contracts (rule 16.1(f)) and to reflect the ability to use different processes when inviting tenders in respect of Social and Other Specific Services Contracts above the value of £625,050 (rule 16.1(g)).
- A new rule 17.10 has been added to capture the requirement to record all contracts awarded, with a value in excess of £25,000, on Contracts Finder.
- The rule in relation to the Gateway Process has been amended slightly to capture the introduction of a separate threshold in relation to Social and Other Specific Services Contracts. The level in 18.4(b) has been aligned with the EU Threshold for Services (£172,514) at the moment but this will be reviewed in the wider review of the CPRs in May.

Appendix 3 shows the consequential tracked changes to the Constitution.

Update of the Members' Looked After Children's Group Terms of Reference: The changes proposed to the remit and terms of reference for the Looked After Children Members' Group are highlighted in **bold** below:

"The Looked After Children Members' Group is not a Committee of the Executive 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.

The Looked After Children Members' Group may refer any issues directly to the Young People Overview and Scrutiny Committee.

The Looked After Children Members' Group will present an annual report directly to the Council at the Annual Council meeting.

The Looked After Children 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. **The quorum for this meeting will be 3.** *(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 item).* The Chairman of the Group will be appointed by the Executive.

The role of the Looked After Children Members' Group will include providing advice on all aspects of the Council's responsibilities as a Corporate Parent and in relation to looked after children on any specific issues they are required to consider. This includes:

- a) educational attainment and the work of the "virtual" Head Teacher;
- b) health issues including the provision of advice and education on issues such as relationships, sexual education, teenage pregnancies and life style choices around levels of physical activity, diet, drugs and alcohol abuse and smoking;
- c) crime prevention programmes and the work of the Youth Offending Teams;
- d) **safeguarding, sexual exploitation and radicalisation of children; including Children missing from home and Looked after Children**
- e) performance against key indicators for the quality, stability and outcomes of Looked After arrangements for all children and young people in the preceding year;
- f) issues affecting looked after children who are disabled;
- g) the transition arrangements for all looked after children as they enter adulthood;
- h) how the Council and partners engage with young people, for instance through groups such as Young Person's Council, **Flying High**;
- i) the recruitment and retention of social workers and staff and the morale of all service staff and officers;
- j) the work of the Young People's Champion;
- k) any other relevant matter considered appropriate by the Lead Member for consideration by the Group.

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.”

Update of the Protocol on Audio/Visual Recording and Photography at Public Meetings: The Protocol was implemented In May last year in response to guidance from Government, and in anticipation of impending legislation. This issue is the subject of the Openness of Local Government Regulations 2014 and so the Protocol has been updated to reflect present requirements. The proposed changes are set out in Appendix 4.

Proposals to Change the Current Process for Disciplinary/Capability Dismissal Appeals: The Constitution states that the terms of reference for the Employment Appeals Committee are as follows:

- “1. To hear and determine appeals against decisions of officers of the Council, here provision exists for appeals to a member level body, or of relevant decisions of the Governing Bodies of voluntary aided schools where the Governing Body so requests in respect of:-

All dismissals, except

- appeals against dismissals on the ground of redundancy and against selection for redundancy, which shall be determined by a Chief Officer or Senior Manager s/he has authorised to act in his/her place in consultation with an HR adviser, and
- appeals against dismissals under the Council's Attendance Management
- Policy shall be determined, in consultation with a Member to be drawn from the Appeals Committee and an HR Adviser, by a senior manager who has
- not previously been involved in the matter, and who is duly authorised to determine the appeal in accordance with paragraph 3.7 of the Officers' Delegation Scheme.

Group grievances or collective disputes.

2. To exercise all functions (including, but not limited to, hearing and determination) in relation to appeals by the Chief Executive Officer against decisions of the Chief Officers Appointments and Disciplinary Committee to take disciplinary action against him/her short of dismissal.
3. To exercise all functions (including, but not limited to, hearing and determination) in relation to appeals by the Chief Executive Officer against decisions of the Leader and/or the Chief Officers Appointments and Disciplinary Committee, on appraisal of the Chief Executive Officer, not to award an increment.”

Hearings by the Appeals Committee do not under normal circumstances require a full re-hearing of the case or full consideration of the original evidence. The remit of the Appeals Committee is to satisfy itself that the decision taken to dismiss was reasonable in the circumstances and that due process was followed. In doing so the Appeals Committee must be satisfied that:-

- The rules of Natural Justice have been applied
- There was a thorough and fair investigation

- The Disciplinary Procedures have been followed or there are justifiable reasons if this was not possible
- The sanction imposed was reasonable in the circumstances

Members Appeals can only decide whether or not to uphold the Appeal being heard, and has no authority to apply any different sanctions to the case. Therefore if an Appeal is upheld, the employee is entitled to return to work with no sanction on their record. The current practice is resource-heavy in terms of admin support from Democratic Services to arrange panels, copy/send out the Bundles and clerk the Appeal Hearings.

All other Appeals for NYCC are either Officer only or Officer with a Member sitting on the Panel as follows:

- Attendance dismissal Appeals are heard by at least one Officer of appropriate seniority (who is Chair) and one Member not previously involved in the case.
- Probationary dismissal Appeals are heard by at least one Officer of appropriate seniority.
- Redundancy Dismissal Appeals are heard by a Chief Officer (or Senior Manager authorised to act in his/her place) not previously involved.

All Managers who Chair or sit on Panels attend a full days training course on Hearings, and complete training on the relevant Policies, which includes both online learning as well as a class room based briefing. This ensures all Officers making decisions in employment relations cases have been appropriately trained and are aware of the relevant NYCC Policies, as well as ACAS and legislative requirements/principles relevant to the decision being taken.

Currently, due to the Panel being constituted of Members who understandably have many other commitments, the time-frame for Appeals taking place is often well past the employee's final day of employment. Usually by the time the Appeal is held, the employee has found alternative work and the Service has filled the resulting vacancy, meaning that when an Appeal is upheld, reinstatement on a practical level is very difficult. In recent cases this resulted in settlement via compromise agreements being necessary. Even in cases where the service does not recruit, or recruits on a temporary basis there is pressure on staff to cover, cost can be incurred on the service due to temporary staff arrangements and service delivery may be inconsistent and/or at a reduced level. An approach is needed where the Appeal is held swiftly following the original decision to dismiss so any outcomes of the disciplinary appeal process can be effectively managed, including reinstatement, without adverse impact on the individual, their colleagues or the service.

Councillors currently on the Committee have found it a challenge to get sufficient time away from their primary function as a Councillor to attend required training. Attendance at training is looked for by Employment Tribunal (ET) Judges when cases progress to court and is seen as an important requirement in case law and practice around disciplinary and appeals. To date training has been arranged 3 times over recent years but each time has been cancelled due to Members of the Appeal Panel being unable to attend.

The current Appeals Panel has two possible outcomes either uphold or over-turn the appeal. There is no option to up-hold the appeal whilst applying an alternative sanction. This means there is a polarised outcome for each appeal, with the employee either still losing their job or being re-instated without any blemish on their record. This has been an issue in past cases, resulting in inconsistency. In one case a number of staff had committed the same

misconduct to differing degrees, resulting in some staff receiving final written warnings and one being dismissed. The dismissed employee appealed which was upheld, resulting in them being reinstated without any warning on their record. It has also resulted in service concerns whereby staff have been reinstated with no sanction having previously being dismissed for what the service consider to be safeguarding issues and the service then having to put them back into a post where they have access to the same client group. In such situations the service has felt the need to put in place alternative working and supervision arrangements sometimes at additional costs to mitigate what it considered to be a risk which the member of staff has not wanted to be subject to. This again resulted in a settlement via a compromise agreement.

The current Appeal Panel is a council Committee and is by default a very formal process. Both staff and managers find this formality difficult on occasion and it brings with it an adversarial atmosphere which can get in the way of a full and open consideration of the issues. Whilst all Hearings in NYCC are formal and decision-making is taken seriously, the Appeal Committee can be over-facing to employees especially those without representation. An Officer / Member Panel will still ensure objectivity of decision, whilst potentially being more 'approachable' to those making their case and in a format which mirrors the original dismissal hearing so is at least a known process.

The current Committee considers very few dismissal appeals because, for the size of the workforce, there are relatively few conduct and capability dismissals with the majority of dismissals for sickness/ill health (appeals heard by officer/member panel of 2) and redundancy (appeals heard by officer only panel of 2).

To illustrate in 2013/14 there were (excluding schools):

- 167 sickness/ill health cases resulting in 32 dismissals and 1 appeal
- 38 redundancy dismissals with 1 appeal.
- 11 capability cases resulting in 2 dismissals and no appeals
- 177 disciplinary cases resulting in 51 sanctions (including 19 final written warning/ dismissals) resulting in 2 appeals
- 14 probation cases resulting in 8 dismissals and 1 appeal.

Any dismissal appeal process should review the decision to dismissal and consider whether the investigation has been sufficiently thorough, whether the allegations were found on the balance of probability and be convinced that the decision to dismiss was reasonable in the circumstances. It is not to re-hear the case but is to check the manager's decision and the process undertaken. If there were procedural errors efforts should be made by the appeal process to rectify these. By checking the manager's decision to dismiss, the appeal process in effect holds them to account for their management approach and action. This arguably has more impact if it takes place within the management hierarchy by a more senior manager in this case a member of Management Board. Whilst managers currently attending appeals to present their decision may be interested in how members view them this has no direct impact on them, whereas feedback from a member of Management Board to them and their director/senior manager will have a more direct consequence.

An important part of a manager's role is managing staff and arguably holding managers to account for this is a function of senior management not politicians. In NYCC, the Chief Executive has delegated authority for staff management as Head of Paid service and dismissals and any appeals can be seen as part of this delegated management function as it is for other dismissals.

Arrangements in Other Authorities: The current arrangements are not without difficulties as detailed and experience from other authorities suggests there may be better alternative processes (see appendix 5). Benchmarking of other Shire Councils as well as Councils in the area shows that 14 Councils in the benchmarking exercise have Member Panels for dismissal appeals, 12 have moved to Officer Appeal Panels for dismissals, 2 have hybrid arrangements whereby the employee can choose between a Member Appeal Panel and an Officer Appeal Panel, and one has a mixed Panel of 2 Members and a Senior Manager who chairs the of Appeal Panel.

Proposed Panel Composition: 3 Person Panel of 2 Officers and 1 Councillor. It is proposed that appeals for conduct/capability dismissals move to the same process as for sickness/ill health dismissal appeals, which have worked well for many years. This arrangement is also in line with the standard (non-dismissal) Disciplinary Appeal arrangement of a 2 Officer panel with HR advice. This means a Panel of 2 officers of appropriate seniority (including a member of Management Board) and 1 Councillor, chaired by the officer with a Head of HR/Principal HR Adviser advising the Panel and the Panel members having no prior involvement in the service area or the case. Under this proposal:

- The Appeal will be held as quickly as possible after the decision to dismiss, ideally within/shortly after the notice period. This will enable better management of any decision to uphold the appeal, and have less impact on service delivery team.
- Where cases progress to Employment Tribunal (ET) an Officer will attend Currently because the Chair is a Councillor the ET and preparation for be problematic as it requires days out of their schedule.
- All members of appeal panels will attend appropriate training and be available for appeals, allocating a full day for the panel itself as well as preparation time
- Officers who chair Panels will have had sufficient training and experience, with training being recorded and available as evidence at ET as required. Steps are in place to ensure all Officers get experience on panels prior to Chairing.
- There will be a small pool of councillors able to sit on appeal panels and attend training to ensure the Council is not reliant on one or two councillors for all Appeals and that the process does not create delays. This approach will allow flexibility for Appeal dates to ensure Appeal panels are held in a timely manner as soon as possible after the decision to dismiss.
- The panel will have alternative sanctions available to it and can reinstate with a lower sanction as appropriate including redeployment as an alternative to Dismissal.
- Democratic Services resource will not be required to administrate the process or clerk the Hearing. This will substantially reduce costs of photocopying, diary management, and clerking.

The proposal carries benefits compared to the current arrangements, notably because the Panel includes only one Member it should be easier to set up and not suffer from delay following the original decision to dismiss. Also because the Panel mirrors the current Disciplinary Panel arrangements, employees who have had their case considered at a Disciplinary Hearing will be familiar with the arrangement, and not be put off by an unduly formal setting. A new case review stage (see below) provides a further check on management action prior to formal appeal and the ability to take pre-emptive action if

needed.

Consultation on the proposal: UNISON have been fully involved and are supportive of the proposal on the basis that it is a pilot for two years to provide sufficient number of cases to go through the changed arrangements with a formal review undertaken jointly with them. They have asked for additional changes to the disciplinary and capability procedures including the appeal stage in order to better support their members. These are:

- Documentation to be exchanged 15 days before the Panel for both disciplinary/capability hearings and appeal panels.
- Wording strengthened in the disciplinary policy on the length of time taken to investigate cases particularly where staff are suspended, so it is clear that cases should not be allowed to drift. Both UNISON and HR understand that in cases where the employee is off sick or the police are involved lengthy delays can arise.
- UNISON to review with Assistant Chief Executive (Business Support) the list of suspensions on a quarterly basis. Whilst these are not usually large in number it is important staff are not suspended for long periods of time unless there is an unavoidable reason such as police involvement and pending criminal proceedings.
- A case review stage be built into the disciplinary/capability process to take place prior to any appeal to allow senior HR and UNISON officers to look at individual cases and be clear these have been managed appropriately and that anything needing to take place prior to an appeal can be actioned.

With these changes UNISON are comfortable that the proposed alternative Panel will hold managers to account in dismissal decisions and ensure that such decisions have been conducted fairly and are reasonable in the circumstances. The proposal was considered by the Members Workforce Planning Group on 4th March 2015. There was robust discussion and a variety of views both for and against the proposal. In addition the views of all existing members of the current committee (not substitutes) have been sought and 2 are supportive of the changes and 2 not. County Councillors Patmore (current Chairman) and Blackburn are supportive of the proposals. County Councillor Blackie is not and County Councillor Randerson, whilst having personal reservations, given the support of UNISON, is not opposed to the pilot.

The Disciplinary/Capability Policies require no change to accommodate this proposal, as these states that all employees are entitled to Appeal against the decision made by the Disciplinary/Capability Panel but do not give any detail as to the constitution of the Appeal Panel itself. The Panels and Appeals Procedure will need amending to state that: *Disciplinary/capability appeals against dismissal will be heard by a Director/Assistant Chief Executive (who will act as Chair) and one other officer, and one Member who have not been previously involved in the case, advised by a Head of HR / Principal Adviser.*

The Council Constitution includes reference to the Employment Appeals Committee for hearing Appeals against Dismissal (excluding redundancy and ill health/absence) and will need amending to enable the pilot panel to be tested by adding the following exemption for a two year period:

Appeals against dismissals under the Council's Capability or Disciplinary Policies shall be determined, in consultation with a Member to be drawn

from the Appeals Committee, by a Corporate Director / Assistant Chief Executive and one other officer who has not been previously involved in the matter and who is duly authorised to determine the appeal in accordance with Officers delegation scheme. The appeal panel will be advised by a Head of HR / Principal HR Adviser who has had no previous involvement in the case, and who will not take part in decision-making.

It is proposed that the one councillor for the new panel is drawn from the membership of the Employment Appeals Committee on a rota basis, working down the rota for cases to be heard. The Employment Appeal Committee will still exist for the pilot period as it retains the remit to hear collective disputes and be the dismissal appeal body for the post of Chief Executive. The consequential changes to the Constitution are shown as tracked changes in appendix 6.

Changes to clarify appeal arrangements for Chief Officers and Chief Executive:

On 25 March 2015 the Department for Communities and Local Government wrote to all Chief Executives to inform them that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have been laid in Parliament, to come into force on 11 May 2015. It is stated that these Regulations will simplify and localise the disciplinary processes for the most senior officers of a Council namely the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (the Statutory Chief Officers). The Regulations remove the requirement that a Designated Independent Person be appointed to investigate and make a recommendation on disciplinary action against these senior staff.

The Regulations provide that in place of the Designated Independent Person process, the decision will be taken by full Council, who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned. The Regulations provide that in the case of a proposed disciplinary action against one of these officers, the Council is required to invite the Independent Persons from the Council's Standards Committee to a panel to consider the matter and make recommendations to the full Council.

These Regulations require all Councils to modify their Standing Orders to implement these Regulations no later than the first ordinary meeting of the Council after the Regulations came into force on 11 May 2015. A copy of the Statutory Instrument is attached at Appendix 7.

It is proposed to incorporate these Regulations into the Constitution which will change the existing arrangements that the Chief Officers Appointment and Disciplinary Committee will consider whether to appoint a Designated Independent Person in progressing a disciplinary matter against the Chief Executive. These proposals will need to be amended to state that that Committee will consider advising full Council on matters relating to disciplinary action which may result in dismissal against the statutory officers and that the Independent Persons of the Standards Committee will be invited to attend that meeting. Those Independent Persons will be full Members of the Panel with full voting rights. It is proposed that the Panel should be called the Chief Officers Disciplinary Panel and that their views and recommendations will be taken into account when any matter is referred to full Council. At least two Independent Persons shall be appointed to the Panel, which will be treated as a committee of the Council. In order to comply with the political proportionality rules which state that political group with an overall Council majority gets the majority of seats on the Committee it would be necessary to either increase the size of the Panel by one additional Conservative Councillor or to ask the Council to agree to exempt the Panel from the strict political balance calculation.

In the event of allegations of a disciplinary or capability nature which may result in dismissal being made against one of the Statutory Chief Officers, the Chief Officers Disciplinary Panel will consider the issue and will appoint an Independent Investigating Officer. If the proposal is dismissal, full Council will then consider this and come to a decision. In so doing they must take into account:

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

If the proposal is a sanction less than dismissal, the Chief Officers Disciplinary Panel will determine this and refer the case to be dealt with in accordance with the arrangements detailed below.

In the event of dismissal of Statutory Chief Officers and Chief Officers not covered by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, relating to "redundancy, permanent ill health, or infirmity of mind or body," the Chief Executive would chair the initial panel, and any subsequent appeal would be to the Chief Officers Appointments and Disciplinary Committee.

In the event of the allegations of misconduct against the Chief Executive which will result in sanctions less than dismissal and/or dismissal of the Chief Executive, relating to, redundancy, permanent ill health, or infirmity of mind or body," the Chief Officers Appointments and Disciplinary Committee would hear the initial case on the basis of recommendations made by the Leader of the County Council. Any subsequent appeal would be to the Employment Appeals Committee.

In the event of any allegation of misconduct against Statutory Chief Officers, it is proposed that the Chief Executive will appoint an Investigating Officer, who will carry out a preliminary investigation. The Chief Executive will then form an opinion based on the outcome of the preliminary investigation, as to the level of misconduct. If the allegation may result in dismissal, then the Chief Executive will refer the case to be dealt with in accordance with the arrangements detailed in paragraph 8.1.8.

In the event of allegations of misconduct against Statutory Chief Officers which will result in sanctions less than dismissal, and for all allegations of misconduct against other Chief Officers not covered by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, it is proposed that the Chief Executive will appoint an Investigating Officer and will chair any Hearing. Any appeals against sanctions imposed will be referred to the Chief Officers Appointments and Disciplinary Committee.

Currently the Chief Officers Appointments and Disciplinary Committee does not cover Chief Officer Appeals in its terms of reference. Therefore the reference in the Council's Constitution within Schedule 1 relating to the Chief Officers Appointments and Disciplinary Committee needs amending to include responsibility for appeals made by Chief Officers. The proposed amendment is as follows:

Chief Officers Disciplinary and Capability:

To hear and determine all appeals made by Chief Officers who are not covered by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, of the Council, against decisions made by the Chief Executive Officer in respect of:

- a) Disciplinary and capability action (up to and including dismissal),

- b) Redundancy and sickness absence/ill health dismissals
- c) Dismissals for some other substantial reason.
- d) Grievance/Resolving Issues at Work issues

The Committee will be advised by a Head of HR not previously involved.

To hear and determine all appeals made by Statutory Chief Officers, of the Council, against decisions made by the Chief Executive Officer in respect of:

- a) Capability action (less than dismissal),
- b) Disciplinary action (less than dismissal)
- c) Redundancy and sickness absence/ill health dismissals
- d) Grievance/Resolving Issues at Work issues

The Committee will be advised by a Head of HR not previously involved.

Appeals for Statutory Chief Officers against dismissal by Full Council will need further consideration in light of emerging guidance.

The purpose of these Regulations are seen to reduce the potential financial burden of the necessity of appointing a Designated Independent Person in dealing with any disciplinary matters against a statutory officer. As the Statutory Instrument has been laid before Parliament and is due to be implemented, the Council will need to implement these changes into its Constitution. The consequential changes to the Constitution are shown as tracked changes in appendix 8.

Consultation Undertaken and Responses: The cross party Members' Working Group Constitution met 15 April to consider these changes, Members comments were noted and the changes requested are reflected here, and on this basis the proposals detailed have Members' support. UNISON were consulted at an earlier stage regarding the changes proposed to the current process for Disciplinary/Capability Dismissal Appeals as explained earlier.

Human Resources Implications: The changes proposed to the process for Disciplinary/Capability Dismissal Appeals will ensure that arrangements are streamlined and that they take place in a more timely manner. The changes to clarify appeal arrangements for Chief Officers and Chief Executive reflect the changes imposed by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 which require that the provisions set out in section 8 of this report, come into force no later than the first ordinary meeting of the Council after 11 May 2015.

The Executive RECOMMENDS:

- a) That County Council notes the changes to the Contract Procedure Rules following the change in legislation since the last meeting of County Council 18 February 2015.

That County Council approve:-

- b) The changes proposed to the remit and terms of reference for the Looked After Children Members' Group;
- c) The changes proposed to the Protocol on Audio/Visual Recording and Photography at

Public Meetings;

- d) The proposed changes to the current process for Disciplinary/Capability Dismissal Appeals
- e) The changes proposed to clarify appeal arrangements for Chief Officers and Chief Executive

3. Appointments to Committees and Outside Bodies

The Executive RECOMMENDS:

Any proposals for the reallocation of seats, if necessary to achieve political proportionality or for changes to memberships or substitute memberships of committees, or other bodies to which the Council makes appointments put forward by the relevant political group, prior to or at the meeting of the Council, be agreed.

JOHN WEIGHELL
Chairman

County Hall,
NORTHALLERTON.
12 May 2015

Highways Infrastructure Asset Management Policy



2015

Background Documents: Draft	Issue Reference: Version 2.1
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Title	Highways Infrastructure Asset Management Policy
Document Type	Policy
Author	DG Huzzard
Approved By (including date)	
Approval Date	
Issue Date	
Review Date	
Reviewing Officer	
Links to other NYCC documents	Local Transport Plan (3) Highway Maintenance Plan Highway Safety Inspection Manual

Document Control	Date	Version	Comment
Approved Document			
Under Development	March 2015	2.1	B Mason
Under Development	March 2015	2.0	DG Huzzard
Initial Concept	February 2015	1.0	DG Huzzard

Scope

This policy will form the basis for strategy development for the management and maintenance of Highways Infrastructure related assets.

Legislation and Standards

In addition to a general Duty of Care, there are a number of specific pieces of legislation which provide the basis for powers and duties relating to highway maintenance.

The Highways Act 1980 sets out the main duties of highway authorities in England and Wales. In particular, Section 41 imposes a duty to maintain highways maintainable at public expense, and almost all claims against authorities relating to highway functions arise from the alleged breach of this section.

Section 58 provides for a defence against action relating to alleged failure to maintain on grounds that the authority has taken such care as in all the circumstances was reasonably required to secure that the part of the highway in question was not dangerous for traffic.

Other duties and powers are prescribed by:

- The New Roads and Street Works Act 1991
- Road Traffic Regulation Act 1984
- Traffic Signs, Regulations & General Directions 2002
- Road Traffic Act 1988
- The Traffic Management Act 2004
- Railways and Transport Safety Act 2003

Further Documentation

UK Roads Liaison Group / Highways Maintenance Efficiency Programme (HMEP)

Highway Infrastructure Asset Management Guidance

Well-maintained Highways: Code of Practice for Highway Maintenance and Management

Management of Highway Structures

Well Lit Highways

Management of Electronic Traffic Equipment

CIPFA

Code of Practice on Transport Infrastructure Assets – guidance to support asset management, financial management and reporting (2013)

Policy Statement

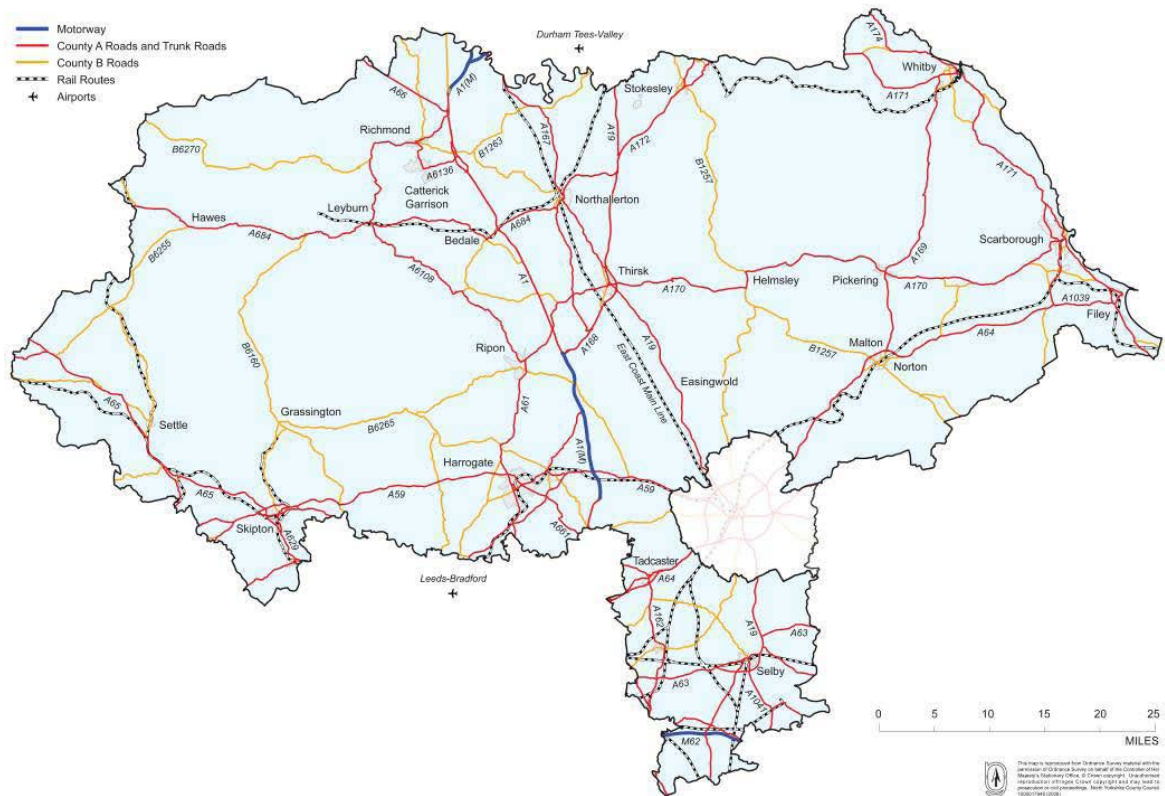
This policy has been developed with the primary aim of providing guidance to those officers responsible for developing strategies for the management and maintenance of highways infrastructure related assets.

Equality Impact Assessment

An Equality Impact Assessment is not required. A Highway Infrastructure Asset Management Strategy is also being developed which will influence our approach to highway maintenance work and therefore may impact on the public and this will be the subject of a further equalities assessment.

Background

Main Transport Infrastructure in the County of North Yorkshire



At over 9000km in length and with an annual highway maintenance budget (capital and revenue) of approaching £50M, the highway network in North Yorkshire is one of the longest of any Highway Authority in the Country. Managing this vast highway asset is therefore vital to achieving the best possible value for money and delivering the best possible outcomes for the users of the highway network, both the residents of North Yorkshire and visitors.

Every business, resident or visitor to North Yorkshire uses the highway network in some way every day of the year and over 5 Billion kilometres are travelled on the County Councils roads every year.

Asset Management is not a new concept but is a strategic approach for addressing the many competing demands associated with managing the highway network. For many years highway authorities have been operating their networks and making the best use of the data and systems available to them.

The culture of continual improvement has been embedded within our systems since the late 1980s and since that time we have improved our data collection and storage processes.

Recent developments in technology have afforded greater benefit by allowing more in depth analysis of condition data to support improved alignment of service delivery with the changing needs of our stakeholders.

Policy for Highways Infrastructure Asset Management

The County Council recognises the vital role played by North Yorkshire's local highway network in supporting the authority's vision -

"We want North Yorkshire to be a thriving county which adapts to a changing world and remains a special place for everyone to live, work, and visit"

The County Council is committed to making the best use of its budgets, and advocates an asset management approach for the maintenance of the county's local highway network, in order to help deliver the best long term outcomes for local communities.

The Highway Infrastructure Asset Management Strategy will set out how highway asset management will be delivered in North Yorkshire. This strategy will take into account current and projected financial pressures and will explain how available funds and resources should be utilised to maximise their benefit.

Through its Local Transport Plan (LTP3), in order to further support its vision and duties, the County Council developed a series of local transport objectives. To help meet these objectives, the Highway Infrastructure Asset Management Strategy will seek to:

Support flourishing local economies by delivering reliable and efficient transport networks and services (local economies)

Well maintained highways are essential to the local economy. Reliable journey times for customers, for the delivery of goods and for staff travel are essential to good business. Well maintained roads also reduce the costs of damage and wear and tear on business vehicles. Asset management optimises the planned maintenance over the lifecycle of the highway to contribute to the best possible outcomes for the available funding and also reduces disruption to traffic resulting from unplanned reactive maintenance works.

Reduce the impact of transport on the natural and built environment and tackling climate change (environment and climate change)

A key element of asset management is to integrate sustainable solutions and treatments, which minimise waste and landfill arising from highway maintenance works. Asset management also allows improved highway condition and reduced delays for vehicles at unplanned roadworks which contribute towards improved vehicle fuel efficiency and therefore carbon emissions.

Improve transport safety and security and promote healthier travel (safety and healthier travel)

Asset management, by ensuring that we have the best possible maintenance outcomes for the available funding, contributes towards minimising accidents and incidents (resulting in injury and / or damage to vehicles and property) directly attributable to the condition of the highway network. Good asset management, by helping to ensure good networks for active travel (cycling and walking), also helps people to make healthier travel choices.

Promote greater equality of opportunity for all by improving people's access to all necessary services (access to services)

An effectively maintained local highway network is essential to all modes of travel used to access local services (car, bus, community transport, cycling and walking) and hence contributes towards providing people with easier travel and access to these local services.

Ensure transport helps improve quality of life for all (quality of life)

A well maintained highway network reduces the impact of traffic on communities (e.g. traffic noise), improves the visual amenity of places and generally contributes to an improved quality of life for residents, visitors and travellers.

Record of decision that Equality Impact Assessment is not required (March 2015)	
Directorate and service area	Business and Environmental Services Highways and Transportation
Name and contact of officer(s) taking decision that EIA not required Barrie Mason Ext. 2137	
What are you proposing to do? Adopt a Highway Infrastructure Asset Management Policy	
Why are you proposing this? The Highways Infrastructure Asset Management Policy describes the County Council's commitment to highway infrastructure asset management.	
Does the proposal involve a significant commitment or removal of resources? The proposal will direct the use of existing resources.	
Will this proposal change anything for customers or staff? What will change? It provides a visible commitment to achieving the benefits that can be delivered through asset management.	
Will the proposal make things worse for people with protected characteristics (age, disability, sex, disability, gender reassignment, religion or belief, pregnancy or maternity, marriage or civil partnership)? (Customers, staff etc). How do you know? Do you have any evidence to support your assessment? The policy has been developed in line with the Local Transport Plan and will complement and further enhance our established asset management based approach to highways maintenance and management. As such the adoption of this policy will not impact negatively on any individual's use of the highway. A Highway Infrastructure Asset Management Strategy is also being developed which will influence our 'on the ground' approach to highway maintenance work and therefore may impact on the public. The strategy will be the subject of further equalities impact assessment work as it is developed.	
If there might be a negative impact on people with protected characteristics can this impact be reduced? How? -----	
Could the proposal have a significant negative impact on some people with protected characteristics or a less severe negative impact on a lot of people	

with protected characteristics? If “Yes” more detailed analysis should be undertaken and an EIA completed.		
No		
Does the proposal relate to an area where there are known inequalities (e.g. disabled people’s access to public transport)?		
No		
Could the proposal have a greater negative impact on people in rural areas?		
No		
Could the proposal have a worse impact on people with less money?		
No		
Will the proposal have a significant effect on how other organisations operate (e.g. partners, funding criteria, etc). Do any of these organisations support people with protected characteristics?		
No		
Do the answers to the previous questions make it reasonable to conclude that there will be no or very limited adverse impacts on people with protected characteristics?	Yes	
Will there be no or limited adverse impacts on people in rural areas?	Yes	
Will there be no or limited adverse impacts on people with low incomes?	Yes	
Further analysis and full EIA Required		No
Decision not to undertake EIA approved by (Assistant Director or equivalent)	Barrie Mason	
Date:	19.03.15	

Contract Procedure Rules

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

1.0 INTRODUCTION

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

ACE(LDS)	means Assistant Chief Executive (Legal and Democratic Services)
CD-SR	means the Corporate Director - Strategic Resources
Constitution	means the Council's Constitution of which these Rules form part.
Contract	means any agreement made between the Council and any other person which is intended to be legally enforceable and involves the acceptance of an offer made by one party to commit itself to an action or series of actions and subject to the exceptions in Rule 2.2
Contracts Finder	means the web-based portal as described in the PCRs
Contractor	means a person or entity with whom the Council has a contract
Contract Register	means the register of Contracts maintained by the Council as set out in Rule 17.8
Council	means North Yorkshire County Council
CPG	means the Corporate Procurement Group
Director	means the Chief Executive Officer; Corporate Director Business and Environmental Services; Corporate Director Health and Adult Services; Corporate Director Children and Young People's Service; Corporate Director - Strategic Resources as the context requires
DPC	means a Directorate Procurement Champion
E-Sourcing system	means the Council's chosen E-sourcing system (currently YORtender) or an approved alternative
EU	means the European Union
EU Threshold	means the current threshold above which the PCR's apply, currently £172,514 for services and supplies <u>£625,050 for social and other specific services</u> and £4,322,012 for works
FPP	means the Forward Procurement Plan maintained as described in Rule 17.5

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Framework Agreement	means an agreement with one or more public sector bodies which establishes an arrangement for: <ul style="list-style-type: none"> (i) multiple orders to be placed with one Contractor (a single supplier framework), or (ii) a framework of multiple Contractors to engage in further competitions (a multiple supplier framework)
Gateway Process	means the Council's value based gateway procurement process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points in the procurement cycle
Internal Audit	<u>means the Council's appointed internal auditors (currently Veritau)</u>
ITT	means an Invitation to Tender
Leasing Agreement	means a contract for the provision of finance to enable goods or services to be obtained and where ownership in those goods does not automatically pass to the Council at the end of the contract period
LDSO	means a Legal and Democratic Services Officer
MEAT	means the Most Economically Advantageous Tender
Member	means a member of the Council or co-opted member on a Council committee
Officer	means a Council employee or other authorised agent
OJEU	means the Official Journal of the European Union
Participant	means a person or entity participating in a procurement process, who has expressed an interest in tendering for a Contract or who has tendered for a Contract
PCR	means the Public Contracts Regulations 20 14 ¹⁵
Person	means any individual, partnership, company, trust, other local authority, Government department or agency
PQQ	means the Pre-Qualification Questionnaire
Procurement Manual	means the manual to accompany these Rules which provides detailed guidance on procurement techniques and the effect of the Rules
Procurement Strategy	means the Council's Procurement Strategy as agreed from time to time.
Property Contract	means a contract which creates an estate or interest in land or buildings

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Responsible Officer means the Officer who is responsible for the procurement and/or management of a Contract

Rules means these Contract Procedure Rules

Services or Supplies means as defined in the PCRs

Social and Other Specific Services means these services defined as such in the PCRs

Works means as defined in the PCRs

YPO means the Yorkshire Purchasing Organisation

1.2 References in these Rules to:-

- (a) any legislation (e.g. Act, Statutory Instrument, EU Directive) include a reference to any amendment or re-enactment of such legislation;
- (b) the value of any contract are to the total estimated aggregate gross value payable over the full period of the Contract including any options or extensions to the Contract without any deduction for income due to the Contractor or the Council;
- (c) the singular include the plural and vice versa;
- (d) the masculine include the feminine and vice versa;
- (e) Directors, the CD-SR and the ACE(LDS) shall be taken to include such Officers as are designated by those officers to undertake the duties and responsibilities set out in these Rules, except in the case of the following Rules:-
 - (i) Director - **Rules 8.8, 8.9, 12.2, 16.1(b) and (h), 16.3 and 18.1**
 - (ii) CD-SR - **Rules 2.1, 2.4, 2.5, 8.8, 8.9, 12.2, 16.1(b) and (h), 16.3, 17.3 and 18.1**
 - (iii) ACE(LDS) - **Rules 2.1, 2.4, 2.5, 8.8, 8.9, 12.2, 16.1(b) and (h) and 16.3**

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

2.0 GENERAL

2.1 These Rules are made by the Council on the advice of the CD-SR (in consultation with the ACE(LDS)) under Article 14.02 of the Constitution.

2.2 These Rules apply to all Contracts for **Works, Supplies, Services or Social and Other Specific Services** but do not apply to:-

- (a) contracts of employment;
- (b) property contracts (which are covered by the Property Procedure Rules); and

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Services or Supplies means as defined in the PCRs¶
¶
Social and Other Specific means these services defined as such in the PCRs¶
Specific Services means the Council's appointed internal auditors (currently Veritau) ¶

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- (c) financial instruments (including, but without limitation, shares, bonds, bills of exchange, future or options contracts) (which are covered by the Financial Procedure Rules).
- 2.3 The Council has made Financial Procedure Rules under Article 14.01 of the Constitution which shall be applied in conjunction with these Rules.
- 2.4 The CD-SR (in consultation with the ACE(LDS)) shall review the application and effect of these Rules and make an annual report or as required but no less than once per year to the Audit Committee recommending such amendments to the Rules as are considered appropriate.
- 2.5 The CD-SR and the ACE(LDS) have produced a Procurement Manual which provides detailed guidance on procurement techniques and the effect of the Rules. The Procurement Manual also sets out important issues to be considered in the procurement context. These Rules should be read in conjunction with the Procurement Manual.
- 2.5.1 The CD-SR has also produced a *Finance Manual* which gives advice on financial procedures.
- 2.6 Where a contract for the acquisition or hire of goods or services involves any form of Leasing Agreement to finance the transaction then the CD-SR shall undertake the negotiation of terms and authorise the arrangement in accordance with Rule 9.3 of the Financial Procedure Rules.
- 2.7 Directors shall ensure that all documentation relating to Contracts and procurement processes (including quotations) is retained in accordance with the Council's Records Retention and Destruction Schedule
- 2.8 Where the Council has awarded a contract to any person to supervise or otherwise manage a contract on its behalf such a person shall be required to comply with these Rules as if he were an Officer of the Council.
- 2.9 Wherever possible and appropriate procurement shall be undertaken using the standard precedent documents contained in the Procurement Manual applying to PQQ's, ITT's or to submit quotations. Wherever alternative documents are to be used they must be approved by ACE(LDS) in consultation with CPG (or DPCs) as appropriate.

3.0 COMPLIANCE WITH LEGISLATION AND STANDARDS

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

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- (b) British Standards implementing international standards
- (c) British Standards

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4.0 POWERS AND KEY DECISIONS

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

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5.0 FORM OF CONTRACT

- 5.1 Every contract exceeding £100 in value shall be evidenced in writing (by the use of an order form, exchange of correspondence or other written medium).
- 5.2 Every contract exceeding £25,000 in value shall be documented by a written form of agreement. Wherever appropriate and possible, such written agreements shall be made on the basis of terms and conditions agreed by the ACE(LDS). Such terms and conditions may be incorporated into standard order conditions. The Council may accept different terms and conditions proposed by a Contractor provided that the advice of the ACE(LDS) as to their effect has been sought and considered.
- 5.3 The written form of agreement for all contracts exceeding £25,000 in value must clearly specify the obligations of the Council and the Contractor and shall include:-
 - (a) the work to be done or the ~~Supplies, Services or Social and Other Specific Services~~ to be provided
 - (b) the standards which will apply to what is provided
 - (c) the price or other consideration payable
 - (d) the time in which the Contract is to be carried out
 - (e) the remedies which will apply to any breach of Contract.

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- 5.4 Where considered appropriate by the CD-SR, term contracts and framework contracts may include a financial limit above which value, work to be done or ~~Supplies, Services or Social and Other Specific Services~~ to be supplied shall be subject to a separate procurement exercise in accordance with these Rules.
- 5.5 The written form of agreement for all contracts exceeding £25,000 in value must include the following or equivalent wording:-
 - (a) "If the Contractor:-

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- (i) Has offered any gift or consideration of any kind as an inducement or disincentive for doing anything in respect of this Contract or any other Contract with the Council, or
- (ii) Has committed any offence under the Prevention of Corruption Acts 1889 to 1916 or the Bribery Act 2010, or
- (iii) Has committed an offence under Section 117 (2) of the Local Government Act 1972

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

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

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5.6 The standard clauses contained in the Procurement Manual relating to the Freedom of Information Act 2000 and the Data Protection Act 1998 shall, wherever possible, be included in all Contracts exceeding £25,000 in value.

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5.7 Other standard clauses are contained in the Procurement Manual relating to, for example, equalities, the Public Services (Social Value) Act 2012, sustainability and best value; these are not mandatory for each such written agreement referred to in **Rule 5.5** above, but should be included where appropriate.

6.0 SIGNATURE/SEALING OF CONTRACTS

6.1 Every written Contract must be either signed or sealed in accordance with this Rule and where Contracts have a value exceeding £50,000 they must be either sealed, or signed by two Officers as described below.

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

6.2.1 The ACE(LDS) also authorises such Contracts to be signed by Directors (or by an Officer authorised by a Director to sign on the Director’s behalf) up to and including £500,000 provided that:-

- (a) appropriate authority exists for the Council to enter into the Contract, and
- (b) the Contract is either:-
 - (i) in a nationally recognised form, or
 - (ii) a standard form prepared or approved by the ACE(LDS), or
 - (iii) is otherwise in a form approved by the ACE(LDS); and
- (c) any variations to approved forms of Contract must themselves be approved by the ACE(LDS), whether or not they are effected by amending the Contract itself or by correspondence

6.2.2 Contracts that exceed £500,000 shall be signed by:

- (a) the ACE(LDS) (or a Legal and Democratic Services' Officer authorised by him); and
- (b) an authorised signatory in the relevant Directorate (or another Legal and Democratic Services' Officer authorised by the ACE(LDS)).

6.2.3 Only the ACE(LDS) (or a Legal and Democratic Services' Officer authorised by the ACE(LDS)) may seal a Contract on behalf of the Council, in each case being satisfied that there is appropriate authority to do so.

7.0 BONDS AND LIQUIDATED DAMAGES

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- 7.1 Directors (in consultation with the CD-SR) shall consider whether to include provision for the payment of liquidated damages by a Contractor for breach of Contract in all contracts which exceed £100,000 in value. Such consideration shall be recorded in the Gateway Processes (Gateway 2).
- 7.2 Where considered appropriate by a Director (in consultation with the CD-SR), the Contractor will be required to provide a performance bond to secure the performance of the Contract. Such performance bonds should provide for a sum of not less than 10% of the total value of the contract or such other sum as the CD-SR considers appropriate.
- 7.3 Agreements made under Section 38 (adoption of new highways) or Section 278 (development of existing highways) of the Highways Act 1980 shall always include provision for a bond in respect of such sum as the Corporate Director Business and Environmental Services shall consider appropriate except where:-
 - (a) the identity of the developer renders the need for a bond unnecessary, or
 - (b) adequate alternative security is provided, or
 - (c) the Corporate Director Business and Environmental Services (in consultation with the CD-SR) agrees that it is inappropriate for a bond to be required.

8.0 QUOTATIONS

- 8.1 Where the estimated value of a contract is £5,000 or less the invitation of quotations is not mandatory, but written quotations should be invited where appropriate and best value should always be sought.
- 8.2 If the estimated value of a contract exceeds £5,000 but is less than £100,000 at least three written quotations must be invited from suitable potential Contractors. The estimated value of the Contract shall be recorded in writing prior to quotations being sought. Quotations with a value exceeding £5,000 should be invited using the E-Sourcing System and quotations above £25,000 **must** be invited using the E-Sourcing system.

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8.3 If a Director, in consultation with the DPC, considers it to be appropriate that any ITQ shall be available to all potential Participants then a notice advertising the opportunity shall be published through the E-Sourcing System and on Contracts Finder and, if considered appropriate, a local newspaper and a suitable professional or trade journal or website. The form of advertising shall take into account the value, location and subject matter of the Contract. The notice shall specify brief details of the Contract, how the ITQ documents may be obtained and the closing date for receipt of quotations by the Council.

- | ~~8.4~~ All potential Contractors invited to submit quotations shall be provided in all instances with identical information and instructions. Where considered appropriate, Directors may permit potential Contractors who have been selected to submit quotations under **Rule 8.2** to also submit variant quotations (i.e. quotations which do not comply with some or all of the requirements of the primary quotation). The same opportunity to submit variant quotations must be given to all potential Contractors. Deleted: 3
- | ~~8.5~~ A written quotation may only be considered if:- Deleted: 4
- (a) it has been received electronically through the E-Sourcing System, or
 - (b) it has been received in a sealed envelope marked "Quotation" and indicating the subject matter of the quotation and
 - (c) it has been opened after the expiry of the deadline for submissions and at the same time as other quotations for the same subject matter in the presence of at least two Officers authorised to open quotations.
- | ~~8.6~~ Before quotations of a value in excess of £25,000 are requested it must be recorded in writing whether the lowest price or the most economically advantageous quotation should be accepted. Where both price and quality are to be factors (i.e. where the most economically advantageous quotation applies) the quality criteria must be identified and the weighting between price and quality established and recorded before quotations are requested. The criteria should be stated in the request for quotation sent to suppliers. Deleted: 5
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- | ~~8.7~~ Price/quality quotation evaluation models shall be lodged with Internal Audit before any quotations are opened. The Director shall evaluate quotations using the evaluation model lodged with Internal Audit. Deleted: 6
- | ~~8.8~~ If a quotation other than the lowest or the most economically advantageous quotation (as the case may be) is to be accepted, the written approval of the Director (in consultation with the CD-SR or if the relevant Director is the CD-SR, in consultation with the Chief Executive) shall be sought and obtained before the quotation is accepted. Deleted: 7
- | ~~8.9~~ A quotation for a price in excess of £100,000 may be accepted if (and only if):- Deleted: 8
- (a) the original documented estimated price was less than £100,000 **and**
 - (b) the price quoted does not exceed that original documented estimated price by more than 10% **and**
 - (c) the written approval of the Director (in consultation with the CD-SR) has been obtained.
- If the conditions at (a), (b) and (c) are not met, Directors must seek tenders in accordance with **Rules 9 and 10**.
- | ~~8.10~~ Where a quotation involves payment to the Council, the provisions of **Rules 8.5 and 8.7** shall apply except that the word "lowest" shall be replaced by the word "highest" in these paragraphs. Deleted: 9
- | ~~8.11~~ Quotations may be altered only in accordance with **Rules 13.1 and 13.2**. Deleted: 0

Financial Stability

- 8.12 Before a Contract is awarded after a quotation exercise such steps shall be taken, in conjunction with the CD-SR, as are reasonably necessary (having regard to the subject matter, value, duration of the Contract and other relevant factors) to complete a risk assessment of the potential Contractor's financial stability.

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9.0 TENDERS

- 9.1 If the estimated value of the Contract is £100,000 or more electronic tenders shall be invited in accordance with the provisions of this Rule.
- 9.2 If the estimated value of the Contract exceeds the relevant EU Threshold the additional requirements for OJEU Procurements, set out in **Rule 10.3**, shall be followed.

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General Requirements

- 9.3 Before Directors invite tenders it shall be recorded in writing for all Contracts whether the Contract will be awarded on the basis of price or the Most Economically Advantageous Tender (MEAT), a combination of price and quality.
- 9.4 If a Contract is to be awarded on the basis of the MEAT, the criteria to be used in the assessment of the quality elements of the tenders and the weighting between price and quality shall be established and recorded in writing before tenders are invited. For all Contracts, the tender assessment criteria, sub-criteria and weightings shall be stated in the ITT.
- 9.5 If a Contract is to be awarded on a price only basis it shall be recorded whether the award will be made on the basis of the lowest price or any other tendered price. Where a tender involves payment to the Council, the provisions of this Rule shall apply except that the word "lowest" shall be replaced by the word "highest".
- 9.6 All Participants invited to submit tenders shall be provided with identical instructions and information.
- 9.7 Where considered appropriate, a Director may, in consultation with the DPC, permit Participants to submit variant tenders (i.e. tenders which do not comply with some or all of the requirements of the primary tender). The same opportunity to submit variant tenders shall be given to all Participants. Variant tenders shall only be considered if the Participant also submits a compliant primary tender.
- 9.8 Evaluation models for PQQ's and ITT's shall be lodged with Internal Audit before any submission documents are opened. The evaluation model shall not be divulged to Participants.
- 9.9 Directors shall invite tenders on the basis of one of the options identified in **Rule 10**.

10.0 OPTIONS FOR TENDER

Tenderers shall be invited on the basis of one of the following options:

10.1 Open Tenders

10.1.1 If a Contract (including a Contract for Social or Other Specific Services or a contract for Works) has a value in excess of £100,000 but below £172,514, then the following procedures shall apply:-

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- (i) A notice advertising the opportunity shall be published through the E-Sourcing System and Contracts Finder and, if considered appropriate, a local newspaper and a suitable professional or trade journal or website. The form of advertising shall take into account the value, location and subject matter of the Contract. The notice shall specify brief details of the Contract, how the ITT documents may be obtained and the closing date for receipt of tenders by the Council.
- (ii) The deadline date for the return of tenders shall be at least 28 days after the publication of the first advertisement of the ITT and, where relevant, at least 14 days after the last ITT advertisement is published.
- (iii) The criteria which are to be applied in the evaluation of the tenders shall be recorded in writing before ITT's are issued and shall be included in the documents provided to all Participants.
- (iv) The evaluation of the tenders shall be carried out by Officers, nominated by the Director in consultation with the DPC, who are considered appropriate having regards for the subject matter and value of the Contract.
- (v) The evaluation model shall be lodged with Internal Audit before any submission documents are opened, The evaluation model shall not be divulged to Participants.

10.2 Restricted Tenders

10.2.1 Only in the case of Social or Other Specific Service contracts or Works contracts in excess of £172,514, if a Director, in consultation with the DPC, considers it appropriate that any ITT shall be restricted to selected Participants by issuing a PQQ to all potential Participants followed by an ITT to those Participants selected at the PQQ stage then the following procedures shall apply:

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- (i) A notice advertising the opportunity and inviting expressions of interest shall be published through the E-Sourcing System and, if considered appropriate, a local newspaper and a suitable professional or trade journal or website. The form of advertising shall take into account the value, location and subject matter of the Contract. The notice shall specify brief details of the Contract and invite potential Participants to complete and submit a PQQ to the Council in order to be considered to be invited to tender. The notice shall include details as to how PQQ's are to be submitted and the closing date for their receipt by the Council.
- (ii) The deadline date for return of PQQ's shall be at least 28 days after the publication of the first advertisement of the opportunity and, where relevant, at least 14 days after the last advertisement is published.
- (iii) The selection criteria which are to be applied in the evaluation of the PQQ's shall be recorded in writing before the PQQ's are invited and shall be included in the documents provided to all Participants.
- (iv) The evaluation of the PQQ's shall be carried out by Officers, nominated by the Director in consultation with the DPC, who are considered appropriate having regards for the subject matter and value of the Contract.

- (v) After evaluation of the PQQ's, ITT's shall be published to at least five Participants or, if less than five potential Participants applied or are considered suitable, such Participants as have been selected by the Director.
- (vi) The deadline date for the receipt of tenders shall be at least 28 days after the date of dispatch of the ITT's.
- (vii) The criteria which are to be applied in the evaluation of the tenders shall be recorded in writing before ITT's are published and shall be included in the documents provided to all Participants.
- (viii) The evaluation of tenders shall be carried out by Officers, nominated by the Director in consultation with the DPC, who are considered appropriate having regards for the subject matter and value of the Contract.
- (ix) The evaluation model shall be lodged with Internal Audit before any submission documents are opened. The evaluation model shall not be divulged to potential Contractors.

10.3 OJEU Tenders

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Tenders for Contracts which exceed the EU Threshold shall be invited and awarded as prescribed in **Rule 10.1.1(i) to (v)** or **Rule 10.2.1(i) to (ix)** but taking into account the following amendments:

10.3.1 Open Tenders: the deadline date for the return of tenders shall be a minimum of 35 days after the publication of the first advertisement of the ITT. The actual deadline date shall be determined having taken into consideration the complexity of the Contract and the time required for the completion of the tender documents by Participants. The requirement for 35 days may be reduced to 30 days when using the E-Sourcing System. Where a Prior Information Notice (PIN) has been published the minimum time limit may be reduced to 15 days.

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10.3.2 Restricted Tenders: the deadline date for the return of PQQ's shall be at least 30 days after the publication of the first advertisement of the opportunity. The deadline date for the receipt of tenders shall be at least 30 days after the date of publication of the ITT. The requirement for 30 days may be reduced to 25 days after the publication of the first advertisement of the opportunity for the return of the PQQ and reduced to 25 days for the return of the ITT after the date of its publication when using the E-Sourcing System. Where a PIN has been published the minimum time period may be reduced to 10 days for return of ITT.

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10.4 Framework Agreements

10.4.1 If a Director considers it appropriate to establish a Framework Agreement then the Framework Agreement shall be established using the procedures set out in either **Rule 10.1.1(i) to (v)** or **10.2.1(iv) to (ix)**.

10.4.2 Where the value of the proposed Framework Agreement exceeds the EU Threshold, the procedure prescribed by the PCR's shall apply to all aspects of the procurement and to the subsequent operation of the Framework Agreement including, but not limited to:-

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- (i) the procurement methodology;
- (ii) the placement of orders under the Framework Agreement;

(iii) further competition between Contractors appointed to the Framework Agreement.

10.4.3 The duration of a Framework Agreement shall be limited, as prescribed by the PCR's, to a maximum of four years including any extension periods.

10.5 Approved Lists

10.5.1 If a Director considers it appropriate to maintain a list of suitable Contractors for particular types of ~~Work and/or Supplies and/or Services and/or Social and Other Specific Services~~, where the estimated value of the ~~Work and/or Supplies and/or Services and/or Social and Other Specific Services~~ is below the relevant EU Threshold, the list of suitable Contractors shall be established using the procedures set out below:-

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(i) A notice inviting expressions of interest shall be published through the E-Sourcing System and, if considered appropriate, a local newspaper and a suitable professional or trade journal or website. The form of advertising shall take into account the value, location and subject matter of the Contract. The notice shall specify brief details of the Contract and invite potential Participants to apply to the Council to be considered for inclusion on the approved list by the Council. The notice shall include details as to how expressions of interest are to be submitted and the closing date for their receipt by the Council.

(ii) The deadline date for the return of expressions of interest shall be at least 28 days after the publication of the first advertisement of the expressions of interest and, where relevant, at least 14 days after the last advertisement is published.

(iii) The selection criteria which are to be applied in the evaluation of the expressions of interest shall be recorded in writing before expressions of interest are invited and shall be included in the documents provided to all Participants.

(iv) The evaluation of expressions of interest shall be carried out by Officers, nominated by the Director in consultation with the DPC, who are considered appropriate having regards for the subject matter and value of the Contract. The Director shall then maintain a list of such approved Contractors categorised by ~~Works/Supplies/Services/Social and Other Specific Services~~ type and value as may be applicable.

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(v) The Director shall review the performance of all Contractors on the approved list at regular intervals, not exceeding 12 months from the date of appointment of the Contractor to the approved list.

(vi) The Director may remove Contractors from an approved list where the Director and CD-SR agree that such removal is appropriate, having regards for the conduct, performance and/or status of the Contractor in relation to those standards identified in the original expressions of interest.

(vii) The Director may, after consultation with the CD-SR approve an application from a potential Contractor to be added to an existing approved list.

(viii) ITT's or Invitations to Quote shall be invited in accordance with **Rule 10** or **Rule 8**.

- (ix) The Director shall maintain records of the tenders or quotations invited from an approved list such that the names of the Contractors invited to tender, the selection process and Contracts awarded to each Contractor are available for inspection.
- (x) Approved Lists may remain in force for a maximum of five years. Before the expiration of the Approved List a replacement shall be established, if appropriate, in accordance with **Rule 10.5**.

10.6. ~~Dynamic Purchasing Systems, Competitive Dialogue Procedure, Competitive Procedure with Negotiation and Innovation Partnership Procedure~~

Where a Director, in consultation with the CD-SR, agrees that it is appropriate, ~~a Dynamic Purchasing System, the Competitive Dialogue Procedure, the Competitive Procedure with Negotiation or the Innovation Partnership Procedure~~ may be used for the invitation ~~of~~ tenders in accordance with the requirements of the PCR's.

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11.0 RECEIPT AND OPENING OF TENDERS

11.1 A written tender may only be considered if:-

- (a) it has been received electronically through the E-Sourcing System, or
- (b) (where permitted) it has been received in hard copy in a sealed envelope marked "Tender" and indicating the subject matter of the tender, and the identity of the Participant cannot be ascertained from the tender envelope,
- (c) and subject to **Rule 11.4**, it has been returned electronically through the E-Sourcing System or to the ACE(LDS) (or a person designated by him) in accordance with the instructions contained in the ITT before the tender closing date.

11.2 The ACE(LDS) (or a person designated by him) shall be responsible for the reception and safe custody of tenders until they are opened.

11.3 Tenders, whether electronic or hard copy must be opened at the same time and in the presence of the ACE(LDS) (or a person designated by him) or, where Legal and Democratic Services is undertaking the procurement, the CD-SR (or an Officer designated by him). Whoever opens the tenders shall maintain a record of the tenders received. Such a record shall include the date and time of tender opening, the identity of the Officer(s) present, the identities of Participants and the tendered sums (where readily ascertainable). A copy of such a record shall be provided as soon as practicable to the Director inviting the tenders and to Internal Audit.

11.4 If a Tender is received after the specified tender closing date it may not be considered unless the ACE(LDS) is satisfied that the Tender was submitted electronically or posted or otherwise dispatched in sufficient time to be delivered before the specified time but that delivery was prevented by an event beyond the control of the Participant and that other tenders have not been opened.

12.0 TENDER EVALUATION AND ACCEPTANCE

12.1 The Director shall evaluate tenders using the evaluation model lodged with Internal Audit in accordance with **Rules 9.8, 10.1.1(v) and 10.2.1(ix)**.

- 12.2 If a tender other than the MEAT or the lowest price is to be accepted the written approval of the Director, after consultation with the CD-SR, shall be obtained and a signed and dated record kept of the reasons for the action taken shall be made however, no such approval can be given where the Contract is subject to PCR's other than in exceptional circumstances agreed by the ACE(LDS).
- 12.3 Each Director shall maintain an electronic or written record of all successful Participants in a form approved by the CD-SR in accordance with the Council's Document Retention Policy.
- 12.4 If, as a result of the tender evaluation process the Director is satisfied that an arithmetical error has been made inadvertently by a Participant such an error may, after consultation with the Participant, be corrected. The Director shall record any such correction in writing.
- 12.5 Before a Contract is awarded the Director shall, in consultation with the CD-SR, complete a risk assessment to ascertain the financial stability of the successful Participant. The risk assessment shall take into account the subject matter, complexity, duration, value and any other such factors as may be deemed to be relevant. This shall be undertaken in accordance with the Gateway Process (Gateway 3).
- 12.6 On completion of the evaluation of the tenders received and once all internal approvals have been obtained, the Director shall write to all Participants informing them of the outcome of the tender evaluation and providing feedback on the content of their tender. Where appropriate such feedback shall be given in accordance with the PCR's.
- 12.7 For OJEU tenders the Director shall wait a minimum of ten days from the date of issue of the letters notifying the Participants of the result of the evaluation before completing the Contract with the successful Participant.

12.8 For OJEU tenders the Director shall send for publication a Contract Award Notice stating the outcome of the procurement procedure no more than 30 days after the award of the contract.

~~12.9 Where the tender involves payment to the Council **Rule 12.2** shall apply except that the word "highest" shall be substituted for "lowest" in that Rule.~~

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13.0 POST TENDER NEGOTIATION AND CLARIFICATION

- 13.1 Post tender negotiations may not be undertaken where the value of the Contract exceeds the relevant EU Threshold.
- 13.2 Post tender negotiations with selected tenderers shall only be carried out where:-
 - 13.2.1 post tender negotiations are permitted by law; and
 - 13.2.2 the Director in consultation with the CPG considers that added value may be obtained; and
 - 13.2.3 that post tender negotiations are to be conducted by a team of suitably experienced officers approved by the Director and who have been trained in post tender negotiations; and
 - 13.2.4 a comprehensive, written record of the negotiations is kept by the Council; and

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13.2.5 a clear record of the added value to be obtained as a result of the post tender negotiations is incorporated into the Contract with the successful Participant.

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13.3 **Rules 13.1 and 13.2** shall not operate to prevent clarification of all or part of any tender to the extent permitted by law and where such clarifications are sought the provisions of **Rules 13.2.3 and 13.2.4** shall apply, except that the word "clarification" shall be substituted for the word "negotiation" in these Rules.

14.0 PURCHASING CARDS

14.1 Where purchasing cards are issued by the Council the following provisions shall apply:-

- (a) their use shall be subject to the procedures laid down by the CD-SR
- (b) cards shall only be issued to, and used by, Officers nominated by a Director (in consultation with the CD-SR)
- (c) for the purpose of **Rule 5.1** the payment invoice will constitute evidence in writing of the contract.

15.0 CERTIFICATION OF CONTRACTS

15.1 The Local Government (Contracts) Act 1997 clarified the power of local authorities to enter into certain contracts, including Private Finance Initiative Contracts. Where Contracts need to be certified under the 1997 Act, only the following Officers are authorised to do so: the Corporate Director Children and Young People's Service, the Corporate Director Business and Environmental Services, the Corporate Director Health and Adult Services and the CD-SR.

16.0 EXCEPTIONS TO CONTRACT PROCEDURE RULES

16.1 A Director does not need to invite quotations or tenders in accordance with **Rules 8, 9 and 10** in the following circumstances:-

- (a) purchases via framework agreements which have been established by other public sector bodies or consortia (including, but not limited to YPO) and where such framework agreements are lawfully accessible to the Council, except where the requirements of the individual framework require a further competition to be conducted; or
- (b) purchases at public auctions (including internet auction sites, e.g. Ebay) where the Director is satisfied that value for money will be achieved; or
- (c) the purchase of ~~Supplies, Works, Services or Social and Other Specific Services~~ which are of such a specialised nature as to be obtainable from one Contractor only, except where the value of the Contract exceeds the relevant EU Threshold; or
- (d) the instruction of Counsel by the ACE(LDS); or
- (e) repairs to or the supply of parts for existing proprietary machinery or plant except where the value of the Contract exceeds the relevant EU Threshold; or

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(f) ~~Social or Other Specific Services~~ Contracts with a value below the EU Threshold where:-

(i) the service is currently supplied by a Contractor to the satisfaction of the ~~relevant~~ Corporate Director, is considered to be offering value for money and where the foreseeable disruption to service users cannot justify the invitation of further quotations or tenders, or

(ii) the service is of a specialist or personal nature and where service users must be involved in the selection of the Contractor and where the Corporate Director Health and Adult Services and the Corporate Director Children and Young People's Service considers it inappropriate for quotations or tenders to be invited, or

(iii) where the ~~relevant~~ Corporate Director is satisfied that the urgency of the need for the service prevents the invitation of quotations or tenders in which case consideration shall be given to the duration of that service; or

(g) Contracts which are classifiable as '~~Social and Other Specific Services Contracts~~' under the PCR's, ~~with a value in excess of the EU Threshold for Social and Other Specific Services Contracts, in which case the appropriate process in accordance with the provisions of the PCRs shall be followed.~~

(h) Contracts where the Director with the agreement of the ACE(LDS) and the CD-SR agree that for reasons of extreme urgency brought about by unforeseeable events unattributable to the Council, the timescales for obtaining quotations or tenders cannot be met. A written record shall be signed and dated by the Director, whenever this rule applies.

16.2 Where any of the exceptions set out in (a) to (h) above are applied a written record of the decision and justification shall be signed and kept as part of the Gateway Process.

16.3 Waivers

16.3.1 Specific exceptions to Rules 8, 9 and 10 are permitted in such other circumstances as the CD-SR and the ACE(LDS) may agree.

16.3.2 Requests for waivers shall be made using a form prescribed by the ACE(LDS) and the CD-SR which shall specify the reasons for the request and include a completed risk assessment of the proposal.

16.3.3 The ACE(LDS) shall maintain a register of all requests made under this Rule and the responses given to them.

17.0 COMPLIANCE, CONTRACT REGISTER AND FORWARD PROCUREMENT PLANS

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

17.2 Each Director, CPG and/or the DPC's shall take all such steps as are reasonably necessary to ensure that Officers within their Directorate are aware of and comply with these Rules, the *Procurement Manual* and the *Finance Manual* referred to in **Rule 2.5**.

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(i) the service is currently supplied by a Contractor to the satisfaction of the Corporate Director Health and Adult Services or the Corporate Director Children and Young People's Service, is considered to be offering value for money and where the foreseeable disruption to service users cannot justify the invitation of further quotations or tenders, or¶

¶
(ii) the service is of a specialist or personal nature and where service users must be involved in the selection of the Contractor and where the Corporate Director Health and Adult Services or the Corporate Director Children and Young People's Service considers it inappropriate for quotations or tenders to be invited, or¶

¶
(iii) where the Corporate Director Health and Adult Services or the Corporate Director Children and Young People's Service is satisfied that the urgency of the need for the service prevents the invitation of quotations or tenders in which case consideration shall be given to the duration of that service¶

- 17.3 The CD-SR shall be responsible for monitoring adherence to these Rules.
- 17.4 Each Director shall nominate a representative to act as a key contact point in relation to procurement matters for the Directorate; such representatives shall be termed “**Directorate Procurement Champions**” in this Rule.
- 17.5 **DPC’s** are responsible for the production of a FPP which will be completed in such format as CPG shall require.
- 17.6 The DPC’s shall each present an updated FPP to their respective directorate management teams quarterly for approval throughout the year.
- 17.7 An annual report on procurement matters, such report to include an annual procurement plan and actions arising from the annual procurement plan, will be presented to a meeting of the Corporate and Partnership Overview and Scrutiny Committee.
- 17.8 The Council maintains a Contract Register the purpose of which is to:

- (a) record key details of all contracts with an aggregate value of £25,000 or more; and
- (b) identify a contract reference number.

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17.9 DPC’s shall ensure that:-

- (a) all relevant contracts (including those Contracts to which **Rule 16** applies) are entered onto the Contract Register and the appropriate Contract number recorded
- (b) the Contract Register is maintained by entering new Contracts onto it and removing expired contracts from it in line with the Council’s Records Retention and Destruction Schedule.

Contracts Finder

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17.10 When a Contract in excess of £25,000 is awarded the Director shall ensure that such information as is prescribed in the PCRs is published on Contracts Finder.

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

18.1 When a procurement is being considered which is expected to exceed the financial value thresholds specified in **Rule 18.2** then the Responsible Officer must complete the necessary Gateway Process report for consideration by the relevant Directorate Management Team or the relevant Director, the Assistant Director with responsibility for finance within that Directorate, and the DPC. No procurement should commence before the Gateway Process report is approved. The report shall include the estimated “whole life” financial value of the contract, the procurement methodology and any other relevant factors including, but without limitations, any TUPE implications. The Assistant Director with responsibility for finance will enter details on a register of procurements approved under this Rule which will be available to the CD-SR and the ACE(LDS).

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

- (a) Works contracts - £100,000

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(b) ~~Social and Other Specific Services Contracts and Supplies and Services~~ contracts £100,000.

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18.3 When a procurement is being considered which is expected to exceed the financial value thresholds specified in **Rule 18.4** then the Responsible Officer must ensure the necessary Gateway Process report prepared in accordance with **Rule 18.1** is also considered by the ACE(LDS) or by a LDSO authorised by him. No procurement should commence before the Gateway Process report is approved.

18.4 The whole Contract financial value thresholds for the purpose of **Rule 18.3** are:

(a) ~~Works~~ Contracts - £1m

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(b) ~~Supplies and Service Contracts and Social and Other Specific Services~~ Contracts - £172,514.

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18.5 No action leading towards procurement, including any steps to undertake a further competition under an existing framework arrangement, shall be undertaken until confirmation of the process has been given under the terms set out in **Rule 18.1 and 18.3**.

19.0 CONTRACT MONITORING

19.1 The Responsible Officer shall take all such steps as are appropriate to monitor and review the performance of the Contract, having regard to its value, nature, duration and subject matter. As part of the monitoring and review process the Responsible Officer shall maintain adequate records of Contract performance and details of review meetings with the Contractor. Such records and details shall be made available to Internal Audit whenever required and shall be recorded in any relevant Gateway Process report (Gateway 4). Such records shall also be used on the basis for any permitted extension to the Contract.

Contract Variation

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

20.0 TRAINING FOR PROCUREMENT

20.1 Any officer involved in procurement activities shall have received a level of formal training commensurate with the nature of the procurement activity being undertaken.

21.0 DECLARATION OF INTERESTS

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

APPENDIX B

North Yorkshire County Council

Protocol on Audio/Visual Recording and Photography at Public Meetings

The County Council is committed to being open and transparent in the way it conducts its decision making. ~~Recording is welcomed~~ at County Council and committee and sub-committee meetings which are open to the public. The County Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will facilitate this by ensuring that any such request not to be recorded is respected by those ~~making~~ the recording.

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The County Council ~~encourages the following as good practice:-~~

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1. Anyone wishing to record ~~is asked~~, prior to the start of the meeting, ~~to notify~~ the Democratic Services Officer whose details are set out on the Agenda.

2. ~~We ask that the~~ recording be overt (ie clearly visible to anyone at the meeting) but non-disruptive.

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3. All those visually recording a meeting are requested to focus only on recording councillors, officers and those members of the public speaking to the meeting.

4. Any member of the public has the right not to be recorded. Agendas for meetings will make it clear that recording can take place. If any member of the public ~~at the meeting~~ does not wish to be recorded, the ~~Chairman~~ ~~will ask them to make this known~~.

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5. Any children or young people ~~clearly~~ under the age of 18 who are present at the meeting are not to be filmed unless their parents/guardians have given their written consent.

6. The Chairman of the meeting ~~will ask anyone filming/recording to~~ suspend recording, ~~and if needed call for an adjournment of the meeting~~ if, in his/her opinion, continuing to ~~record/film~~ would prejudice proceedings. The circumstances in which this might occur include:-

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Deleted: proceedings

- recording is disrupting the ~~business~~ of the meeting;
- there is public disturbance or a suspension of the meeting;
- the meeting has resolved to exclude the public for reasons which are set down in the County Council's Constitution;
- a member of the public participating in the meeting objects to being recorded.

7. The recording and reporting on meetings of the County Council, its committees and sub-committees is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. ~~We ask that the~~ recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the County Council's values or in a way that ridicules or shows a lack of respect for those in the recording. The

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County Council ~~ask that~~ any recording in breach of ~~this~~ be removed from public view. The County Council will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.

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Please contact, in advance of the meeting, the Democratic Services Officer whose details are set out on the Agenda if the recording you wish to ~~make~~ involves equipment which is larger than a smart phone, tablet or compact camera, or if you have special requirements eg ~~need~~ to move around the room to record or film from different angles. The use of lighting for filming/flash photography will ~~be allowed~~ ~~but we ask that this is~~ arranged via the Democratic Services Officer prior to the meeting. The County Council ~~requests~~ contact in advance ~~to~~ ensure the meeting ~~runs smoothly~~ and there is a safe environment ~~in which~~ to transact the business.

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Shire Council Benchmarking

Surrey: Only appeals for collective disputes go to members. Dismissal appeals go to officer panel which has operated successfully for a number of years.

Somerset, Worcestershire, Nottinghamshire : Members hear some types of dismissal appeals

Devon: employees have option of Members or Chief Officer appeal, as Member availability is very limited so process takes longer. Chief Officers are far more likely to be able to hear an appeal quickly. This has reduced the number of Member appeals.

Dorset: moved from member appeals about a year ago to hybrid panel of three, a director and two members. The director is decision maker, in consultation with the two members. Work really well so far.

Norfolk: Members involved in dismissal hearings and jointly with unions for final stage grievances.

Gloucestershire: moved 3 years ago to Officer appeal hearings.

Sussex: trialled using Officers for dismissal appeals and final stage grievances.

Warwickshire: trialled using Officers for dismissal appeals and final stage grievances

Kent: Officer appeal panels – seen as a better use of officers time with officers trained and experienced in assessing and managing these. A panel of 2 senior officers is easier/quicker to organise and officers take the role of attending any subsequent ET etc. All activity is reported to the relevant Committee 6 monthly (since moved to annual). Trade Unions were not keen on the move but have since been satisfied that the process is at the least as rigorous if not more so.

Vale of Glamorgan: A small panel (Head of HR, Managing Director and Leader) works well and has improved speed and informality of the process

Buckinghamshire: Changed approach 2 years ago to panel of a Strategic Director (direct report to CEO) and a Service Director (reporting to a Strategic Director) with HR providing support.

Derbyshire: moved to Strategic Directors hearing all appeals subject to a 12 month review. The trade unions were unconvinced, but metrics show little difference in the outcomes

Hertfordshire: Moved to officer panel in 2010 which is working well. Members only hear appeals for Chief Officers and Assistant Directors.

Wiltshire: changed about 5 years ago to officer only via a separate appeals policy which applies to majority of staff policies. This went through the committee process to be ratified and there was no desire from members to be involved. This was because that there were very small numbers per year, a lot of training for members who may never be involved, and a lot of time required for the appeal panels and so members agreed not to be involved in the future.

Cornwall: Corporate Directors are responsible for such matters better fitted to their delegated operational responsibilities.

APPENDIX D

EMPLOYMENT APPEALS COMMITTEE

TERMS OF REFERENCE OF THE EMPLOYMENT APPEALS COMMITTEE

1. To hear and determine appeals against decisions of officers of the Council, where provision exists for appeals to a member level body, or of relevant decisions of the Governing Bodies of voluntary aided schools where the Governing Body so requests in respect of:-

- Group grievances and Collective Disputes

Exceptions:-

- a) appeals against dismissals on the ground of redundancy and against selection for redundancy, which shall be determined by a Chief Officer or Senior Manager s/he has authorised to act in his/her place in consultation with an HR adviser, and
- b) appeals against dismissals under the Council's Attendance Management Policy shall be determined, in consultation with a Member to be drawn from the Appeals Committee, by a senior manager who has not previously been involved in the matter, and who is duly authorised to determine the appeal in accordance with paragraph 3.7 of the Officers' Delegation Scheme. The appeal will be advised by an HR adviser who has had no previous involvement in the case and who will have no role in decision-making and
- c) Appeals against dismissals under the Council's Capability of Disciplinary Policies shall be determined, in consultation with a Member to be drawn from the Appeals Committee, by a Corporate Director / Assistant Chief Executive who has not been previously involved in the matter and who is duly authorised to determine the appeal in accordance with Josie – need to check the Officers delegation scheme to ensure this is the same. The appeal panel will be advised by a Head of HR / Principal Adviser who has had no previous involvement in the case, and who will not take part in decision-making.

Comment [SS1]: This moved up in the document.

Comment [SS2]: Changed wording here to make it clear HR only advising

Comment [SS3]: This is new working

2. To exercise all functions (including, but not limited to, hearing and determination) in relation to appeals by the Chief Executive Officer against decisions of the Chief Officers Appointments and Disciplinary Committee to take disciplinary action against him/her short of dismissal.

3. To exercise all functions (including, but not limited to, hearing and determination) in relation to appeals by the Chief Executive Officer against decisions of the Leader and/or the Chief Officers Appointments and Disciplinary Committee, on appraisal of the Chief Executive Officer, not to award an increment.

Notes:

1. No member of the Chief Officers Appointments and Disciplinary Committee shall sit on the Employment Appeals Committee when the Employment Appeals Committee is hearing appeals by the Chief Executive Officer against decisions of the Chief Officers Appointments and Disciplinary Committee to take disciplinary action against him/her short of dismissal.

CHIEF OFFICERS APPOINTMENTS AND DISCIPLINARY COMMITTEE

Delegated Powers

Appointments

1. Where a vacancy occurs in the position of Chief Executive Officer, to:
 - a. interview all qualified applicants for the post; or
 - b. select a shortlist of such qualified applicants and interview those on the shortlist; and (in either case)
 - c. having carried out such interviews, either appoint (NB Note 1 below) one of the candidates to the vacancy, or decide not to appoint any of the candidates, but instead to take such further action in relation to the filling of the post as the committee may determine.
2. Where a vacancy occurs in the position of any Chief Officer other than the Chief Executive Officer, to appoint a sub-committee (NB Note 4 below) to perform the functions set out at 1 (a)-(c) above in relation to that vacant post.
3. To consider the outcome of the annual appraisal of the performance of the Chief Executive Officer by the Leader of the Council where the outcome will affect the terms and conditions of the Chief Executive Officer and to determine any necessary changes to such terms and conditions. Where, on appraisal of the Chief Executive Officer, the Leader and/or the Chief Officers Appointments and Disciplinary Committee determines that an increment should not be awarded, the Chief Executive Officer will have a right of appeal to the Employment Appeals Committee.

Note: for the avoidance of doubt, issues such as the award (or non-award) of an increment within the grade band of the Chief Executive Officer will not amount to a change in his/her terms and conditions necessitating a referral to this Committee.

4. Subject to the sub-paragraphs below, to consider from time to time the terms and conditions of Chief Officers and make necessary changes to them:
 - a) The determination of the remuneration and other terms and conditions which shall apply to a Chief Officer post on appointment must comply with the Pay Policy Statement, provided that if it is proposed to make an appointment on terms and conditions which do not comply, the matter shall be referred to full Council for consideration as to whether the Pay Policy Statement should be amended prior to a final offer being made to any candidate.
 - b) Any amendments proposed to Chief Officer remuneration and other terms and conditions, which would comprise an amendment to the Pay Policy Statement, shall be considered by the Chief Officers Appointments and Disciplinary Committee (or, in the case of Assistant Directors and Assistant Chief Executives, by the Chief Executive), and recommended by them to full Council for approval.

CHIEF Executive Officer Disciplinary and Capability

5. To exercise all functions (save as may be delegated elsewhere) of investigating and disciplinary committee as prescribed in the Joint Negotiating Committee National Salary Framework & Conditions of Service for Local Authority Chief Executives and as detailed in the Council's Disciplinary Policy and Procedure for the Chief Executive Officer, in relation to disciplinary action in respect of the Chief Executive Officer on the grounds of conduct, capability or for other substantial reasons; in this regard such delegation including, but not limited to:

- a) the initial investigation and consideration of allegation(s) relating to the conduct or capability of the Chief Executive Officer, or other substantial issue(s) which may require investigation;
- b) the determination of whether the allegation(s) require any informal or formal action and whether the appointment of a Designated Independent Person to investigate the allegation(s) is required;
- c) where necessary, the appointment of a Designated Independent Person to investigate the allegation(s);
- d) the consideration of whether precautionary action is required (including the power to suspend the Chief Executive Officer, subject always to the legal requirements regarding such suspension) and, if so, the determination of the extent and terms of such precautionary action;
- e) the receipt and consideration of Designated Independent Person reports;
- f) where appropriate, the referral of the matter back to the Designated Independent Person for further investigation and report;
- g) the hearing and determination of the allegation(s) at a disciplinary hearing, including the decision as to whether any disciplinary action (including dismissal) is necessary after consideration of the Designated Independent Person's report.

Chief Officers Disciplinary and Capability:

To hear and determine all appeals made by Chief Officers, including Statutory Officers, of the Council, against decisions made by the Chief Executive Officer in respect of:

- a) Disciplinary action (including dismissal),
- b) Capability (including dismissal),
- c) Some other substantial reason.

Comment [SS4]: This is new to reflect Chief Officers process

Notes:

1. Full Council must approve, in advance, any offer of appointment as, or any notice of dismissal to, the Chief Executive Officer.
2. Action under 2 above is to be reported to full Council at the first available opportunity.
3. NB also Rules 5 and 6 of the Staff Employment Procedure Rules.
4. Any Sub-Committee must include at least one member of the Executive.

 STATUTORY INSTRUMENTS

2015 No. 881**LOCAL GOVERNMENT, ENGLAND**
**The Local Authorities (Standing Orders) (England)
 (Amendment) Regulations 2015**

<i>Made</i>	- - - -	<i>25th March 2015</i>
<i>Laid before Parliament</i>		<i>25th March 2015</i>
<i>Coming into force</i>	- -	<i>11th May 2015</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 8, 20 and 190(1) of the Local Government and Housing Act 1989(a) makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and come into force on 11th May 2015.

(2) In these Regulations—

“the 2001 Regulations” means the Local Authorities (Standing Orders) (England) Regulations 2001(b).

Amendments relating to approval of dismissal of certain officers

2.—(1) The 2001 Regulations are amended as follows.

(2) In regulation 5, after “the appointment or dismissal of the head of the authority’s paid service” insert “, or the dismissal of the authority’s monitoring officer or chief finance officer.”.

(3) For regulation 6 substitute—

“Standing orders in respect of disciplinary action

6. No later than the first ordinary meeting of the authority falling after 11th May 2015 a local authority must, in respect of disciplinary action against the head of the authority’s paid service, its monitoring officer or its chief finance officer—

- (a) incorporate in standing orders the provisions set out in Schedule 3 or provisions to the like effect; and
- (b) modify any of its existing standing orders in so far as is necessary to conform with those provisions, in particular by removing from its existing standing orders the provisions which were set out in Schedule 3 as it was immediately before the date

(a) 1989 c. 42. Section 20 was amended by section 119 of, and Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

(b) S.I. 2001/3384. There are no relevant amendments.

that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force, or provisions to the like effect.”.

(4) Regulations 7 (investigation of alleged misconduct) and 10 (transitional and consequential provisions) are omitted.

(5) In Schedule 1 (provisions to be incorporated in standing orders relating to staff)—

(a) in paragraph 4 of Part 1 (authority with mayor and cabinet executive) and in paragraph 4 of Part 2 (authority with leader and cabinet executive), in each case for paragraph (1) substitute—

“(1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority’s paid service, the authority must approve that appointment before an offer of appointment is made to that person.

(1A) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority’s paid service, as the authority’s chief finance officer, or as the authority’s monitoring officer, the authority must approve that dismissal before notice is given to that person.”;

(b) for paragraph 4 of Part 4 (authority operating committee system), substitute—

“4.—(1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority’s paid service, the authority must approve that appointment before an offer of appointment is made to that person.

(2) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority’s paid service, as the authority’s chief finance officer, or as the authority’s monitoring officer, the authority must approve that dismissal before notice of dismissal is given to that person.”.

(6) For Schedule 3 (provisions to be incorporated in standing orders in respect of disciplinary action) substitute the Schedule set out in the Schedule to these Regulations.

Transitional and saving provisions

3.—(1) Where, before the date on which these Regulations come into force, anything was being done in respect of an allegation of misconduct in accordance with—

(a) regulation 7 of the 2001 Regulations, including that regulation as applied by regulation 10(1)(b) of the 2001 Regulations; or

(b) the provisions set out in paragraph 4 of Part 1 of Schedule 1 to the Local Authorities (Standing Orders) Regulations 1993(a), or Schedule 3 to the 2001 Regulations (or provisions to the like effect) incorporated in the local authority’s standing orders,

the provisions mentioned in paragraphs (a) and (b) shall continue to apply in respect of the allegation of misconduct in question.

(2) Anything which, before the date on which the local authority incorporated or modified provisions in standing orders in accordance with the 2001 Regulations as amended by regulation 2, was being done by, to or in relation to an officer in accordance with a provision mentioned in paragraph (1) may be continued after that date by, to or in relation to that officer in accordance with that provision.

(a) S.I. 1993/202. The Local Authorities (Standing Orders) Regulations 1993 were repealed by S.I. 2001/3384 subject to savings specified in regulation 8(3) of S.I. 2001/3384

(3) Nothing in these Regulations shall apply in relation to the standing orders of the New Forest National Park Authority as provided for in Part 1 of Schedule 3 to the New Forest National Park Authority (Establishment) Order 2005(a).

Signed by authority of the Secretary of State for Communities and Local Government

25th March 2015

Kris Hopkins
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE

Regulation 2

“SCHEDULE 3

Regulation 6

Provisions to be incorporated in standing orders in respect of disciplinary action

1. In the following paragraphs—

- (a) “the 2011 Act” means the Localism Act 2011(b);
- (b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(c);
- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
- (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972(d) for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

2. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

(a) SI 2005/421. Article 16 of Part 1 of Schedule 3 of the Order applies regulation 7 of the 2001 Regulations to the New Forest National Park Authority, as if it were a local authority as referred to in the 2001 Regulations.

(b) 2011 c. 20.

(c) S.I. 2001/3384.

(d) 1972 c. 70.

5. Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.

6. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.

7. The authority must appoint any Panel at least 20 working days before the relevant meeting.

8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

9. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Standing Orders) (England) Regulations 2001 ("the 2001 Regulations"), which require certain local authorities in England to make or modify standing orders so that they include certain provisions relating to staff and other matters.

Regulation 2 removes the provisions in the 2001 Regulations, except insofar as they apply in relation to the standing orders of the New Forest National Park Authority, relating to the "designated independent person" required to be appointed by a local authority before it could dismiss or discipline its head of paid service, monitoring officer or chief finance officer. It makes new provision about the procedure to be followed in such cases, which authorities are required to include in their standing orders. It also requires that the authority, when setting up its panel for the purpose of advising on matters relating to the dismissal of a relevant officer, invite independent persons who have been appointed under section 28(7) of the Localism Act 2011. The authority is required to appoint such independent persons to the panel in the specified priority order and the panel must have at least two members.

Regulation 3 makes transitional provisions in relation to regulation 2.

No impact assessment has been prepared in relation to these Regulations because no impact on the private or voluntary sectors is foreseen.

**EXPLANATORY MEMORANDUM TO
THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT)
REGULATIONS 2015**

2015 No. 881

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government (“the Department”) and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 These Regulations amend the Local Authorities (Standing Orders) (England) Regulations 2001 (“the 2001 Regulations”) in order to make provision about the standing orders of local authorities in relation to staff and disciplinary procedures.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 Section 8 of the Local Government Housing and Land Act 1989 (“the 1989 Act”) allows the Secretary of State by regulations to require certain local authorities to incorporate prescribed provisions in standing orders relating to their staff. Section 20 allows the Secretary of State by regulations to require certain local authorities to adopt prescribed procedural standing orders.
 - 4.2 Section 4 of the 1989 Act requires certain local authorities to designate one of their officers as the “head of paid service” and section 5 requires authorities to designate one of their officers as the “monitoring officer”. Section 6 of the 1989 Act and section 151 of the Local Government Act 1972 require authorities to have an officer with responsibility for financial administration, who is referred to in the 2001 Regulations as the “chief finance officer”.
 - 4.3 Section 28(6) of the Localism Act 2011 requires relevant authorities¹ other than parish councils to have in place arrangements under which allegations can be investigated and decisions on allegations can be made. The authority is required by section 28(7) of that Act to appoint an independent person whose views are to be sought, and taken into account, by the authority before making a decision on an allegation that it has decided to investigate.
 - 4.4 The 2001 Regulations require English county, district, and London borough councils, the Common Council of the City of London and the Isles of Scilly to make or modify standing orders to include certain provisions relating to staff and procedural matters. These include provision about the procedures for disciplinary action against

¹ “Relevant authorities” is defined at section 27(6) of the 2011 Act.

certain senior officers, and the appointment and dismissal of the head of paid service, its monitoring officer or its chief finance officer.

4.5 Article 16 of, and paragraph 3(2) of Schedule 3 to, the New Forest National Park Authority (Establishment) Order 2005 apply regulations 6 and 7 of the 2001 Regulations to the New Forest National Park Authority, as if it were a local authority as referred to in the 2001 Regulations.

5. Territorial Extent and Application

This instrument applies to councils in England only.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The most senior officers of a council i.e. the head of paid service, the monitoring officer, and the chief finance officer, have statutory responsibilities to discharge to their councils. Since they work with and report to the elected members, they discharge these responsibilities in a political environment. As a result, statutory protection requiring an appointment of a Designated Independent Person (DIP) to investigate any allegation of misconduct against these senior officers was introduced in the 2001 Regulations. Prior to 2001, a similar provision, but only in relation to the Head of Paid Service, was included in the Local Authorities (Standing Orders) Regulations 1993 (S.I. 1993/202). The DIP is appointed early in the procedure, when it appears to a council that an allegation of misconduct by the relevant officer requires to be investigated. No disciplinary action in respect of these most senior officers may be taken other than in accordance with a recommendation in a report made by a Designated Independent Person. In practice, often the DIP appointed by councils is a barrister with experience of employment law. The intention of this provision is to ensure that these officers can discharge their duties without any fear of being influenced by elected members and being dismissed without good reason.

7.2 There have been for some time concerns that the DIP process in its application to councils is in practice complex and expensive. It has placed councils as the employer at a great disadvantage in comparison to the position of the employee, particularly given that the recommendation of the DIP must be followed. The Local Government Association Group has estimated that the minimum legal cost of the process is £100,000, excluding the cost of the investigation, preparing the case and briefing lawyers². The DIP process is time consuming particularly where the council and the senior officer concerned could not agree on a DIP, where the process can take over 15 months to reach completion.

² By mutual agreements – Severance payments to council chief executives. Local Government report March 2010. This document is available at <http://archive.audit-commission.gov.uk/auditcommission/sitecollectiondocuments/Downloads/20100315bymutualagreementrep.pdf>.

7.3 In addition, where there are disciplinary actions against these most senior officers, there have been some suggestions that some councils prefer to negotiate severance payments rather than go through the formal DIP process. This is evidenced in the House of Commons Communities and Local Government Committee's report³, which highlights the view of the Local Government Association witness that undertaking a performance management process for top staff can currently be "very damaging and timing consuming." The Government believes that such a process is not appropriate as it defeats the purpose of having the DIP process in place. Councils ought to act in the best interest of local taxpayers and not be paying inflated sums to senior officers in order to avoid taking the costly and bureaucratic DIP route.

7.4 These Regulations simplify, as well as localise, the disciplinary process for the most senior officers by removing the bureaucratic and mandatory requirement that a DIP should be appointed. In place of the DIP process, the decision will be taken transparently by full council, who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned. This means that councils can consider and decide the best disciplinary process that will deliver value for money for their local taxpayers, whilst retaining independent scrutiny.

7.5 In the case of a proposed disciplinary action against one of the most senior officers, the council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel. An independent panel will be formed if two or more independent persons accept the invitations, and councils should issue invitations in accordance with the following priority order:

- an independent person who has been appointed by the council and who is a local government elector,
- any other independent person who has been appointed by the council, and
- an independent person who has been appointed by another council or councils.

These requirements allow local people to be involved in the disciplinary process for senior officers and makes councils more accountable to their community.

7.6 The Regulations also make a provision limiting the remuneration that should be paid to independent persons on the panel to the level of the remuneration which they would normally receive as an independent person in the conduct regime. The conduct regime remuneration is a modest annual allowance or small meeting fee, and this approach ensures that the new process will not involve high costs.

7.7 The Regulations provide for the new arrangements for taking disciplinary action against the most senior council staff to be given effect by councils modifying their standing orders. Provision is made for councils to make this modification no later than at the first ordinary council meeting held after the 7 May 2015 elections. To achieve this the Regulations come into force on 11 May 2015.

³ Local Government Chief Officers' remuneration, published in September 2014. This document is available at <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/191/191.pdf>.

- **Consolidation**

7.8 The Government intends to consolidate the relevant regulations regarding Standing Orders into a new set of Regulations, which we anticipate to include the preserved requirements under the Local Authorities (Standing Orders) Regulations 1993 (S.I. 1993/202), the 2001 Regulations, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 (S.I. 2014/165) and these Regulations. However, we are unable to do this before this Parliament is dissolved. We, therefore, aim to consolidate these Regulations as soon as practicable in the new Parliament.

8. Consultation outcome

8.1 In February 2013 we sought the views of the Local Government Association (LGA), Lawyers in Local Government (formerly Association of Council Secretaries and Solicitors), the Society of Local Authority Chief Executives (SOLACE), the Association of Local Authority Chief Executives (ALACE), the Taxpayers' Alliance, the Chartered Institute of Public Finance and Accountancy (CIPFA), the Centre for Public Scrutiny (CfPS), District Councils' Network, and the Association of Democratic Services Officers (ADSO), over four weeks. These are the main representative organisations of those involved in the local government sector. Their views were invited on draft amendment regulations that provided for the abolition of the DIP process and for any dismissal decision of top officers to be taken by full council. Responses were received from LGA, SOLACE, ALACE, CfPS, Lawyers in Local Government, ADSO, CIPFA and a number of other partners, including councils. There was wide support for the abolition of the existing bureaucratic DIP process but none considered relying wholly on a full council decision would provide adequate safeguards for top staff against inappropriate dismissal. In May 2013, the Department officials met with officials from LGA to further discuss the Government proposals.

8.2 We sought the views of these partners in December 2013 for five weeks on revised draft regulations which provided that any decision to dismiss top staff must be taken by the full council, and that full council be required to consider any report about the proposed dismissal which a panel drawn from members of the council's independent remuneration panel (IRP) thought fit to put before the council. The Department received responses from most of these partners including the LGA, SOLACE and ALACE. Responses were also received from some councils and interested partners such as the Society of County Treasurers, the Association of Policing & Crime Chief Executives, and the Police and Crime Commissioners Treasurers' Society, all of which have been carefully considered before finalising the Regulations.

8.3 There was continuous support for the abolition of the existing DIP process, as well as general support for a panel to make a report to the full council before a dismissal decision is taken. However, concerns were raised about the skill set of the the panel members, and the detailed prescription about how the panel might operate. A number of partners suggested that independent persons appointed for the purpose of propriety and conduct under section 28(7) of the Localism Act 2011 would be better placed than members of the council's IRP to fulfil the role of the proposed new panel given that their role relates to the consideration of disciplinary matters.

8.4 The LGA, in their response, accepted that the existing DIP process has “undoubtedly created a process that is overly bureaucratic and time consuming”. Whilst they support the removal of the existing bureaucratic statutory process, their preferred approach was to streamline the DIP process, requiring the appointment of DIPs from a list of qualified independent people that the LGA would keep. They believed that the list, which would operate as a “taxi rank” system, would remove the lengthy delays created by the current process and reduce costs by introducing fixed rate payments.

8.5 The Government accepts the view that independent persons appointed for the purposes of the members’ conduct regime under section 28(7) of the Localism Act 2011 would be better placed for the role proposed. It also accepts that the proposed process should be simplified, leaving significantly greater flexibility for individual councils. However, the Government does not accept that the LGA’s “taxi rank” approach would be suitable. Such an approach does not support the principles of localism and accountability that the new rules aim to achieve, in that dealing with disciplinary action against top officers would not be in the hands of the full council. This would also continue to put councils, as the employer, at a disadvantage in comparison to the position of the employee. Given the extensive engagement the Government has had with partners since 2013, the Government does not consider that any further consultations are necessary and has proceeded to make and lay these Regulations on the basis outlined above.

9. Guidance

9.1 These regulations are considered to be self explanatory. There are no plans to provide additional guidance.

10. Impact

10.1 An impact assessment has not been produced for this instrument as it has no impact on business, charities or voluntary bodies.

10.2 The Regulations simplify the processes for dismissing the most senior council staff, in particular putting any decisions fully in the hands of the council’s members who are accountable to their electorate for the decisions they take. With these new arrangements it is expected that the performance management of the most senior staff will be both more effective and efficient with potentially lower costs in the case of departures/dismissals than currently.

11. Regulating small business

11.1 This instrument does not apply to small business.

12. Monitoring & review

12.1 The Regulations make amendments to the existing 2001 Regulations and the Department does not intend to put in place any formal mechanism for monitoring and reviewing these Regulations. Any issue arising from these Regulations will be

addressed through the Department's on-going dialogue with the Local Government Association.

13. Contact

Tayo Peters at the Department for Communities and Local Government
Tel: 03034442551 or email: tayo.peters@communities.gsi.gov.uk can answer any queries regarding the instrument.

APPENDIX F

CHIEF OFFICERS APPOINTMENTS AND DISCIPLINARY COMMITTEE**Delegated Powers****Appointments**

1. Where a vacancy occurs in the position of Chief Executive Officer, to:
 - a. interview all qualified applicants for the post; or
 - b. select a shortlist of such qualified applicants and interview those on the shortlist; and (in either case)
 - c. having carried out such interviews, either appoint (NB Note 1 below) one of the candidates to the vacancy, or decide not to appoint any of the candidates, but instead to take such further action in relation to the filling of the post as the committee may determine.
2. Where a vacancy occurs in the position of any Chief Officer other than the Chief Executive Officer, to appoint a sub-committee (NB Note 4 below) to perform the functions set out at 1 (a)-(c) above in relation to that vacant post.
3. To consider the outcome of the annual appraisal of the performance of the Chief Executive Officer by the Leader of the Council where the outcome will affect the terms and conditions of the Chief Executive Officer and to determine any necessary changes to such terms and conditions. Where, on appraisal of the Chief Executive Officer, the Leader and/or the Chief Officers Appointments and Disciplinary Committee determines that an increment should not be awarded, the Chief Executive Officer will have a right of appeal to the Employment Appeals Committee.

Note: for the avoidance of doubt, issues such as the award (or non-award) of an increment within the grade band of the Chief Executive Officer will not amount to a change in his/her terms and conditions necessitating a referral to this Committee.
4. Subject to the sub-paragraphs below, to consider from time to time the terms and conditions of Chief Officers and make necessary changes to them:
 - a) The determination of the remuneration and other terms and conditions which shall apply to a Chief Officer post on appointment must comply with the Pay Policy Statement, provided that if it is proposed to make an appointment on terms and conditions which do not comply, the matter shall be referred to full Council for consideration as to whether the Pay Policy Statement should be amended prior to a final offer being made to any candidate.
 - b) Any amendments proposed to Chief Officer remuneration and other terms and conditions, which would comprise an amendment to the Pay Policy Statement, shall be considered by the Chief Officers Appointments and Disciplinary Committee (or, in the case of Assistant Directors and Assistant Chief Executives, by the Chief Executive), and recommended by them to full Council for approval.

CHIEF Executive Officer Disciplinary and Capability

5. To exercise all functions (save as may be delegated elsewhere) of investigating and disciplinary committee as prescribed in the Joint Negotiating Committee National Salary Framework & Conditions of Service for Local Authority Chief Executives and as detailed in the Council's Disciplinary Policy and Procedure for the Chief Executive Officer, in relation to disciplinary action in respect of the Chief Executive Officer on the grounds of conduct, capability or for other substantial reasons; in this regard such delegation including, but not limited to:

- a) the initial investigation and consideration of allegation(s) relating to the conduct or capability of the Chief Executive Officer, or other substantial issue(s) which may require investigation;
- b) the determination of whether the allegation(s) require any informal or formal action and whether the appointment of a Designated Independent Person to investigate the allegation(s) is required;
- c) where necessary, the appointment of a Designated Independent Person to investigate the allegation(s);
- d) the consideration of whether precautionary action is required (including the power to suspend the Chief Executive Officer, subject always to the legal requirements regarding such suspension) and, if so, the determination of the extent and terms of such precautionary action;
- e) the receipt and consideration of Designated Independent Person reports;
- f) where appropriate, the referral of the matter back to the Designated Independent Person for further investigation and report;
- g) the hearing and determination of the allegation(s) at a disciplinary hearing, including the decision as to whether any disciplinary action (including dismissal) is necessary after consideration of the Designated Independent Person's report.

Chief Officers Disciplinary and Capability:

To hear and determine all appeals made by Chief Officers, including Statutory Officers, of the Council, against decisions made by the Chief Executive Officer in respect of:

- a) Disciplinary action (including dismissal),
- b) Capability (including dismissal),
- c) Some other substantial reason.

Notes:

- 1. Full Council must approve, in advance, any offer of appointment as, or any notice of dismissal to, the Chief Executive Officer.
- 2. Action under 2 above is to be reported to full Council at the first available opportunity.
- 3. NB also Rules 5 and 6 of the Staff Employment Procedure Rules.
- 4. Any Sub-Committee must include at least one member of the Executive.

Comment [SS1]: This is new to reflect Chief Officers process

NORTH YORKSHIRE COUNTY COUNCIL

20 MAY 2015

**STATEMENT OF THE PORTFOLIO HOLDER FOR
PUBLIC HEALTH AND PREVENTION
COUNTY COUNCILLOR DON MACKENZIE****Healthy Child Programme**

On 1 April we launched the Healthy Child Programme for children aged 5-19 years. This brings together the Universal Healthy Child Service and the Children and Young People's Prevention Service. The delivery model will improve the identification of those children and young people who will benefit from additional help, ensure speedy referral cases and sharing of information, and raise the quality of support that is given.

There will be a few children and young people who need extra help because of substance misuse and mental health problems. For them we offer access to the Targeted Healthy Child Service, in which we are investing additional resources.

One of our most pressing priorities is to address the challenge of childhood obesity. The Community Healthy Lifestyle Service will provide a referral route for children who are overweight or severely overweight and will offer access to a qualified nutritionist and lifestyle adviser who is able to provide appropriate, personal guidance. This support programme falls within the Prevention Service and we are currently recruiting a Healthy Lifestyle Manager and nutritionists.

Lifestyle Weight Management Programme

Obesity presents a major challenge to the health of the local population. We have invested in 12-week, multi-component weight management services to help overweight and obese adults make sustainable changes to their lifestyles to their health. We are piloting this approach in partnership with the District Councils. Three of the seven districts have launched their programmes: Hambleton (in September 2014), Harrogate and Richmondshire (in January 2015). Selby District Council and Craven District Council are expected to launch during this month, with the remaining areas in July 2015.

NHS Health Checks Programme

We have a duty to commission NHS health checks for our residents aged 40-74. This service is available through our GP practices and seeks to identify people with risk factors for heart disease, stroke and diabetes so that they can access appropriate services and available treatment to help prevent these conditions.

Since April 2013, the take-up rate of a health check has been only 44.3%. This is below the national rate of 47.9%. We have conducted an audit with GP practices to identify changes that need to be made to improve the uptake of the service. We are now working with the Local Medical Committee to implement these changes.

In addition, we will launch a marketing campaign between June and December this year in order to raise public awareness of the NHS Health Check programme, and have planned to target two areas in particular: Scarborough and our farming communities.

Winter Health

Each winter there are preventable deaths amongst people with underlying health problems like heart disease, stroke and respiratory problems. People die because the cold makes these health problems much worse. It also increases the risk of trips and falls with serious consequences for the frail and elderly. The rates increase with age.

Fuel poverty is a problem in North Yorkshire, and particularly in Craven, Richmondshire, Ryedale and Scarborough. Being fuel poor does not of itself pose a health risk, but those householders, who need to spend more than 10% of their income on fuel in order to stay warm and healthy, seldom do so. The problem is worse in older, poor-quality housing and in the most remote areas without mains electricity and gas.

Next month I will attend a partnership event, which will focus on our strategy for reducing excess winter deaths and the impact of fuel poverty on our most vulnerable residents. We will coordinate work with all our partners to ensure that we are well-prepared for this winter.

Domestic Abuse Services

The Council has recently awarded its domestic abuse services contract to a single supplier: Independent Domestic Abuse Services (IDAS), thereby providing a consistent, efficient and cost-effective service throughout the county. There are currently two refuges, which are located in Harrogate and Northallerton, with another being developed in Scarborough.

There is also a preventative support service called "Making Safe", which is available in every district, and which has won several awards and been cited as good practice in a recent police inspection.

Supported Lodgings and Homeless Prevention Services

Earlier this year we re-commissioned our Supported Lodgings service, which provides emergency and longer term accommodation in a family home for homeless young people aged 16-25. The new provider, SASH, will make available a responsive and flexible service by expanding its network of hosts across all districts. Host families will be given additional training and support to develop their skills and to provide help in the widest range of needs. We acknowledge the excellent work of Barnardos who have provided the Youth Base service since 2010.

In spite of national reductions in funding for homelessness services in Scarborough and Harrogate, the County will continue to provide financial support for these services to operate until at least March 2016, by which time we will have carried out a review of all homeless prevention services in the county to ensure that the available funding is used in the most effective way.

DON MACKENZIE

NORTH YORKSHIRE COUNTY COUNCIL**20 MAY 2015****COUNTY COUNCILLOR CARL LES****New auditor for 2015/16**

KPMG have been appointed as the County Council's new External Auditor from the current financial year 2015/16 and also for 2016/17. The appointment was made by the Audit Commission before they closed down at the end of March and the Government have said that they will make a decision this summer about whether to extend the contracts from 2017 to 2020. Arrangements for local authorities to appoint their own auditor will be announced by the Government once the audit contracts have ended. Deloitte, our previous Auditor will be auditing the County Council's accounts for 2014/15 and have already commenced the early part of this process.

Implementation of new financial systems

On 7 April 2015 the Council implemented an update of its Oracle financial system. This new system includes much greater functionality which will, in time, provide greater support to the range of budget managers. The work to date has taken place over the last 2 years but staff from Finance, Technology & Change and Business Support have worked particularly hard over the last few months (including the Easter bank holiday weekend) to prepare the way for the new system. Much more work is required to resolve some technical issues and to prepare the way for changes to ways of working in line with the 2020 Finance Programme.

Budget Outturn for 2014/15

Work is currently underway to pull together the financial outturn for 2014/15. It has been reported throughout the year that the Council was on track to deliver some savings ahead of schedule and that is still expected to be the case. The final position will be reported to the Executive on 16 June as part of the quarterly performance report. Though it is not expected to be much different to the Q3 position reported to Executive in February.

Better Together Finance Approach

I am pleased that our work 'Better Together' collaboration with Selby District Council is picking up pace with the recent secondment of Selby's finance team over to North Yorkshire. The trial that is currently underway will provide the opportunity to consider how staff, system and information resources can be shared across the two organisations for the benefit of our customers. Over the coming year we will work closely to explore integrated financial services, to create resilience and capacity and to deliver sustainable savings for both Councils.

Community covenant grants

The County Council is the accountable body for organisations in North Yorkshire applying to the Military of Defence community covenant grants programme. This programme aims to support projects that strengthen the ties or the mutual understanding between members of the armed forces community (serving personnel, veterans and their families) and the wider community in which they live.

Over £1.75m was awarded by the MoD to projects in North Yorkshire during 2012/15 through 53 grants ranging in size from £1k to £169k, out of the national budget of £30m.

Recipients included playgroups, family support, schools, sports clubs, village halls, arts projects, youth groups and an oral history project. A full list of grants is online at www.nypartnerships.org.uk/ccgrant.

The current grants programme has now ended. A new programme is expected to be launched later in 2015 and information about how to apply will be circulated when it is available.

Property

As Members will be aware the Council's current contract with Jacobs will end on 31 March 2016. The Executive approved a revised strategy for the future arrangements for the management of property in July 2015 since when work has been undertaken on the procurement of consultancy support for estates and project management. It is intended that invitations to tender will be issued in early June to those who were successful in the recent pre-qualification exercise, that their tender submissions will be evaluated over the course of the summer period and those successful announced during October. Executive Members continue to receive regular updates in respect of the progress that is being made with the exercise.

Work continues to be undertaken in respect of the rationalisation of the County Council's property portfolio as part of the 2020 North Yorkshire Programme. It is intended that this programme will result in a reduction in the Council's property related expenditure through a reduction in the amount of property utilised in service delivery and the implementation of new management arrangements.

CARL LES

NORTH YORKSHIRE COUNTY COUNCIL

20 MAY 2015

STATEMENT OF CHILDREN'S SERVICES PORTFOLIO HOLDER

COUNTY COUNCILLOR TONY HALL

Medium Term Financial Strategy & 2020 North Yorkshire

The Children and Young People's Service has continued to meet its savings targets. The scale of budget savings required – and achieved to date, whilst maintaining and at times improving service delivery, has been a significant challenge. The objective has been to protect front-line services as much as possible, thus enabling a restructured Directorate to operate effectively across its universal, preventative, targeted and acute service responsibilities, in line with legislation.

We are now coming to the end of the original MTFs a period of four years in which, the Directorate will have made savings of over £20m. As members will be aware, the Council faces continuing work to deliver a balanced budget over the period 2015-19 and the Directorate has made a robust start to delivering its part of the collective programme. 2015-16 will see the implementation of some major transformation programmes, as are outlined in the budget report, including the review of Preventative Services and a new way of delivering school improvement.

This information appears in the Statements to Council for both Executive Members for the Children and Young People's Service as this reflects our joint responsibility for all relevant resources.

Looked After Children

At the end of quarter four there were 448 Looked After Children which is 17 (4%) lower than at the same time the previous year and 46 (9%) lower than the peak of 494 at the end of quarter one 2013/14. This once again successfully reflects the intention of the service and directorate to safely reduce the care population to approximately 400. The rate of looked after children (per 10,000 0-17 population) at 37.9 remains significantly lower than the last known (March 2014) rate for England (60.0) and that for similar authorities (52.2). This is very good news as we continue to keep families together safely by providing intensive support.

The year has seen a significant improvement in the recording of health information on LCS. Health checks have increased from 76% to 83%, dental checks (that were already relatively good) from 83% to 87%, health development checks (for under 5's) from 41% to 98%, immunisations from 88% to 96% and eye tests from 59% to 91%, reflecting the work of many to improve the quality of the data held on LCS.

During the quarter 95% of looked after children were reviewed on time and 82% of them participated in the review.

Children and Families Performance

In Quarter four, the number of referrals to Children's Social Care has decreased for the third consecutive quarter, reflecting the introduction of the new multi-agency screening team which is based in the Contact Centre. All contacts are now screened by this team and only those meeting the Children's Social Care threshold progress to a referral. Contacts not meeting the threshold are either picked up by Early Help services or receive immediate advice and guidance. As a result of this new way of working the percentage of referrals that result in an Initial Assessment has increased significantly and has been at about 95% for the last six months. This represents a significant improvement in performance, when compared against earlier performance and is in excess of the 80% agreed target.

Having risen for four successive quarters, the number of children with a child protection plan fell to 410 at the end of quarter four.

Children and Families/Prevention Service implementation

On 1st April the newly formed Children and Families Service commenced with 656 FTE posts working across prevention and social care forming a seamless service to children young people and families in 26 locations across the county. This is an exciting time in children's services as we work with partners to agree a prevention offer and develop more targeted work with children's centres. Consultations have been held with some head teachers and will continue this term to agree an offer with schools.

Some of the changes are:

- The new service will have the capacity to deliver to an extra 500 / 600 cases per year.
- A generic Family Outreach Worker role who will deliver interventions across the full range of issues that a young person or family may struggle with, or who can help the family access and engage with specialist services.
- Workers able to work early mornings, evenings and weekends to meet the need of families.
- Every school has a nominated strategic link via a Prevention Service Manager. There is an offer of termly meetings with every school to discuss both school based issues and individual cases who are open to the Prevention Service and on the school roll.
- All young people who are NEET will be offered an allocated caseworker.
- All young people who are attending a Pupil Referral Unit will be offered an allocated caseworker.
- Young people have access to a caseworker, outside of the family context.
- A more targeted offer in Children's Centres and the development of 0 -19 services delivered via Children's Centres.
- The Healthy Child teams will be coterminous with the Prevention Service contributing to the case holding capacity and attainment of the same objectives as the Prevention Service.

Developing Stronger Families update

Under the initial three year programme, North Yorkshire has worked with a total of 899 families directly under DSF, exceeding the target figure set by the DCLG prior to the start of the programme. North Yorkshire has also now successfully "turned around" 90% of the target 845 families under the initial phase of the Troubled Families programme. The final opportunity to make outcomes claims under phase 1, is in May 2015 and it is anticipated that we will be in a position where we have "turned around" almost 100% of our allocated families. Positive feedback has also been received from DCLG in that North Yorkshire's DSF programme is achieving the highest conversion rate nationally (i.e. "turning around" the highest percentage of families worked with), indicating the excellent impact the DSF intervention is having in the lives of families.

The expanded Troubled Families programme officially launched on 1st April 2015, however, due to its success in phase 1, North Yorkshire has been working closely with the DCLG as an early starter since October 2014. As an early starter for the new programme, North Yorkshire has developed a DSF Outcomes Plan, which details what the local authority and partner agencies aim to achieve with each family in regard to the problems areas that the programme aims to tackle; and how this supports our local service transformation objectives. Under the new programme, we have a target of 2830 families to work with over the course of the five year programme expansion.

Meeting the Needs of Disabled Children and their Families update

Following member approval we have completed a very detailed consultation process on options for maintaining services for disabled children and their families whilst also delivering financial savings. The consultation meetings were constructive and generated considerable helpful feedback. The proposals and consultation feedback have also benefitted from debate at Children and Young People's Overview and Scrutiny Committee on the 17 April. The consultation feedback has influenced the recommendations to the Executive meeting of the 26 May. It is recommended to that meeting that whilst the safe move to increased family based respite should be progressed, we should amend the timescales for savings in earlier forms of support.

North Yorkshire Safeguarding Board

April also saw the establishment of an enhanced integrated unit to support the partnership activity of our local Safeguarding Board. In addition to the small historic policy unit which has served the Board well we now see those staff responsible for the Reviewing Service and for dealing with allegations against professionals collocated and jointly managed within the partnership unit. We are confident that this move will further enhance the capacity of the Board in delivering its crucial work on safeguarding children and young people across the county.

County Councillor Tony Hall, Executive Member for Children's Services

NORTH YORKSHIRE COUNTY COUNCIL**20 MAY 2015****STATEMENT OF SCHOOLS AND EARLY YEARS PORTFOLIO HOLDER****COUNTY COUNCILLOR ARTHUR BARKER****Medium Term Financial Strategy & 2020 North Yorkshire**

The Children and Young People's Service has continued to meet its savings targets. The scale of budget cuts required – and achieved to date, whilst maintaining service levels, has been a significant challenge. The objective has been to protect front-line services as much as possible, thus enabling a restructured Directorate to operate effectively across its universal, preventative, targeted and acute service responsibilities, in line with legislation.

2015-16 will see the implementation of some major transformation programmes, including the review of Preventative Services and a new way of delivering school improvement.

This information appears in the Statements to Council for both Executive Members for the Children and Young People's Service as this reflects our joint responsibility for all relevant resources.

School Improvement

As mentioned in my statement to November's Council, work is continuing to implement the recommendations of the Commission for School Improvement which focuses on a move to greater sector-led improvement with Headteachers and collaboratives playing a more significant role in school improvement. The implementation of the Education Partnership and the Improvement Partnerships are being planned to take place in the summer term.

The Chairs of the Early Years, Special and Secondary Improvement Partnerships are now in place. We are currently exploring the possibility of one Improvement Primary Partnership, rather than five, with an independent chair. This would build on the current networks, skills, capacity and strengths of the Teaching School Alliances and would mean less bureaucracy. This would release additional funding that would be used for school improvement initiatives.

The Executive considered the proposals in March and approval to implement the new structure was given. The school improvement service restructure is now in the assimilation and interview period. It is anticipated that all appointments will be made by the end of May.

OfSTED Outcomes

Ofsted data, as at start of April 2015, showed that 82% of primary schools and 71% of secondary schools in North Yorkshire are good or outstanding. This compares with national averages for the percentage of schools being good or outstanding at 83% for primary and 72% for secondary.

Data shows that 80% of primary and 78% of secondary pupils attend good or better schools in North Yorkshire. The proportion of pupils attending good or better schools has improved since August 2014 by 3% at primary and by 2% at secondary, whilst the national averages have improved by 1% at primary and improved by 1% at secondary. Nationally, 82% of primary pupils and 76% of secondary pupils attend schools which are good or outstanding. North Yorkshire is 2% above national figures for the percentage of pupils in good or outstanding secondary schools.

There are three primary schools in an Ofsted category – Richmond CE, Farnley and Skipton St Stephen's. Effective progress continues at St. Stephen's RC who will convert to sponsored academy status on 01/08/15. Richmond CE have now had their first monitoring inspection from HMI. We are working with both Richmond CE and Farnley CE schools to accelerate progress. However, at the last HMI visit to Farnley progress in teaching and learning was found to have had stalled. No suitable academy sponsor has been found by the DfE and Diocese and this is no longer an option for Farnley CE. Leadership support for both schools has been brokered by the LA and in partnership with the Diocese of West Yorkshire and the Dales.

Barrowcliff Junior and Braeburn Junior have merged with their respective infant schools, as a result they lose their previous serious weakness judgements. The Local Authority (LA) continues to provide intensive support to both schools.

Only one secondary school was inspected during the Spring Term, and the judgement on that school remained as 'good.' There are currently two secondary schools in special measures - Graham School and Filey School. HMI continue to be pleased with the progress that Graham School is making towards the removal of special measures, and the school should be re-inspected in the Autumn Term. Filey School will convert to academy status in September, under the sponsorship of the Ebor Academy Trust in York. The LA is working closely with Ebor to ensure a smooth transition, and the HMI monitoring report in the Spring Term was very positive about the impact of the partnership between the LA and Ebor.

School Funding

There are no major changes since my last report to Council, In terms of individual school budgets, following lobbying by this and other Councils, North Yorkshire was allocated additional funding of £9.8m. All of this has been passed directly to schools and equates to an increase of 3.1% per pupil.

School Organisation

There has been further significant work in relation to school organisation.

Forest Moor have appointed a new headteacher, Marc Peart, who will take up post as of September 2015. The Local Authority continues to provide support to the school.

The new Bentham Community Primary School building was opened on 27 February replacing inadequate and cramped accommodation at High Bentham with a purpose built 210 place school on a new site.

Following consultation in 2014 a final decision was taken in March to amalgamate the Allertonshire School and Northallerton College. The renamed Northallerton School and Sixth Form College opened on 2 April. The enlarged school remains federated with Risedale School at Catterick.

Planning approval has been granted for the construction of a new 210 place primary school to serve the Staynor Hall area of Selby town. Work to prepare the site for construction commenced in February and contractors have been appointed to build the new school, starting in June. The school will open in September 2016 and will be an Academy sponsored by the Ebor Trust, a Multi Academy Trust.

Following formal consultation in January 2015 a final decision was taken on 24 February 2015 to expand Kirk Fenton primary school to accommodate growing pupil numbers. Approval will be sought from the Executive in May for the publication of statutory proposals to expand Coppice Valley Community Primary and Pannal Community Primary schools in Harrogate. The

accommodation to deliver these expansions forms part of the Basic Need Capital Programme approved by the Executive in September 2014.

On 28 April the Executive agreed, following consultation, to publish statutory proposals to expand Norton Community Primary School onto an additional site (currently a Youth Centre) in Norton, to provide additional pupil places in response to growth. A planning application will be submitted for the development of the site with a final decision to be taken on the school expansion by the Executive in July. The additional places are needed by September 2017.

A further £1.04m was allocated to the County Council in February for the provision of additional school places up to September 2018 as a result of further pupil number growth.

The County Council is providing support to the proposers of a University Technical College in Scarborough which will provide up to 600 places for 14-19 year olds to study advanced engineering. The UTC, if final approval is given by DfE following consultation, will open in September 2016.

Richard Taylor's Primary School and Stokesley School have recently converted to Academy status. A further 14 schools (one secondary and 13 primary) are in the process of converting between now and September 2015.

Schools' Capital Programme

A £16.1m programme of Capital maintenance investments in Community and Voluntary Controlled schools was approved by the Executive on 27 April alongside a £1.5m programme for Voluntary Aided schools. This included a number of kitchen improvement schemes funded through the Universal Infant Free School Meals policy. Announcements were made in February on bids into the second phase of the Priority School Buildings Programme. Two schools, Barby High and Willow Tree Primary will benefit from the replacement of individual buildings as a result of these bids. Larger whole school replacement bids were not approved.

Children's Centre Premises

The reorganisation of the children's centre premises is continuing. Last term there were consultations held about the Easingwold premises and the satellite building for Brotherton at Whitley and Eggborough, which have led to both premises being transferred to the local primary school for early years use. Initial discussions have taken place in East Ayton, Filey, Wensleydale and Skipton and these will be progressed over the next couple of months.

County Councillor Arthur Barker
Executive Member for Schools and Early Years

NORTH YORKSHIRE COUNTY COUNCIL**20 May 2015****STATEMENT OF THE ADULT SOCIAL CARE AND HEALTH INTEGRATION
PORTFOLIO HOLDER COUNTY COUNCILLOR CLARE WOOD****Dementia Support**

This week is Dementia Awareness Week, which is being marked locally and nationally. I continue to be pleased to support initiatives in relation to people with dementia and their carers, including work being undertaken at Castle Howard to make it a dementia friendly visitor attraction.

The Castle Howard work is an example of how we can create 'dementia friendly communities' and we are currently looking at other locations across the County where we can do similar work at scale.

Extra Care

I am pleased to report that we have gone out to the market to seek partners for the roll-out of extra care developments across the County. This procurement exercise is being undertaken as part of our Care and Support Where I Live Strategy, which comprises ambitious plans to see extra care schemes delivered in every major town and village across the County.

Botton Village

There has been a considerable amount of media interest in the dispute between the Camphill Village Trust (CVT) and the co-workers within Botton village. The dispute centres on the perceived threat to the care ethos of the village by CVT's plans to address tax and employment concerns by proposing that the co-workers become paid staff. The County Council has maintained a neutral stance in relation to this dispute.

Our paramount concern is the safety and well-being of the people with learning disabilities who live in the village.

Our assessment, quality monitoring and audit staff continue with their active involvement to support the residents of the village.

Deprivation of Liberty Safeguards (DOLS)

Members may recall an earlier statement when I detailed how the Cheshire West judgment had widened the definition for people subject to the provisions of the Mental Capacity Act. The case covers the arrangements where people are looked after in Care Homes and other settings and whether these arrangements constitute a Deprivation of Liberty.

The new definition has led to a ten-fold increase in the number of assessments and has placed great pressure on the County Council along with all Local Authorities.

The County Council has invested in staff and revised systems to deal with these new responsibilities and pleasingly a one-off grant has been announced for 2015/16 to assist with some of these costs. However, this issue remains an area of significant cost, risk and work pressure for this Council and for all Councils.

In order to provide assurance, we have undertaken an independent review of how we are managing these issues in North Yorkshire – the review has found that the County Council has responded well to the increased pressures.

We recently hosted a one day conference for Care Homes, which attracted 150 people, to explain the new legal interpretation and our response to it.

Domiciliary Care

In January, we awarded framework contracts for the provision of domiciliary care in Harrogate and Selby. The new contracts include requiring providers to offer more personalised support to those using the service, and clearer expectations around timeliness of visits and continuity of staff who provide care.

The County Council is currently working with new and existing providers, and people who use services, to manage the transitions to the new arrangements.

Health and Social Care Integration – Vanguard Bids

NHS England recently invited expressions of interest to become one of a small number of areas to test out new models of integration across health and social care and the development of primary and community services. The programme is called Vanguard, and I was very pleased that we were involved in contributing to all 5 North Yorkshire CCG bids and even more pleased that the Harrogate and Rural District bid was selected as one of 29 national Vanguard sites.

The successful bid includes developing community hubs which will involve GPs, community nursing and adult social care services. This means that organisations will work more closely together and people will have better access to community services closer to where they live.

The CCGs not accepted as part of the Vanguard programme are continuing to work with County Council officers to develop new models of care so that everyone living in North Yorkshire can benefit from better community services closer to where they live. This work builds on and links to the schemes started through our Better Care Fund.

Clare Wood

NORTH YORKSHIRE COUNTY COUNCIL

20 MAY 2015

STATEMENT OF THE HIGHWAYS AND PLANNING SERVICES PORTFOLIO HOLDER
COUNTY COUNCILLOR GARETH DADD**Highways and Transportation****Surface Dressing**

A key element of any local authority's road maintenance strategy is the use of preventative maintenance treatments, prevention being significantly cheaper than repair. In North Yorkshire we have retained a significant surface dressing programme which has allowed us to keep our roads in a safe and serviceable condition for longer by using this relatively low cost treatment. Surface dressing prevents a road surface from being brittle and cracking, which is the start of the potholing process and it stops water ingress damaging the road.

A lot of effort has gone in to realising good capital settlements for North Yorkshire in the last few years and this has meant that surface dressing budgets are now able to increase. This year around 3 million sqm of roads are in the programme and next year this should rise again to around 3.5 million sqm. This is good news for North Yorkshire's roads and represents an increase of over 50% compared with recent years and the dressing crews are already on the ground making inroads into this programme. The increase this year will enable us to surface dress over 500km of the road network.

A684 Bedale Aiskew Leeming Bar Bypass

The contract for the design and construction of the scheme was awarded to Wills Bros. in August 2014. The initial phase included detailed design of the scheme, discharge of planning conditions and preparation works including fencing, trial trenching and archaeological excavations. A "Sod Cutting" ceremony was held on 25 February 2015 to mark the commencement of the main works. A public exhibition was also held at Bedale Hall on 13 and 14 March 2015 which was well attended with much of the feedback from the public being positive.

Work has now commenced on the roundabouts at each end of the scheme and it is currently expected that these will be completed and open to traffic in July/August 2015. This will necessitate up to 4 weeks of traffic management on the A684 to complete the tie in works.

Realignment of the link road between J51 of the A1(M) and Leases Road will necessitate a closure of Leases Road from July 2015 for up to 6 months though the contractor will try to reduce this. During this period traffic to Leeming Bar Industrial Estate will be diverted along the local access road. The new Coneythorpe services will still be accessible from Junction 51 via a temporary access which will also be available for use by Procters coaches. The scheme is on target to be completed in Autumn 2016.

A174 Sandsend Road Coast Protection and Slope Stabilisation

The contract was awarded to Balfour Beatty and Royal Haskoning with a start date of 19 January 2015. The scheme costs approximately £9.3M and is being jointly funded by the County Council and the Environment Agency. The project involves the construction of approximately 800m of concrete stepped sea defences, and supporting infrastructure such as public access stairs, stabilisation of the coastal slopes above Sandsend Road and the infilling of Raithwaite Gill.

Detailed design is almost complete and it is expected that works on the slope stabilisation element will commence in June. To reduce the impact on the western end of the scheme

during the holiday season an innovative method of construction will be used for the revetment. A crane will be located permanently at the midpoint of the scheme which will lift all precast concrete units on to rails located on the pre prepared area for the revetment. The units will then be pushed along the rails to the appropriate location. This will avoid the need to continually resite the crane and reduce the impact of crane operations and deliveries on the village end of the scheme. The scheme is on target to be completed in April 2016.

Highways Grass Cutting

In February the Executive approved changes to the County Council's urban grass cutting standards (roads with a speed limit of 40mph or less) as part of the 2020 North Yorkshire savings programme. The changes mean that funding will only be provided for urban grass cutting that is required for visibility and safety purposes with no funding being provided for amenity urban grass cutting. There is no change to the rural grass cutting service (roads with a speed limit greater than 40 mph). A number of parish councils cut urban grass on behalf of the County Council and receive a payment in return. At the time of writing we are in the process of finalising the arrangements for 2015/16 as some parishes needed to hold a full parish council meeting before deciding whether to continue to cut grass. It is anticipated that the changes to the grass cutting service will achieve an annual saving of approximately £500k however, this year is a transitional year as an incentive payment has been offered to parishes to encourage as many as possible to continue to cut grass and indeed a number of parishes have indicated that they will start to cut grass in future when previously they did not. The County Council also has urban grass cutting agreements with Harrogate and Scarborough Borough Councils and at the time of writing these are still in operation and future arrangements are being finalised.

Selby Bypass

Major highway maintenance works began on A63 Selby Bypass on 20 April 2015. The works are required due to the severe premature failure of the road which was constructed by the Highways Agency (now known as Highways England). The works require a full closure of the road and we are working hard to complete the scheme as soon as possible. The scheme will address the worst section of the bypass between the A1041 roundabout and the A19 Greencore Roundabout, Barlby and involve deep repair and reinstatement of the carriageway and will also include the resurfacing of Selby Swing Bridge. Further works are required to the remaining parts of the bypass and it is currently planned that these will be carried out during the 2016/17 financial year with enhanced inspection and repair arrangements continuing in the interim period. The current scheme costs approximately £3m and we are still in discussions with Highways England with a view to the Selby Bypass works ultimately being carried out at nil net cost to the County Council.

Planning Services

York Potash

The North York Moors National Park Authority reports that it has now received most responses to its recent consultation in relation to further Environmental Information, and officers are finalising the assessment of the York Potash planning application including having further discussions with the applicant regarding the draft Section 106 planning agreement. The National Park Authority has Local Council elections on 7 May which will result in it having a number of new Members. It aims to determine the application as soon as possible after its new Members have been appointed and completed the induction process required for them to be able to participate fully in a planning meeting. The date for the meeting will be posted on the York Potash page of the Authority's website as soon as it is set.

GARETH DADD

NORTH YORKSHIRE COUNTY COUNCIL

20 MAY 2015

**STATEMENT OF RURAL SERVICES, WASTE DISPOSAL, PUBLIC PASSENGER
TRANSPORT, TRADING STANDARDS AND ECONOMIC DEVELOPMENT PORTFOLIO
HOLDER COUNTY COUNCILLOR CHRIS METCALFE****Waste & Countryside Services****Allerton Park**

At the last meeting of the Council, I informed you that the site was being prepared for the commencement of construction. I am pleased to report that work was completed on time. I had the pleasure of attending the ground-breaking ceremony at the site on 2 March 2015 along with Councillors John Fort and Clare Wood who have also held the waste management portfolio since the project started. Work on the development is progressing well, with the deep excavations for waste bunkers completed and a significant volume of concrete has already been poured as work begins to bring the construction up to ground level. The local liaison group has met three times, and Amey Cespa is continuing to build relationships with those people that will be their neighbours for the next 25 to 30 years.

Bedale, Aiskew, Leeming Bar Bypass (BALB) Roman Villa

Members will be aware that a Roman Villa was discovered during construction of the Bedale, Aiskew, Leeming Bar Bypass. On site archaeological excavation is now completed on the part of the roman villa that is within the road corridor.

Although the villa building was known about earlier, it was only once the area had been stripped of topsoil that the quality and state of preservation of the villa was properly understood. The area directly affected by the road has been fully excavated and the remainder is being characterised through cleaning and recording of the upper surfaces. The area outside the road corridor has subsequently been designated as a Scheduled Monument of National Importance by Historic England. This designation will have no impact upon the bypass.

The excavations of the villa have revealed a mix of partial floor surfaces and foundations with evidence for painted walls. It is currently thought the villa was established in the mid-3rd century and was occupied for approximately 150 years, going out of use in the late 4th century. The foundations of the villa survived and based on their massive size, it is believed that the villa was two stories high with a tile and stone slate roof, easily visible from the nearby Roman road, Dere Street. There was a real statement of the importance of the owners with well-appointed rooms, under-floor heating, glass windows and painted walls. However, there are few high status finds and very little metalwork other than iron nails, which tentatively suggests that the occupants were careful with their prized possessions and therefore true Yorkshire men.

Woodhall Bridge

Woodhall Bridge in the parish of Sicklinghall is a bridleway bridge providing access across the Wharfe. It is the only non-motorised user crossing of the Wharfe in the area. In 2013 the bridge was damaged as a result of debris striking one of the bridge piers. The bridge was immediately closed due to safety concerns.

In July 2014 the County Council agreed to fund the repairs and set aside £300,000. We had originally hoped to have the bridge open before Christmas but a run of poor weather before and after Christmas resulted in the bridge remaining closed until the Easter weekend. There is still a small amount of work to complete but the public can now use this extremely important strategic link over the Wharfe.

Public Passenger Transport

Bus Services

In April new contracts for local bus services were introduced in Hambleton, Richmondshire and Harrogate. Overall the renewal of these contracts has reduced the amount we spend subsidising bus services by £300k per annum. This is a significant step towards our desired position to reduce the amount of subsidy to £1.5m during 2016/17. Consultation on our proposals to get to this figure was issued on 15th May 2015 – full details are on the council's web site.

Community Transport

At the end of the last financial year the DfT invited bids for two packages of funding related to community transport. First a £25m fund for communities to bid for money to buy minibuses there were 300 successful bids of which 16 were in North Yorkshire. The council has also been successful in its bid for funding through the "Total Transport Fund". Our successful bid will enable us to work closely with the health sector to explore the potential for better patient transport services, reduced costs and wider benefits.

Trading Standards

Business & Consumer Services

Consumer Rights Act

The County Council's Trading Standards Service is preparing for changes due to be brought into force in October 2015, following the Consumer Rights Act gaining Royal Assent on Thursday 26 March 2015. The Consumer Rights Act 2015 replaces 12 existing laws including the Sale of Goods Act 1979 and the Supply of Goods and Services Act 1982. It provides a clearer route for consumers who were supplied with goods or services which fail to do what they were supposed to, and clarifies the periods for repair, replacement and refunds of goods and services. For the first time, the legislation addresses digital content as a separate product category and sets out a consumer's right to repair or replace faulty intangible digital content such as e-books and downloadable games. The Trading Standards Services no longer provides consumer advice and so responsibility for publicity and consumer education will fall to Citizens Advice. The Act will also implement an EU Directive on alternative dispute resolution and the Trading Standards Institute has been appointed by Government to approve alternative dispute resolution providers. The Act introduces a new single set of enforcement powers which will replace the existing powers contained in individual pieces of legislation and used by trading standards staff in the course of their enquiries and investigations.

Farming, Food and Health

Food safety – Peanut free meals

Mohammed Khalique Zaman, owner of the Indian Garden takeaway restaurant in Easingwold, has been summoned by North Yorkshire Trading Standards & Planning Services to appear at Northallerton Magistrates court to answer charges relating to food safety offences following the death of Paul Wilson in January 2014.

Mr Wilson, a North Yorkshire resident suffered a severe anaphylactic reaction and died following consumption of a takeaway meal that he purchased from the Indian Garden restaurant.

North Yorkshire Trading Standards Services have worked closely with North Yorkshire Police in connection with this case and the Crown Prosecution Service have charged Mr Zaman with manslaughter by gross negligence, perverting the course of justice, and an employment offence under the Immigration, Asylum and Nationality Act 2006. The two investigations have now been joined for prosecution by the Crown Prosecution Service.

The initial hearing is scheduled for the 24 April 2015 when all matters will be sent to the Crown Court for trial.

Economic Development

The focus of the Enterprise Partnership Unit and York, North Yorkshire & East Riding Local Enterprise Partnership has been on preparing the projects within its Local Growth Fund deal for investment to ensure we hit targets for 2015/16.

£15m will be invested in projects in the coming year in addition to the NYCC led investment in Bedale Bypass.

The team achieved all its end of year targets which include;

- Supporting over 2000 small businesses to get professional advice, this included through our nationally acclaimed pop up cafés which delivered across our large rural area.
- £3.8m was invested in grants to business leveraging £24m private sector investment and creating 430 jobs
- Agriculture is a core part of our economy, we supported hill farmers to develop whole farm plans whilst also linking arable farmers to new technologies and supporting farm diversification through a £1.6m Skills Local Response Fund.

CHRIS METCALFE

NORTH YORKSHIRE COUNTY COUNCIL

20 May 2015

STATEMENT OF THE PORTFOLIO HOLDER - LIBRARY, CUSTOMER AND COMMUNITY SERVICES COUNTY COUNCILLOR CHRIS METCALFE

Libraries Consultation

As Members will be aware the consultation on proposals for the Reconfiguration of the Service ran for 14 weeks from 3 November 2014 to 8 February 2015.

The library service learned a great deal from its experience of the previous consultation in 2010/11 and provided more information online from the outset, including information sheets on each library and FAQs and was more proactive in providing face-to-face opportunities for Members and current partners and the public.

- Meetings were held early in the consultation with each of the current community managed libraries and the community library groups that extend opening hours in libraries.
- The library service held information days in 33 libraries (excluding the 9 libraries already community run).
- “pop-up” information sessions were held in 40 other venues including supermarkets and leisure centres, which enabled staff to raise awareness outside of the library.
- Presentations at – 7 Area Committees; 8 public meetings; 15 parish/town council or similar meetings; and Partnership Boards.

The degree of involvement and engagement between the service and users/communities is reflected in the volume of responses to the consultation:-

- 8,159 completed consultation questionnaires (75% of which were completed online)
- 200+ emails and letters
- 7 petitions containing approximately 11,000 signatures
- 2,500+ people at face-to-face events.

There were also 186 mentions in the press and radio interviews on Radio York, Stray FM, Drystone Radio, Yorkshire Coast Radio and Radio Tees.

Consultation Headlines

Initial quantitative analysis of the questionnaires found that more than 50% understood why the Council needs to make changes to the library service and

agreed with communities running their local libraries with support from the Council using volunteers in all libraries. More than half felt that volunteers could undertake more library duties alongside paid staff. More than 1,500 people said they would be likely to volunteer and 952 people said they would be interested in forming a friends or community management group or volunteering (nearly 800 of these provided contact details).

A report outlining the consultation and options for consideration will go to Councillors on the Corporate and Partnerships Overview and Scrutiny Committee on 5th June 2015 before going to the Executive on 7th July 2015.

Creative Residencies:

February saw the end of the phase one of the Creative Residencies project in libraries, a 3 year programme enabled by a successful £100,000 bid to the Arts Council that has seen North Yorkshires libraries hosting artists to work with communities. Eastfield and Ingleton libraries have welcomed artists working in photography, film, textiles, spoken word, music and mosaics. The creative activities have brought together different generations and perceptions of libraries have changed with people looking at them as places serving the wider needs of the community, providing opportunities for people to meet and to learn new skills. Both libraries have had successful celebration events and are working with local communities to establish a legacy from the project. Already a photography group has formed at Eastfield and the Parish Council is funding additional music workshops for young people. Phase 2 has started in Sherburn and Pickering and will run until February 2016, and a workshop at Pickering Library helping blind and partially sighted people began the first of the residency activities.

Dementia Awareness

The Library Service continues to support the County Council's efforts to support individuals, raise awareness of and address the impact of dementia. Working in partnership with Making Space and Dementia Forward, a number of libraries are now hosting memory cafes. Library memory cafes provide an opportunity for people with dementia and their carers to meet together in a safe and neutral space whether for support and advice from professionals or just for a social visit. As part of its *Reading Well: Books on Prescription* scheme, which is at the core of its health and wellbeing offer, and supported with funding from Public Health, the Library Service has introduced a new collection of books and resources on dementia. There are a wide range of titles from those that help people who have just been diagnosed with the condition through to picture books for reminiscence sessions and stories from those with first-hand experience of living with dementia.

The Library Service is continuing to improve staff awareness and understanding of dementia and through this, enhance the support to those living with dementia. All library staff have now completed training to raise awareness of the symptoms, the difficulties people may experience, practical ways in which they may help people and awareness of how to communicate more effectively with people with dementia. This training now forms part of the Library Service induction for new staff and builds on already high levels of customer support and training for library staff.

Archives

Home Comforts

The Record Office's Heritage Lottery Fund supported 'Home Comforts' project, based around the work of the Auxiliary Hospitals established throughout the North Riding during the First World War, has been long-listed for the National Lottery Awards, reaching the top 14 out of over 600 projects. With the guidance of Record Office staff, project volunteers have published a 212 page illustrated history of the hospitals, have developed a touring exhibition and have held a series of well received talks and presentations. The project has so far reached over 2000 people, including people in Australia, Canada and Tasmania. The formal part of the project will finish in July but the exhibition will continue to be available for display after that and has bookings up to 2017.

Attics and Acres

The Record Office has recently been awarded £96,300 by Heritage Lottery Fund to deliver the Attics and Acres project. This 18 month long project will open up the archive of the Graham family of Norton Conyers which tells the story of over four centuries of the history of the house and estate near Ripon that provided inspiration for Charlotte Bronte's *Jane Eyre*. A project archivist will work with volunteers to create a web-accessible catalogue and to deliver a series of talks, exhibitions and outreach events to make access to the fascinating archive available for the first time.

Local and Family History Days

The Record Office held its fifth annual Local and Family History Day at The Pavilions of Harrogate in March. This popular event attracted around 350 visitors who enjoyed a varied programme of talks and workshops from visiting speakers, and displays and stalls from over 30 local archaeology and history organisations.

The Record Office was also represented at family and local history days held at Thirsk, Ripon and Scotch Corner and at *Who Do You Think You Are Live* at the National Exhibition Centre, Birmingham.

CHRIS METCALFE



Overview and Scrutiny Annual Report Municipal Year 2014 – 2015

May 2015

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NORTH YORKSHIRE COUNTY COUNCIL

Overview and Scrutiny Annual Report, Municipal Year - March 2015

Foreword

This Scrutiny Annual Report reviews what overview and scrutiny has done over the past year.

Our work is very wide ranging - policy development, and performance improvement and looking in detail at particular services. At all times we must be thinking about how services and any proposed changes impact on our customers and local communities. But there are major challenges facing the Council as a result of reductions in Government funding. By the end of 2019 our funding will have reduced by almost £170m p.a. compared to funding levels in 2011 – a reduction of around 30%. The role of each overview and scrutiny committee includes looking at how these savings can be achieved and service outcomes delivered in different ways such as through the Stronger Communities initiative.

Scrutiny Board has an important role to play in terms of providing a forum for sharing ideas and best practice and co-ordinating the work of individual committees. We also have a key role in championing the role of overview and scrutiny.

Scrutiny Board now meets in the afternoon following each Executive (Performance Monitoring) in the morning. This is giving the committees more opportunities to contribute to discussion on performance and to identify issues on which they might want to carry out further research.

Over the year we have all heard of the problems of child sexual exploitation in Rotherham. The poor levels engagement with Scrutiny at that Council by senior officers and the Executive contributed to the problems not being addressed earlier. Scrutiny Board examined these relationships in North Yorkshire to ensure there was transparency and constructive challenge. Whilst we concluded that those relationships in North Yorkshire are good and nothing like the dysfunctional ones uncovered in Rotherham, none of us, Scrutiny especially, should ever become complacent. In North Yorkshire we also felt that there is a recognition that effective Scrutiny is a responsibility of the Council not just that of non-Executive members. None of us should lose sight of the essential role Scrutiny plays in how the Council provides services to what are frequently the most vulnerable groups in society and isolated communities.

To all those Members, officers and partners that have assisted Overview and Scrutiny in the past year; thank you for your hard work and invaluable contributions.

The rest of the report gives just a flavour of what each of the Committees have been doing and what they have achieved.



**County Councillor Liz Casling
Chairman Scrutiny Board**

Highlights and Achievements

Care and Independence

Scope:

The needs of vulnerable adults and older people and people whose independence needs to be supported by intervention from the public or voluntary sector.

The past year the committee has been scrutinising the council's response to changes in the social care system introduced by the government, as well as how we are responding to the challenge of limited resources. Our programme of work included the following:

The Care Act

The Care Act is the single biggest consolidation of social care legislation for over a century. Two areas of particular concern are: A) the greater emphasis on prevention, particularly around advice and information; and B) the new duty to promote physical, mental and emotional wellbeing in all decisions regarding an individual's care needs. There is also a new statutory duty for carers; if a carer has eligible needs of their own, they will have a right to support from the council. This is all good news. Caring can take its toll both physically and mentally and it's important that the right level of support is offered to all carers.

We believe the council is in a good state of preparedness. The commitment is evident, the systems and practices are in place, all backed up by strong performance figures which show that we are poised to handle the scale of change that awaits us.

Care and Support Where I Live Strategy

We were wholehearted in our support for the: "2020 North Yorkshire Care and Support Where I Live," strategy which, as the foreword says, represents a significant part of the Council's vision to meet people's needs now and in the future. We welcomed the notion of planning ahead to respond to the increasing number of people who need care and support. It is also indeed vital that Extra Care homes are at the heart of the community in targeted locations so that people know they can receive the help, support and advice they need.

Local Account 2014-15

Given that the Local Account must be an honest assessment of social care performance, it was important that it passed what for us is perhaps the pivotal test: it is not self-congratulatory, as evidenced by the case studies which describe how we have learned from experience. It's no surprise to us that the CQC has held up the North Yorkshire Local Account as an example of best practice in the area of self-assessment.

2014 Annual Report of the Director of Public Health for North Yorkshire

As a committee, we are increasingly taking an interest in how public health initiatives contribute to social care needs. Beyond the obvious benefits to the population, this work also complements our social care priorities, especially prevention, which could prove critical in the continuing financial challenges ahead. We congratulated Dr Sargeant on both the clarity of his report and for the inclusion of recommendations that are targeted, realistic and achievable.

Annual Report of the Older People's Champion

In her 15th Annual Report, County Councillor Shelagh Marshall gave a sobering reminder of the demographic challenge before us: by 2030 it is estimated that North Yorkshire will have

approximately 15,000 people over the age of 90. Shelagh highlighted some of the initiatives in local communities which successfully contribute to older people's health and wellbeing and which will be crucial if we are to meet this challenge. We are fortunate to have, in Shelagh, such a respected ambassador for North Yorkshire older peoples' interests.

Safeguarding Annual Report

Raising the profile of safeguarding is as important as it ever has been; we all have safeguarding, responsibilities but scrutiny Members must also ensure that proper arrangements are in place to ensure safeguarding of our communities is effective. The evidence in the North Yorkshire Safeguarding Board's report for 2014/15 convinced us (as previous years' reports have done) that partners continue to demonstrate strong, strategic commitment.

Winterbourne Concordat Review

In 2011, a Panorama programme exposed evidence of abuse of some individuals with learning disabilities who were living in Winterbourne View. After the Inquiry, the Department of Health published the Winterbourne Concordat Programme of Action. We think that good and substantial progress is being made in North Yorkshire. The overriding principle that people are appropriately placed with the right care and support in their local communities, near their families and friends, has our support. Bearing in mind how the Directorate manages these 'complex cases' is one of the 2020 savings areas, the Committee will return to this subject later in the year.

Challenges Ahead

We have settled on a work programme for the year ahead which marries reviewing service delivery and change, with an understanding of people's experiences.

We will shift the emphasis of our enquiry into the implications of the Care Act from "preparedness" to people's experiences and their reaction. Having already looked at Supporting People, and Domiciliary Care, space has been set aside to look at the other 2020 savings areas such as: the future of provider services, the Assessment and Reablement Pathway, and Equipment and Telecare. We'll devote time to understanding how the service will be different and whether financial targets are being achieved, but also to how the Directorate is managing the impact on service users.

We'll also gauge the council's success at diverting demand and encouraging communities to support service delivery, and at how, through the council's Stronger Communities programme, we are reducing demand by targeting prevention and intervention initiatives.



**County Councillor Patrick Mulligan
Chairman Care & Independence O&SC**

Corporate and Partnerships

Scope:

The Council's corporate organisation and structure, resource allocation, asset management, procurement policy, people strategy, equality & diversity, performance management, communication and access to services.

Partnership working, community development, community engagement, community strategies and community safety. This Committee shall be the Crime & Disorder Committee for the purposes of Part 3 of the Police and Justice Act 2006.

It has been an interesting and varied year for the Committee with it considering a number of the County Council's high profile issues. The highlights from the year's meetings are outlined below.

- The Police and Crime Commissioner (PCC) for North Yorkshire outlined the work to update the Police and Crime Plan, which was the strategic blue print for the Chief Constable and delivery of the Plan was the mechanism by which the Police and Crime Commissioner holds the Chief Constable to account.

Emerging themes included:

- There is a strong correlation between the strength and vitality of the local community and the extent to which people feel safe. It was more complicated than just whether or not there was a police presence locally.
 - People feel more unsafe after dark
 - There are high levels of satisfaction with the Police
 - In Scarborough and York the biggest drivers of crime are drugs and the night time economy respectively
 - There are issues for people with learning disability, for instance, their concerns using public transport
 - There is greater need to engage with young people.
- The County Council's changing workforce and the Council's Workforce Plan show that staffing reductions have to date focused mainly on managerial and back office posts. However, inevitably there will be a bigger impact on frontline posts from now on due to the budget savings that we need to make.
 - A key aspect of the 2020 Workforce Plan is to ensure that staff are supported, maintaining their personal resilience during the on-going period of uncertainty and change. This includes having the right people with the right skills working in the right way within effective roles and structures.
 - The Library Workshop enabled the Committee to look at the criteria for the categorisation of libraries. We wanted to reassure ourselves that any decisions taken around libraries in the future were based on sound evidence.

As well as adding criterion to establishing how future library services might be provided, we felt that any future review of libraries should not just be about closing or transferring libraries but also establishing if they are in the right place. Could they for example be re-located and incorporated into other buildings?

- In light of this, the Committee looked at the 2020 Property Workstream. Part of this focus will be to slim down the County Council's operational property portfolio and review the way that property is managed across directorates.

The intention is that there will be more shared accommodation across directorates. Property reviews will be taken on an area by area basis, working with directorates to establish what their future requirements will be.

- Both Libraries and Property will remain a focus in the new Civic Year as will the development and delivery of the Council's 2020 cross cutting themes, which are about reshaping the Council in the face of significantly reduced funding:
 - stronger communities
 - alternative delivery models & commercial focus
 - property
 - customer
 - organisational delivery.

The Committee's aim will be to provide sufficient challenge to officers to ensure that the desired benefits and outcomes of the 2020 cross cutting themes are delivered and the savings targets are met.



County Councillor Derek Bastiman
Chairman, Corporate and Partnerships O&SC

Scrutiny of Health

Scope:

To review any matter relating to the planning, provision and operation of health services in the County with the aim of improving the health of local people and ensuring that their needs are considered as an integral part of the delivery and development of healthcare services.

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.

To contribute to the NHS's Quality Accounts initiative by providing commentaries to the NHS Trusts serving North Yorkshire on how they intend to improve the quality of the services they provide.

Over the last year the Committee has continued to be involved in a wide range of healthcare developments. Most of these have been brought forward by the Clinical Commissioning Groups – their commitment to engage with the Committee has continued to be very good. I have very recently responded to a survey sponsored by NHS England in which I was able to commend the CCGs on this aspect of their work.

The next few paragraphs give a flavour of our work. I hope fellow Members will agree we are finding the right balance in terms of working constructively with the NHS without compromising our scrutiny role and continuing to champion public involvement in the NHS.

GP Out of Hours Service and Community Services in the Whitby

The Hambleton, Richmondshire and Whitby CCG consulted the Committee and kept us fully up to date with developments on their plans for the GP Out of Hours Service and Community Services in the Whitby area, including plans for Whitby Hospital. The £6 million a year

contract was retendered because the current service providers, York Hospitals NHS Foundation Trust, gave notice on its contract. Virgin Care will provide the services from 1 July 2015.

Urgent Care in Scarborough and Ryedale

The Committee was heavily involved in the Scarborough and Ryedale CCG's consultation on proposals for improving urgent care services in its area. As part of its tendering process the CCG did not specify where exactly the two urgent care centres should be located. Throughout the process we maintained that the centres should be located on the same site as Scarborough and Malton Hospitals. I am pleased to be able to report that things did work out that way. Whilst we cannot claim the outcome was as a direct result of our involvement but I do feel that, together with the voice of the local communities, we were able to influence the CCG and the bid put forward by Northern Doctors.

Minimum Practice Income Guarantee (MPIG)

There were concerns that the withdrawal from 1 April 2014 of the MPIG provided to individual GP practices by NHS England would undermine the viability of small rural practices. NHS England identified 2 'outliers' practices as they could lose more than £3 per patient in 2014/15 as a result of the overall changes. I am pleased to be able to report that NHS England, the CCGs and individual practices worked closely together on this matter so that the concerns did not materialise. We contributed to those discussions and provided a forum for the issue to be debated in public, including with a GP whose practice was going to be affected.

Paediatric Short-Stay Assessment Unit (PSSAU) at the Friarage Hospital

Following the review of consultant-led children's and maternity services at the Friarage Hospital Members will recall that the final outcome was that consultant-led services were closed and the setting up of the PSSAU was seen as a key part in reassuring the public that a local service was being retained. The Unit was opened in October 2014 and set up with opening hours of 10.00am to 10.00pm 7 days per week but on 12 January 2015 the South Tees Hospitals NHS Foundation Trust announced at short notice that due to staffing shortages the Unit would close at the earlier time of 8.00pm Monday to Friday and 5.00pm on weekends and bank holidays. Despite efforts by the Trust to recruit consultants, the paediatric team has a shortfall of four fulltime equivalents due to long term sicknesses and vacancies.

It is unlikely that the planned staffing arrangements will be fully in place until September of this year. We must guard against these temporary changes becoming the permanent solution. The Hambleton, Richmondshire and Whitby Clinical Commissioning Group share that view.

National Review of Congenital Heart Disease

At a regional level I have continued to represent North Yorkshire on the Yorkshire and Humber Joint Scrutiny Committee looking at the national review of congenital heart disease for all age groups.



**County Councillor Jim Clark
Chairman Scrutiny of Health Committee**

Transport, Economy & Environment

Scope

Transport and communications infrastructure of all kinds, however owned or provided, and how the transport needs of the community are met.

Supporting business, economic regeneration and development and helping people develop their skills, including lifelong learning.

Sustainability, climate change strategy, countryside management, waste management, environmental conservation and enhancement, and cultural issues.

Flood and coastal erosion risk management

The work of the Committee over the last year has again been varied - from the performance of the highways maintenance contract, to the emerging devolution debate, to the local flood risk strategy, to the local bus services review and the proposed savings to be made to Home to School and College Transport. These are by no means all the areas that we have covered and the impact of further budget savings on service delivery now and in the future continues to be a running theme through our work programme.

In October the Committee responded in a practical way to the reduction in bus subsidy by producing its report on the access needs of communities in North Yorkshire and how these might best be met using a range of transport options. This was with a view to guiding the County Council in considering how to invest in bus services in the future and to identify where the Council could provide more support to enable communities to continue to access essential services using a range of transport options. I am pleased to say that the Executive accepted our recommendations in full.

The condition of the highway network remains a preoccupying concern of the Committee. In July 2014 and in January this year the Committee scrutinised the progress that the Highways Maintenance Contractor – Ringway - was making. At our meeting in January we were pleased to hear that the half-yearly picture (April to September 2014) shows steady improvement. However further progress still needs to be made and to this end we will be continuing to scrutinise the performance of the contract on at least an annual basis.

The devolution agenda has been a topic for discussion in recent months and it is interesting to note that devolution features widely in most of the parties' manifestos. I am sure that the Committee will be taking an active interest in any forthcoming developments in the county concerning the devolution of powers and funding for economic development and transport.

Looking ahead, the Committee will be undertaking a task group review of the Residents Parking Scheme Policy to consider if the criteria should be reviewed. The review has been prompted by a request for us to look at the current eligibility threshold set for the percentage of properties with off-street parking. This is a complex issue with a balance to be struck between residents' concerns about parking in their area versus the level of resource that the County Council can put into Residents Parking Schemes county-wide.



County Councillor David Jeffels
Chairman Transport Economy & Environment O&SC

Young People

Scope:

The interests of young people, including education, care and protection and family support.

As the County Council's Young People Overview and Scrutiny Committee, we critically evaluate and constructively challenge both the work of the Children and Young People's Service and the decisions taken by the Executive and Senior Officers. In undertaking this task we hope that, as County Councillors, we are playing our part in looking to secure access to good and outstanding education for all children and young people in North Yorkshire whilst also supporting families in need. The Committee's work includes in-depth scrutiny reviews and our current scrutiny task group will be looking at how to improve the experiences of Lesbian, Gay, Bisexual and Transgender Young People. Our wider work programme continues to be varied and I include here some examples of the reports and presentations the Committee have received.

- The Committee learned that the Council's homelessness prevention accommodation pathway has completed its first 12 months of operation. The pathway is provided through 7 District area hubs where multiagency teams, County and District, work to prevent homelessness. Wherever possible and safe to do so, young people are returned home or supported to remain in their accommodation. Where this isn't possible then they are provided with accommodation and support until they are able to live independently. There was some concern over the numbers of young people presenting as homeless particularly in the Ryedale and Scarborough areas and this needs to be closely monitored.
- The Committee commended the Council's new children and young people's plan - Young and Yorkshire. The plan is driven by a vision for the future of services for children and young people and has been influenced by young people themselves so that two vision statements have been developed, a children's version and a statement drawn up by the professionals who work with children and young people:

"We want North Yorkshire to be a cool place with loads of great things to do"
(Children's version)

"We want North Yorkshire to be a special place where every childhood is magical and every young person thrives" (Professional's version)

The plan has three priority areas which represent our most pressing challenges. The three priorities are:

1. Ensuring that education is our greatest liberator, with a greater proportion of pupils attending a good or outstanding school
 2. Helping all children enjoy a happy family life, with a safe reduction in the care population
 3. Ensuring a healthy start to life, with more children and young people leading healthy lifestyles
- The Committee's Task and Finish Group recommendations on online safety of children and young people recommendations, which included supporting the North Yorkshire Safeguarding Children Board in a joint campaign with the NSPCC, were agreed by the Executive and the North Yorkshire Safeguarding Children Board. The report was clear that in focussing attention on online safety we have to ensure that

the measures we employ to make children and young people safer online are continuously reviewed and updated as this is an area that will never stand still.

- In respect of Welfare benefit reform and child poverty the data reported is approximately two years in arrears and the most recent measure available is for the year 2010/11. At that time, the data indicates that North Yorkshire has the ninth lowest proportion of children in poverty among local authorities in England. However, across North Yorkshire there were areas where the percentage of children in poverty is much higher, rising to over 25% in some wards.

Members were assured that the County Council supports, advises and works with families where benefit reforms may have a detrimental impact and where children may be living in poverty.

- The Committee were updated throughout the year on progress with the review of services which provide preventative work with children, young people and families which was launched on 24 March 2014. The key components of the new service would be to ensure a holistic approach to preventative services that engaged with families across an age range where appropriate whilst also improving integration of services within children centre areas.

This was a large, highly complex review. The implementation has involved a large and complex assimilation and transformation process, with 240 FTE moving into the new structure. It was complicated by the interaction with services which communities often hold in high regard, and sensitive in terms of the risk factors associated with any work with vulnerable children, young people and their families. Having to make savings of £3.2million at the same time provides significant additional challenge.

The new service became operational on the 13th April 2015.

- We received a comprehensive report on work across North Yorkshire to tackle Child Sexual Exploitation. We heard that work taking place across the County is not a knee-jerk reaction to the situation identified in Rotherham and was in progress well before the Jay Report was published. The message coming across was that agencies in North Yorkshire are effective at detecting and prosecuting the perpetrators of exploitation but there is no room for complacency. There was a recognition that we need to improve how we support and provide therapy to victims.

There is a good deal of work taking place to gather data and intelligence on this matter. This is reassuring but we felt it was worth highlighting the need to ensure that "hard to reach" children and young people are not excluded in any survey work.

- The Committee maintains its interest in Key Stage Outcomes. We noted that North Yorkshire schools continue to improve and perform well across most stages.

We particularly learnt that in respect of Early Years Foundation Stage Profile 2014, North Yorkshire outcomes have risen by over 17% to place the local authority slightly above the national average percentage of children achieving a good level of development. This returns North Yorkshire to its usual position of being broadly in line with national average.

- The Annual Report of the Director of Public Health provided a challenging analysis of the public health issues we face in North Yorkshire. It provided a blue print for a concerted effort, involving all partners, for instance, towards promoting physical activity, promoting smoking cessation, reducing obesity and tackling drug and alcohol abuse. It also highlighted the importance of Mental Health. We must not overlook the pressures which young people face and how mental health problems do not only affect adults and older people.

- We received a comprehensive report on the outcomes of the Growing Up in North Yorkshire Survey 2014 that showed a range of statistics some which were encouraging and indicate improvement from the last survey two years ago and some presented less positive findings.

The Committee were keen to emphasise the importance of momentum and moving forward as a result of the survey findings, particularly in areas such as e-safety, drug and alcohol-taking where the survey highlighted some worrying trends but where there is also much effective partnership underway to tackle such issues and where improvements can be seen.

- A report on Growing Up as a Lesbian, Gay, Bisexual or Transgender (LGBT) Young Person in North Yorkshire was illuminating yet very stark, highlighting that the majority of GLBT young people are having a more negative experience in the county than their peers. This relates to their time at school, ability to achieve, their engagement in risky behaviours and their emotional and mental health.

Maintaining LGBT youth support groups, such as those in Harrogate and Scarborough was clearly vital for these young people as well as a commitment to continue working in partnership to offer targeted provision.

Members agreed to set up a small task and finish group to work closely with officers to see if any additional value can be brought by Members of the Committee to this important issue.

- The Committee considered a draft strategy and the subsequent consultation on how to meet the care needs of disabled children, young people and their families with a £887k target saving to be met within the 2020 North Yorkshire programme. The consultation responses asked some fundamental questions about the strategy and the impacts it may have. Members wanted to keep a close eye on the next stage of the consultation on the Short Breaks Statement which will set out what support is available to families of disabled children.
- There has been some comprehensive scoping work done on Female Genital Mutilation (FGM) within CYPS which was presented to the Local Safeguarding Children's Board (LSCB) in September 2014 and also shared at the mid-cycle briefing meeting of the Committee in December 2014. The practice of FGM is generally hidden and as such is difficult to identify or estimate accurately. However, estimates based on Yorkshire and Humber figures would suggest that between 0.4% and 2.8% of children less than 18 years of age are at risk of FGM within the county.

FGM has been identified as a priority for the LSCB who have set up a task and finish group to take some further work forward around this. This will include increasing awareness of FGM and improving guidance for professionals.



County Councillor Elizabeth Shields
Chairman Young People O&SC

Looking Ahead

This report has highlighted some of the work undertaken by each of the Committees over the last year. The table below gives examples of areas of work the Committees have planned for the future:

O&S Committee	Area of work
Care and Independence Overview and Scrutiny Committee	<ul style="list-style-type: none"> • Stronger Communities and Social Care • 2020 Savings (number of items) • Prevention • Local Account • North Yorkshire Local Assistance Fund (update) • Care Act implementation • Public Health initiatives and Social Care • START reconfiguration
Corporate & Partnerships Overview and Scrutiny Committee	<ul style="list-style-type: none"> • 2020 North Yorkshire • Libraries • Property Disposal • Procurement • Police and Crime Commissioner update • Transforming Rehabilitation
Scrutiny of Health	<ul style="list-style-type: none"> • Results of CQC Inspections of South Tees Hospitals NHS Foundation Trust, Yorkshire Ambulance Service Ambulance, Tees, Esk and Wear Valleys NHS Foundation Trust and County Durham and Darlington NHS FT • South Tees Hospitals NHS FT - Investigation by Monitor and financial situation of the Trust • Short Stay Paediatric Assessment Unit, Friarage Hospital • Child and Adolescent mental Health Service/Improving Access to Psychological Therapies for Young People • Whitby Hospital • Winter Pressures • National Review of Congenital Heart Surgery (Adults and Children)
Transport, Economy & Environment Overview and Scrutiny Committee	<ul style="list-style-type: none"> • Updates from Highways Agency and Ringway (Highways Maintenance Contract) • Overview of the Adult Learning Service and actions arising from the Ofsted inspection carried out in November 2014 • Update on current and planned rail services affecting North Yorkshire: overview of the Rail North franchising partnership and replacing the franchises for TransPennine and Northern rail services • Results of the consultation on the proposed reduction in bus subsidy for local bus services
Young People Overview and Scrutiny Committee	A workshop is taking place on 26 June 2015 to set a work programme for the next two years.

If you would like to know more about how Overview and Scrutiny works in North Yorkshire County Council a handy guide is published on our website at www.northyorks.gov.uk or contact the Scrutiny Team Leader Bryon Hunter bryon.hunter@northyorks.gov.uk, Tel. 01609 532898

I hope you have found this Overview and Scrutiny Annual report both useful and interesting.

Thank you.

County Councillor Liz Casling