

NORTH YORKSHIRE COUNTY COUNCIL

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# **ANNUAL MEETING**

**15 May 2019**

**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 put questions or statements to 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 Fire and Rescue 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. In these circumstances the speaking time will be limited to one minute.
- (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 Assistant Chief Executive (Legal and Democratic 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. Copies of all written Member questions received for a meeting of County Council will be circulated to all Members in the Council Chamber.
- (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 COUNTY COUNCIL**

You are hereby summoned to attend the Annual General Meeting of the County Council to be held at County Hall, Northallerton, on **Wednesday, 15 May 2019 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, please give due regard to the Council's protocol on audio/visual recording and photography at public meetings, a copy of which is accessible via <http://democracy.northyorks.gov.uk>. Anyone wishing to record is asked to contact, prior to the start of the meeting, the Assistant Chief Executive (Legal and Democratic Services) whose details are shown at item 7 of this Agenda. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

### **BUSINESS**

1. **To elect a Chairman of County Council** to serve until the Annual Meeting of the Council in 2020.
2. **Apologies for absence**
3. To move that the **Minutes of the meeting of the County Council held on 20 February 2019** having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.  
**(Pages 6 to 30)**
4. **To appoint a Vice-Chairman of the County Council** to serve until the Annual Meeting of the Council in 2020.
5. **Chairman's Announcements** - Any correspondence, communication or other business brought forward by the direction of the Chairman of the Council.
6. **Declarations of Interest**
7. **Statement by the Leader of the Council**  
**(Pages 31 to 32)**

## **8. Public Questions or Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice and provided the text to Barry Khan, Assistant Chief Executive (Legal and Democratic Services) – email: [barry.khan@northyorks.gov.uk](mailto:barry.khan@northyorks.gov.uk)) or in writing to Barry Khan, Assistant Chief Executive (Legal and Democratic Services), County Hall, Northallerton DL7 8AD by **midday on Friday, 10 May 2018**. 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.

## **9. To consider the Report and Recommendations of the Executive and make decisions on them.**

- **Appendix A - Proposed Changes to the Constitution**  
**(Pages 37 to 67)**

- **Appendix B - Proposed Changes to the Contract Procedure Rules and Key Decision Exemptions**  
**(Pages 68 to 131)**

**Executive Report only (Pages 33 to 36)**

## **10. Response by the Corporate and Partnerships Overview and Scrutiny Committee to the Notice of Motion to County Council on 14 November 2018 on North Yorkshire County Council's Current Level of Compliance with the Charter against Modern Slavery** **(Pages 132 to 136)**

## **11. To consider the Overview and Scrutiny Annual Report 2018/19** **(Pages 137 to 145)**

## **12. Statements of Executive Members, in the order set out below, followed by the Annual Report of Overview and Scrutiny Committees**

**Executive Members:**  
**(Pages 146 to 167)**

- (a) Executive Member for Health and Adult Services - County Councillor Michael Harrison
- (b) Executive Member for Public Health, Prevention and Supported Housing - County Councillor Caroline Dickinson
- (c) Executive Member for Open to Business - County Councillor Andrew Lee
- (d) Executive Member for Customer Engagement - County Councillor Greg White
- (e) Executive Member for Finance and Assets and Special Projects - County Councillor Gareth Dadd
- (f) Executive Member for Children's Services - County Councillor Janet Sanderson

- (g) Executive Member for Education and Skills - County Councillor Patrick Mulligan
- (h) Executive Member for Access - County Councillor Don Mackenzie
- (i) Executive Member for Stronger Communities - County Councillor David Chance

**Overview and Scrutiny Committee Chairmen:**

**(Pages 168 to 181)**

- (j) Scrutiny Board (Chairman: County Councillor Jim Clark).
- (k) Scrutiny of Health Committee (Chairman: County Councillor Jim Clark).
- (l) Young People Overview and Scrutiny Committee (Chairman: County Councillor Janet Jefferson).
- (m) Care and Independence Overview and Scrutiny Committee (Chairman: County Councillor John Ennis).
- (n) Corporate and Partnerships Overview and Scrutiny Committee (Chairman: County Councillor Derek Bastiman).
- (o) Transport, Economy and Environment Overview and Scrutiny Committee (Chairman: County Councillor Stanley Lumley).

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 14 May 2018**, the person to whom the question has been put may respond in writing, and this is then circulated to all Members.

**13. Council Procedure Rule 10 Questions**

RICHARD FLINTON  
Chief Executive Officer

BARRY KHAN  
Assistant Chief Executive  
(Legal and Democratic Services)

County Hall,  
NORTHALLERTON.

7 May 2019

# North Yorkshire County Council

## County Council

Minutes of the meeting of the County Council held at County Hall, Northallerton on 20 February 2019 commencing at 10.30 am.

### **PRESENT:-**

County Councillor Robert Windass in the Chair.

County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Bob Baker, Derek Bastiman, John Blackie, David Blades, Philip Broadbank, Eric Broadbent, Lindsey Burr MBE, Michael Chambers MBE, David Chance, Jim Clark, Liz Colling, Richard Cooper, Gareth Dadd, Caroline Dickinson, Stephanie Duckett, Keane Duncan, John Ennis, David Goode, Caroline Goodrick, Helen Grant, Bryn Griffiths, Michael Harrison, Paul Haslam, Robert Heseltine, David Hugill, David Ireton, David Jeffels, Janet Jefferson, Andrew Jenkinson, Mike Jordan, Andrew Lee, Carl Les, Stanley Lumley, Cliff Lunn, Don Mackay, Don Mackenzie, John Mann, Stuart Martin MBE, John McCartney, Zoe Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Stuart Parsons, Caroline Patmore, Chris Pearson, Clive Pearson, Gillian Quinn, Tony Randerson, Janet Sanderson, Karin Sedgwick, Andy Solloway, Peter Sowray, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, Geoff Webber, John Weighell OBE, Richard Welch, Greg White, and Annabel Wilkinson.

### **APOLOGIES:-**

County Councillors: Andrew Backhouse, Philip Barrett, Mel Hobson, Andy Paraskos, Joe Plant, Callum Walsh.

### **ATTENDING:-**

Honorary Aldermen: Michael Knaggs, John Marshall, Bernard Bateman.

Members of the press and the public.

### **68. Minutes**

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday 14 November 2018, having been printed and circulated, are 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 -**

That the Minutes of the meeting of the County Council held on Wednesday 14 November 2018, having been printed and circulated, are confirmed and signed by the Chairman as a correct record.

## 69. Chairman's Announcements

The Chairman welcomed the Honorary Aldermen who were in the public gallery. The Chairman acknowledged the death of former County Councillor Oliver Blease. Oliver represented Richmond on the County Council from 2001-2005. He also served terms on Richmondshire District Council and Richmond Town Council. A minutes silence was held.

The Chairman also reminded Members of the usual arrangements for the meeting.

The Chairman noted the following declarations of interest:

County Councillor Eric Broadbent has a disclosable pecuniary interest, in relation to the budget discussions for which he has dispensation to speak but not vote.

County Councillor Helen Grant works on a voluntary basis with an organisation that has benefited from the Council's Stronger Communities funding.

County Councillor Gareth Dadd works on a voluntary basis with an organisation that has benefited from the Council's Stronger Communities funding.

County Councillor Michael Harrison has a family member who works for the County Council.

## 70. Statement by the Leader

County Councillor Carl Les made a statement, under Contract Procedure Rule 2.3, as Leader of the County Council, a summary of the key points of which had previously been circulated along with an addendum and which appear in the Minute Book (pages 10643 to 10646).

County Councillor Carl Les congratulated James Cliffe, from Children and Young People's Services, who had recently been awarded an MBE for his work on the Council's 'No Wrong Door' service.

## 71. Public Questions or Statements

Public Question 1 – Kerry Fox, Save SEND Services group (Page 10653 of the Minute Book)

A freedom of information request was made to north Yorkshire county council to ask how many of our young people aged 16-19 were currently attending mainstream further education with education health care plans.

There are 351.

The request asked how many of those young people were receiving more than the 16 hours proposed by the recent consultation the answer was none.

There lies a mystery as to why a consultation proposing reducing funding the hours to 16 hours was carried out?

If no young person was or has been in receipt of anything longer why consult?

If there are 351 young people with an ehcp in mainstream FE are all their needs similar that they do not warrant extra time or funding

Those attending the consultations were not made aware of this and it may be these figures are not a true reflection in that some young people are in another 2 days with a special college or plp provider but this for many young people is not an option given

We call upon the council to ensure that planning post 16 education is robust and families are made aware of the options and the SEND department work closely with young people to ensure their needs are met.

We have case studies where by families are having to find those options unsupported and out of county a mix of colleges and plp provision.

Robust is not a term I use to describe our local offer – parents are in the dark of provisions at post 16 because the local offer is not fit for purpose no wonder we have young people twiddling their thumbs for 2 days a week when families don't know what is out there and what is on offer.

We call on this council to start investing in our children and young people to ensure they have a good start to life and an education fit for their needs we ask that the cuts are stopped now as many LA's are halting their plans to cut send transport and high needs.

We ask that now is the time that the wider community of special educational needs and disabilities, parents, children young people and the various professionals and councillors come together to work together to ensure our children and young people are not continuously disadvantaged by continual cuts to budgets –

A time to talk.

A time to listen.

A time to seek a way forward that works for all.

A time to halt cuts when we have no way forward in place – we cannot rely on the plan is...

It needs to be in place before cuts are carried through.

Response to Public Question 1 (Page 10654 of the Minute Book)

In response to Kerry Fox's question, County Councillor Patrick Mulligan said:

You are quite right we could have just adjusted the funding without discussions with families but we engaged in a consultation process regarding the changes in the spirit of transparency and openness.

The SEND team have made adjustments in allocations of cases and protocols between CYPs and Health and Adult Services to ensure that transitions are supported robustly.

The local authority has a duty to ensure that the assessed needs of children and young people with SEND are met but we also have responsibility to all residents across NY in ensuring that we use our funding efficiently and provides value for money.

The Local Offer is updated on an ongoing basis but parents/carers are also able to speak to their SEN Officer if they cannot find information they require.



The local authority has invested a significant amount of extra money in SEND from 19/20 and I hope you acknowledge this demonstrates our commitment to children and young people with SEND.

By 2021/22 the Local Authority will be putting in £11.6m per annum of Council funds to support SEND rising costs alongside only £1.6m of contributory savings so we are putting in a net £10m pa of council funding over and above High Needs DSG.

In total over 3 years this will equate to £23m

This is against a backdrop of savings in the Local Authority of 40p in every £ by the end of the decade and savings of circa £40m to find with £14m still needing a plan.

This means the LA is using funding raised for other services to subsidise the Department for Education.

Public Question 2 – Alex Boyce, Save the PRS campaign group (Pages 10647 to 10650 of the Minute Book)

Hello. My name is Alex Boyce. I represent the Save the PRS campaign group. I have previously spoken at the November full council meeting, to the CYPS scrutiny and overview committee and to the Council Executive.

I have previously stated the many objections to the cuts proposed for the Pupil Referral Service in 5 weeks time and you have received letters and emails from me on this matter. Today I would like to highlight the feedback from education professionals and the public. Firstly, 17 mainstream Headteachers have signed the following joint letter which was submitted last week.

*Dear Council Members,*

*If proposal 2 of the 'Changes to the High Needs Budget' goes ahead, there would be devastating cuts for Pupil Referral Units across the county whilst only a small portion of funding would be redirected to mainstream schools. PRUs will either close or have an extremely reduced capacity for both permanently excluded students and preventative placements. North Yorkshire would lose a good or outstanding service which has supported our schools and the most vulnerable pupils across the county.*

*We, the undersigned, as Headteachers and Senior Leaders within North Yorkshire, are seriously concerned by the severity of the cuts, the speed of change and the lack of clarity for arrangements post April 2019. Whilst the council are promoting this proposal on the grounds of creating greater autonomy for schools, we are concerned about a fragmentation of the school system and a resultant increase in pressure on mainstream schools.*

*We feel the proposed level of funding would not meet need. We wish to express, formally, our objection to this proposal.*

<b>District</b>	<b>Establishment Name</b>	<b>Head teacher</b>
Craven	Ermysted's Grammar School	<i>Mr Michael Evans</i>
Craven	Lothersdale Primary School	<i>Mrs Joanne Robinson</i>
Hambleton	Alanbrooke School	<i>Mrs Pippa Todd</i>
Hambleton	Bedale High School	<i>Mr Tony Rawdin</i>

Harrogate	Darley Community Primary School	Mr Nicholas Coates
Harrogate	Harrogate Grammar School	Mr Tim Milburn (deputy)
Harrogate	Killinghall Church of England Primary School	Mrs Sarah Bassitt
Harrogate	Marton-Cum-Grafton Church of England Voluntary Aided Primary School	Mrs Marie-Louise Thirlaway
Harrogate	Nidderdale High School	Ms Kath Jordan
Harrogate	Oatlands Community Junior School	Miss Estelle Weir
Harrogate	St Cuthbert's Church of England Primary School Pateley Bridge	Miss Lynette Brammah
Harrogate	St John Fisher's Catholic High School	Mr Paul Brockwell
Harrogate	St Peter's Church of England Primary School	Julia Collins
Harrogate	King James's School, Knaresborough	Mr Carl Sugden
Richmondshire	Bolton-on-Swale St Mary's CofE Primary School	Mrs Nicola Dobson
Ryedale	Pickering Community Junior School	Mrs Michaela De Barr
Selby	Barlby High School	Miss Julie Caddell

Secondly, the following statements from Headteachers have been made public:

Mr R. Sheriff, President of the Association of School and College Leaders:

*The proposed changes to the High Needs Budget would result in having nowhere to go for a whole set of children with varied and particular needs, which will be almost impossible to meet in mainstream...the outcome will be HIGH levels of exclusion.*

Mr T. Milburn, Deputy Headteacher of Harrogate Grammar School:

*The Grove Academy is an outstanding service. It is outstanding in Ofsted terminology but more importantly it is outstanding in the care, quality and support it's staff give to the localities most vulnerable young people. This level of outstanding provision is more vital than ever before. We are experiencing in society, as well as the local community, a toxic mix of spiralling adolescent mental health, increased social, emotional and mental health need and rising exclusion rates. This is coupled with a severe shortage of alternative provision in an education system dominated by Progress 8 and EBacc.*

*The Grove Academy, for schools, students and families in the Harrogate area, has been a saviour. It has given schools a high quality, safe service that supports the education of some of the most challenging students. For students it has given them a chance to access specialist support that has prevented permanent exclusion.*

*The Local Authority has presented a strategy that aims to prevent exclusions. The ambition is laudable and one that has the full support of schools and school leaders. However a decision to under fund The Grove Academy to a point where it will not be able to meet the need of the locality will inevitably lead to increased exclusions in school and not less. This is not only a major concern for schools but should be one for the local authority and the community it serves.*

Ms K. Jordan, Headteacher of Nidderdale High School:

*Should the proposed funding cuts force The Grove Academy to close from September 2019, the impact on young people in Harrogate could be devastating. Currently my own school has several students on medical placements at TGA as they are unable to access mainstream education even in a small school with a well recognised inclusive ethos. Already, I have seen*

*an increase in consults to take in year admission students with an EHCP from other local schools and this would undoubtedly rise without TGA. As a small school with over 5% of students with an EHCP and 30%+ with a recognised SEND, to take even more students with additional needs would be unsustainable both financially and in terms of the impact on the day to day running of the school and its core business.*

*The very limited funding on offer to the local area to explore alternative solutions to meeting the needs of the most vulnerable and High Needs students is not adequate to address the many and varied competing priorities in the area. It would also be impossible to have high quality alternatives in place even if they were affordable in such a short timescale.*

*Therefore, I believe that at the very least, adequate funding must be made available to The Grove for a further year to allow all parties to work together to find sensible solutions to the funding and provision shortages this area faces.*

Mr P. Brockwell, Headteacher of St John Fisher's Catholic High School:

*We live and work in an educational environment where the individual emotional, mental and educational needs of children are wider than they have ever been. As in all schools, we at St John Fisher Catholic High School strive to meet the needs of as many children as we can and for the most part succeed in providing the environment that provides an educational success that matches the very best schools in the country.*

*However, for a very small group of students, mainstream education cannot provide the depth of intervention that they need to grow and attain their full potential. The work of pupil referral units in working with our most vulnerable children is crucial if we want to remove barriers to learning for all. The intensive work in supporting students with either severe learning or emotional needs cannot be underestimated. The close work that schools do in collaborating with this expert provision allows many students to develop strategies to return to main stream, cope with the challenges they face and succeed that without the support of schools like the Grove Academy PRU we would be unable to achieve.*

Finally, I would like to highlight to councillors the response of the public. We submitted a petition of 5500 signatures on January 15<sup>th</sup>. In just a couple of months our campaign stalls in Skipton, Harrogate and Selby have gathered 2,766 signatures objecting to the proposals. A further 2,734 signatures were collected in an online petition set up by concerned parents.

The council's own consultation proves just how unpopular the proposals are. 51% strongly disagreed with the plans whilst only 5% strongly agreed.

Council officers may argue that the proposal has been revised but splitting the huge cut into two stages still means PRUs are not financially viable this year and students will suffer as a result. The Headteachers of Selby PRU, Harrogate PRU and Craven PRS have very recently issued warnings that they will be forced to seriously reduce their service from April 2019 if the cut goes ahead. Mr Les Bell, Headteacher of Selby PRU, submitted a letter last week stating his plan to reduce numbers and cease home medical tuition. This week the Headteacher of Hambleton and Richmond PRU, Helen Whitehead, resigned over this issue.

**Given the response of the public and of education leaders across the county, could council officers explain how the proposal addresses their concerns?**

Response to Public Question 2 (Pages 10651 to 10652 of the Minute Book)

In response to Alex Boyce's question, County Councillor Patrick Mulligan said:

Many of the issues raised in the letter have received numerous previous responses via the consultation and in a number of public meetings.

We acknowledge the letter from head teachers and note that 7 secondary head teachers are included in the signatures.

However I must point out that there are over 350 schools in North Yorkshire and 17 is a very small proportion. I must also point out the Schools Forum is the statutory representative group of head teachers in the county, made up of a full representation of all schools. The proposals have been discussed several times with them, they have a wider understanding of all school finance issues, and were supportive of taking the proposals forward.

We are determined to reshape the model of Alternative provision so that schools can access AP at an earlier stage to both meet the needs of the young person but also significantly reduce exclusions. This reflects what we have been told by schools leaders they need in order to reduce exclusion of young people.

We know that once a child has been excluded, some schools are very reluctant to readmit and therefore they remain in the PRS long term with little accountability from home schools. This reluctance to readmit and to work with PRS to support young people back into mainstream school is an issue raised by the Head Teacher of Grove Academy as a significant one during regular meetings with the LA. If this current model continues, we will continue to have excluded children out of mainstream provision until they finish their statutory education. A model of AP that can be accessed by schools at an early stage will mean that they can retain young people on roll on a personalised curriculum. Schools remain accountable for their outcomes and the young people are not rejected from their school community.

We are urging head teachers to work with the local authority to finalise the models that are most appropriate in their area. We have established a schedule of monthly meetings in each area to facilitate these discussions so that the final models are agreed by the end of the summer. This will leave a full year for implementation.

We are also interested in discussing funding arrangements for AP with schools. We know that schools are paying for a range of external AP from their budgets, including payments of £4K for 12 week preventative placements in the Grove. We are keen to investigate a pooled budget made up of local authority funding and an affordable contribution from schools as this will enhance the funding available and establish a joined up collaborative approach to AP into the future.

Although our vision is to reduce the need for permanent exclusion, I think it is once again important to point out that the pressure on the high needs budget is significant with an expected £5.7 million deficit for 18/19. As a result of this pressure, we transferred 0.5% of funding from the Schools Block in 18/19 and intend to do this, as a minimum, in 19/20. This means less funding available for our schools across the county, many of which are experiencing their own budgetary pressures.

PRS have largely been protected from funding reductions and therefore had not had to consider transformation or cost efficiencies. For example, each PRS works independently and employs a Head teachers and 2 Assistant/Deputy Heads for an establishment of between 15-46 places. This is unrealistic in the current financial environment and reduces funding available for front line delivery.

We intend to continue to work with head teachers to ensure that we establish high quality, cost effective AP models that can be accessed at the earliest opportunity and provide good outcomes for young people.

Public Question 3 – Natalie Astwood, parent (Pages 10655 to 10658 of the Minute Book)

Hello, my name is Natalie Astwood and I am the parent of a 14 yr old daughter currently attending The Grove in Harrogate. I believe the proposed cuts to the PRS will be devastating for all the children and their families who currently rely on the support and expertise of this vital provision. Without The Grove, my daughter's life chances will be significantly reduced and she will have been completely let down by those making these catastrophic decisions. It is the council's job, bound by legislation to give her the same opportunities as the round peg children who can function in mainstream. It is naive to assume that children such as my daughter will be able to reintegrate and survive in mainstream and talk of virtual schooling for these complex kids who need guidance and nurture is quite frankly ridiculous.

I beg that every member here today considers these children as we cannot shout any louder about this injustice and so I will proceed to talk about the legal action we are prepared to take to protect our children's futures. As parents we feel that council officers simply have not listened to our views and so we have been forced to take legal action. I would like to read extracts from a 'Letter Before Action' written by Simpson Millar solicitors on behalf of Ellie Thompson, a student at Harrogate PRU. Many other parents have come forward to add their name to this legal action and this will occur in due course.

*Despite the concerns raised by various interested parties through the consultation process, there is little evidence to show that the council has had any regard to the equality impact when making their decision on 15 January 2019. Although the meeting whereby the proposals were authorised heard from a number of individuals from various focus groups, there is no real engagement with these issues. It is submitted that there has not been any reasonable steps to enquire as to the impact of these changes on disabled young people and children within North Yorkshire. Despite the fact that a number of Equality Impact Assessments have been conducted, the fact that the proposals themselves are vague and indeed, the minutes of the executive meeting show that there is a deference to head teachers 'shaping the way' in which these proposals take form, limits the use of such assessments. However, the council do not appear to have engaged with the inevitable detrimental impact that such significant cuts to funding will have. This is something that cannot be hidden. The significance of the funding changes means that provision will inevitably be cut as part of the wider changes to that provision. It is not simply a matter of 'amending the offering' to be led by head teachers. Head teachers can only shape provision from within the budget that is allocated to them.*

*It is also submitted that the consultations, and the subsequent decision, are flawed in terms of ensuring that appropriate alternatives to such changes were known and understood by those contributing to the consultations but also by the committee members voting in favour of such proposals. Given that members were inevitably voting on proposals that had not been in any way evidenced or thought through ie they were so vague that it is submitted in the meeting itself that members do not know what such changes will look like, the decision is flawed and in breach of both the public sector equality duty as set out above but also in relation to the application of the Tameside principle.*

*In addition, there is no evidence that the local authority have considered section 11 of the Children 2004 and/or section 175 of the Education Act 2002 which requires the local authority to have regard to the need to safeguard and promote the welfare of children in their area. Children in pupil referral units in particular, but also with EHCPs in any school are often also seen to be children in need under the Children Act. They are vulnerable by virtue of the fact*

that, like our client, they have often been excluded or otherwise removed from mainstream provision on a number of occasions. Alternate provision and pupil referral units are only accessed as a matter of last resort when other provision is unable to meet a child's needs. Making changes to the way in which such provision is set up and funded will inevitably impact on the most vulnerable children and young people in the area.

It is also considered that the consultation which led to this decision was flawed. Although it will no doubt be alleged that our challenge is 'out of time' to challenge the consultation itself, the flaws to the consultation process render any subsequent decision based on such a consultation unsafe (*R (Connolly) v Northamptonshire County Council* [2018] EWHC 2176 (Admin) and *R (Moseley) v LB Haringey* [2014] UKSC 56).

...

In relation to the second proposal (changes to pupil referral units or alternative provision) a cut of 50% of funding is not expressly stated, it is only inferred (£2.7 million of non-statutory funding will be removed leaving only £4.6 million of statutory funding). It is not considered that this information is sufficiently clear to give participants an opportunity to make and provide an informed opinion.

It is stated that "Schools will be able to use these places flexibly to meet the needs of children who are at risk of exclusion rather than for permanent exclusions to provide a suitable alternative curriculum". It is still not clear what this means and it was the subject of some discussion in the executive meeting itself. The lack of detail provided in the consultation documents potentially prohibited meaningful responses to the consultation from a vast number of those affected. Indeed, one of our clients primary concerns is that she does not know how she will be affected by the proposals but given the funding cuts, is certain it will not be a positive impact.

Linked to the above, there is absolutely no information, as already stated, above, on what the impact of these changes will have on the quality and the extent of provision available for children given the significant cuts. It is simply not sufficient to say that these changes will be mapped by headteachers as was suggested in the executive meeting itself. It is not clear whether the £771,000 of non-statutory funding redirected from the PRU budget will be allocated in such a way that it may not be spent on children who are permanently excluded or at risk of permanent exclusion. The amount of transitional funding is not quantified in any way. This is a significant challenge and information should have been clear to enable interested individuals the opportunity to engage with the proposals.

...

Despite the lack of clarity around the proposals, a number of individuals did raise concerns over the proposals. Indeed, some of the concerns raised surrounded the lack of clarity in the proposals and the lack of alternatives. Despite this, the Council have not indicated that they have considered these concerns nor sought to deal with them in any way. There has been some minor amendments to the timescales for the introduction of such changes but the rationale for such minor changes is not understood.

..

**Across the country legal action over matters such as this has proven successful in the vast majority of cases. What is the response of council officers to this legal action?**

Response to Public Question 3 (Page 10660 of the Minute Book)

In response to Natalie Astwood's question, County Councillor Patrick Mulligan said:

We have received the Letter Before Action correspondence from Simpson Millar and will respond in accordance with the required timescales and therefore will not enter into discussions with reference to the content of this letter in this meeting.

However, I do think I need to give a clear message to reassure parents and carers.

I am sure that you and other parents with children who have experienced a permanent exclusion will recognise the negative impact of such in terms of rejection from the school community, disruption in learning and the potential of reduced educational outcomes.

We are determined to provide greater opportunities for schools to help them meet the needs of young people struggling with the traditional mainstream curriculum and putting themselves at risk of permanent exclusion. This means changing the current model of AP to enable this to happen and to still provide high levels of pastoral support, access to small groups and unconditional regard for children.

For clarity, we are not going to create a model where children have to reintegrate and survive in mainstream or virtual schooling. We need schools to be able to personalise learning for children at the earliest stage of young people disengaging. Schools are clearly telling us that they cannot access AP from the PRS when needed and therefore there is a perverse incentive to permanently exclude.

– why should they have to be permanently excluded before this can happen? I am sure that is not what parents would want.

We intend to continue our discussions with schools to reduce permanent exclusion and to jointly hold responsibility for the education of young people that would benefit from a personalised approach to learning.

Public Question 4 - Karen Carberry, Organiser with the National Education Union (Page 10662 in the Minute Book)

Under section 436A of the Education Act 1996 each local authority has a statutory obligation to (amongst other things) have robust policies and procedures in place to enable them to meet their duty in relation to children missing from education. This includes ensuring that there are effective tracking and enquiry systems in place, a named person to who agencies can make referral and a process through which these agencies can share information. The statutory guidance states that prompt action and early intervention are crucial to discharging this duty effectively and in ensuring that children are safe and receiving a suitable education. As it stands today, there is no infrastructure in mainstream school to deal with pupils that are not able to cope with a mainstream education. Early Intervention to prevent permanent exclusion is an admirable goal but it cannot be achieved by ploughing ahead with the proposed cut to funding for the PRS schools.

Pressing ahead now, before we are ready may result in achieving the desired reduction in the number of permanent exclusions in this county. The numbers will reduce as mainstream schools will have no other choice but to off-roll their students. It solves one problem, but it will, without any doubt create a far greater one. A hidden one.

In April 2019, the current alternatives to mainstream in this county will reduce the number of places available – this is in line with the reduction in their budgets. Budget surplus that council officers have alluded to has all but dried up and the PRS will no longer be a sustainable resource. Local Education Partnerships have not been established, Alternative Providers promised to us have not been found. Early Intervention infrastructure does not yet exist. What will be the result?

Vulnerable children will be missing from education: Those who lack vital literacy skills will be held back at every stage of their life:

- They are locked out of the job market,
- unable to support their own child's learning
- are more likely to have physical and mental health issues
- are more likely have lower-paid jobs or be unemployed
- be victims of crime or live in poor quality housing.

The cost to our society and the local authority will be much more in the long run.

Children will be wandering the streets because there will be nowhere else for them to go - making them vulnerable to predators. It is evidenced that in successfully prosecuted Child Sexual Exploitation cases, such as the Rochdale Abuse case - absence from education has been a significant factor. Schools have an explicit duty under Section 175 of the Education Act 2002 to safeguard children and promote their wellbeing. If children are absent from school how can the school and the local authority, who is ultimately responsible - carry out this statutory duty?

Response to Public Question 4 (Page 10664 of the Minute Book)

In response to Karen Carberry's question, County Councillor Patrick Mulligan said:

Firstly the local authority is fully aware of its duties to safeguard children and young people and meet the requirements of the Education Act 1996. In its recent Ofsted inspection the local authority gained outstanding status, the only LA in the country to be recognised as outstanding in all areas.

I am not in agreement with your view that mainstream schools do not have infrastructures that enable them to cope with children who are unable to access a mainstream curriculum or that they will have 'no choice' but to off roll.

Firstly, I think some secondary schools in the county that will challenge your view especially when we have many schools with low, if any exclusions. Risedale College, Ryedale School, Settle College, Ripon Grammar School, St. Augustine's RC School, St. Francis Xavier School and St. Aidan's C of E School did not permanently exclude in 2017/18 and are yet to do so in 2018/19. This is not because they have a less demanding cohort of young people but because of determined efforts by leaders to keep young people on roll and to provide personalised learning opportunities that meet the needs of the young people. On the whole, NY secondary schools are inclusive. Based on the current rate of exclusion so far in 2018/19 we would expect the total number of pupils permanently excluded to be approximately 86, a reduction of 17% on the previous year.

Secondly, all schools have a choice in terms of the practice of 'off rolling' as you describe and also have a duty to consider the impact of their actions on safeguarding children. This is not a sole responsibility for the local authority but for all stakeholders working with children as specified in statutory guidance Working Together to Safeguard Children 2018. I would suggest that inclusive school leaders in North Yorkshire would strongly challenge your assumption that they would resort to this practice en masse.

We recognise the impact of children missing 'from' or 'out of education'. We understand that actions taken to off roll, encourage elective home education, part timetables increase the vulnerability of young people. This is exactly why we want to develop a model of AP that allows schools to keep young people on roll, remain accountable for their attendance and outcomes and ensure they receive the support they require to achieve.



The current model whereby AP is mainly accessed as a result of permanent exclusion does the opposite and enables school to relinquish responsibility for children once they have been removed from roll. Some children in PRS are not accessing full time education, have low attendance and do not achieve expected outcomes. Maintaining the status quo is not acceptable if we want the best for our children.

Public Question 5 – John Warren, Principal of the Grove Delta Academy (Page 10666 in the Minute Book)

I am John Warren, Principal of the Grove Delta Academy, which is the Harrogate Pupil Referral Unit. I wish to make a statement in support of the amendment to delay the proposed cuts to an outstanding and award-winning Pupil Referral Service. I will focus my comments on the Harrogate area.

The Grove is currently meeting the needs of more young people than ever before, despite five years of responsibly reducing costs and staffing. Whilst we fully understand the pressures on North Yorkshire's High Needs budget, we have consistently maintained that the budget cut proposals will make the Grove financially unviable from September 2019. It is no idle warning that we could close.

The Grove is fiscally responsible. Our CEO Paul Tarn has spoken to Stuart Carlton and invited LA officers to examine the accounts of the school and detailed case studies so that they can understand the realities of the costs involved in providing placements for challenging young people.

I have already explored several scenarios with my Finance Manager to find way we could deal with an overall cut of two-thirds by 2020 whilst at the same time trying to meet an increased commissioning demand for our services. So far, none of the scenarios are financially feasible or allow us to maintain the outstanding quality of our service or enable us to provide adequate safeguarding for staff and students.

I am asking for a delay of at least a year to the budget cuts. Everyone supports the vision of less exclusion and more inclusive practice in mainstream schools. But that culture is not going to be achieved overnight. It is also naïve to think that mainstream schools can meet the needs of all young people. The Grove has always been innovative and we have been proactive in talking to local heads and community leaders for a way forward. We have ambitious plans for developing the service we offer which has widespread support in our locality. Richard Sheriff, CEO of Red Kite and Paul Tarn, CEO of Delta have met along with other local headteachers and there is broad consensus that we could work together collaboratively to find a local community solution. But that takes time and resources.

We could have an innovative provision similar to that of the Danesgate Community in York. A centre where a range of special educational needs are met. A place where local schools can be confident that the pupils receive an excellent quality education and vocational opportunities. A nurturing place where therapeutic services and trained SEMH professionals can rapidly identify pupils needs and quickly move them on to the most appropriate pathway.

If the cuts go ahead my fear is that these plans to support vulnerable young people will be unrealised and North Yorkshire will have lost an historic opportunity to develop an outstanding model of truly collaborative alternative provision in Harrogate. Moreover, there is a very high risk that it will lose an experienced staff team. There have already been resignations across the PRS. It takes many years to build highly effective staff teams who have the resilience and skill to deal with challenging behaviour and needs, and still provide outstanding care and education. People are ultimately the greatest asset.

One of our frustrations over the past few months is that we feel the LA has not really engaged with the concerns of the PRS. It has tended to assert rather than discuss its position. My question to the council is: will you agree to delay the cut so we can all sit down, in a genuinely collaborative way, to work together with the PRS and local leaders to create an outstanding new Alternative Provision in each locality?

Response to Public Question 5 (Page 10668 of the Minute Book)

In response to John Warren's question, County Councillor Gareth Dadd said:

As we have previously stated the funding to the PRS/AP provision across the county has historically been very generous. This has allowed PRS to amass significant surplus budgets from the High Needs Block. The local authority has not significantly reduced the funding for PRS despite the sustained period of austerity and an ever increasing demand on all aspects of SEND provision other than PRS/AP. The PRS/AP has largely been protected in terms of budget stability throughout and extending the allocation of discretionary funding means Grove Delta Academy budget will be reduced by 23% through to Sept 2020. This does not take into account the additional resource generated by the academy from charging local schools additionally for provision.

We are currently working up a number of AP models for discussion at meetings with secondary head teachers. These meetings have been arranged monthly to ensure future models are agreed by the end of the summer, leaving a full year for implementation.

We are pleased that you are working with Harrogate Head teachers to develop and present an option to the local authority, although this surprisingly was not mentioned at the meeting last week between your Chief Officer and the Corporate Director for CYPS. It is a particular frustration that since the launch of the consultation in October 2018, and months prior to this, the Grove Academy have not proactively engaged with the LA on these developments. Although we respect and expect difficult decisions such as these to be met with opposition, it appears the stance taken by leaders of the Grove Academy has been to focus almost all energies upon opposition with little regard for continued dialogue and partnership needed to develop future models.

Further, I understand that your Chief Officer asked that you make contact with the Local Authority over 2 weeks ago to discuss your intentions from April. I am disappointed that that has not happened. It cannot be right that you are apparently announcing your intentions to local schools but not the LA as the commissioner of school places. This needs to happen as soon as possible.

The local authority has paid due regard to the concerns raised during the consultation and decided to extend the timescale for implementation to September 2020 and slow down the reduction in discretionary funding. The adapted proposal and timeline takes into account that 70% of the current cohort within PRS are in years 10 and 11 and will transition to post 16 provisions by the time a new model is introduced in September 2020.

We understand your frustrations but equally, we are concerned that senior leaders at the Grove have not overall been proactive in working with the LA in reshaping provision so that young people do not have to be permanently excluded to access AP. In fact, controversial as it may sound, we are disappointed that you have informed schools that you will be sending young people back to school from April prior to the finalisation of the 2019/20 service level agreement. This serves no purpose but to further raise the anxieties of schools, children and families which seems at odds with the Grove Academy's aims of working in the best interest of these key stakeholders.

It is important that the Grove Academy sits with officers from the Local Authority to discuss future intentions and plans immediately.

You also may like to consider, during this proposed transitional phase, discussing the matter with your Chief Executive who is quoted to be on a salary of £190,000-£200,000 per year. The prospect of the Academy trusts assisting with some transitional funding from the reserves your Trust holds reported to be circa £9million. Your Trust is funded solely from dedicated schools grant, public money, we are effectively cross subsidising that internally as a local authority. This is the real scandal. You may also whilst I am on to counsel supporters in your group proposing these plans to be a little more wary with some of the inflammatory and in my view disgraceful statements and assertions made from the media. We have only this morning heard a flavour of those outrageous statements on Radio York. Our position and policy has been developed with a strong unequivocal support and advice of our professional officers.

In conclusion, we have taken our responsibilities moral and legal very seriously and can assure you we will fulfil the said responsibilities and duties with the proposals we have, not only because we have to but because we feel passionately it is right financially but more importantly for the welfare and outcomes for present and future young people in need of that support.

## **72. Report of the Executive**

### **Budget 2019/20 and the Medium Term Financial Strategy (MTFS)**

The recommendation at paragraph 1 of the report (page 10672 to 10674 of the Minute Book) regarding the Mid Term Financial Strategy for 2019/20 to 2021/22, the Revenue Budget for 2019/20 and Council Tax for 2019/20 was moved and seconded.

An amendment was proposed by Cllr Liz Colling and seconded by Cllr Steph Duckett.

We accept that our schools should not be excluding so many children and that resources to tackle this problem will have a longer term benefit for more students than continuing with the funding of the PRS at the current rate. However we are concerned that the scale of the cuts and the short timescale does not give the Pupil Referral Units (PRUs) the time or resources to adapt to change.

We believe the solution is to go ahead with the planned reduction of 50% in discretionary funding to the PRUs from April 2019 but we propose that we use £1.0m (just a fraction under the net savings estimated in 2019/20 alone) for the Children & Young People's Service to support those PRUs who wish to work collaboratively with us towards an improved system. This will then help to ensure that by September 2020 our PRUs are in the best possible position prior to the loss of all discretionary funding and the full introduction of alternative provision.

#### **Financial Consequences**

This proposal would require a further £1,000k of Reserves (Strategic Capacity Unallocated) in 2019/20 alone.

The change would impact upon the following Recommendations (pp85 – 87 of Executive 29 January 2019) as put forward by the Executive:-

12.1 d) – need to reflect £1,000k increase in use of Reserves in 2019/20.

12.1 I) – Appendix A (pp97 of Executive 29 January 2019) to replace the values in CYPS 7 and increase CYPS budget in each of the years by the corresponding reduction in savings as follows:-

	2019/20	2020/21	2021/22	Total
	£000	£000	£0000	£000
Current values	1,009	241	305	1,555
Replaced by	9	1,241	305	1,555
Increase to CYPS Budget	1,000	-1,000	0	0
<i>Use of Reserves</i>	1,000	0	0	1,000

There would be no impact upon the council tax requirement and subsequent precept notice to the District Councils.

Assuming that the savings were implemented as set, there would be no impact on the recurring budget deficit over the life of the MTFs.

**A named vote was taken on the amendment and the motion was declared defeated with 49 against, 13 for and 3 abstentions. Votes were recorded as follows:**

**For the motion:** County Councillors John Blackie, Philip Broadbank, Liz Colling, Stephanie Duckett, David Goode, Helen Grant, Bryn Griffiths, Don Mackay, John McCartney, Stuart Parsons, Tony Randerson, Andy Solloway, Geoff Webber.

**Against the motion:** County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Bob Baker, Derek Bastiman, David Blades, Michael Chambers MBE, David Chance, Jim Clark, Richard Cooper, Gareth Dadd, Caroline Dickinson, Keane Duncan, John Ennis, Caroline Goodrick, Michael Harrison, Paul Haslam, Robert Heseltine, David Hugill, David Ireton, David Jeffels, Andrew Jenkinson, Andrew Lee, Carl Les, Stanley Lumley, Cliff Lunn, Don Mackenzie, John Mann, Stuart Martin MBE, Zoe Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Caroline Patmore, Chris Pearson, Clive Pearson, Gillian Quinn, Janet Sanderson, Karin Sedgwick, Peter Sowray, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, John Weighell OBE, Richard Welch, Greg White, Annabel Wilkinson, and Robert Windass.

**Abstentions:** County Councillors Lindsay Burr MBE, Janet Jefferson, and Mike Jordan.

County Councillor Eric Broadbent left the Council Chamber and did not participate in the vote.

An amendment was proposed by Cllr Geoff Webber and seconded by Cllr Bryn Griffiths.

We recognise that the County Council is facing an ever increasing rise in the number of children with EHCPs and that there is simply too little funding from government to deal with this demand. We also support the Council's drive to reduce exclusions and to work with those at risk of exclusion by looking at different approaches with schools in localities. However, we are concerned with the pace with which the Council is looking to introduce the changes to the services from the Pupil Referral Service (PRS). We believe that a 50% reduction in

discretionary funding may be appropriate but to introduce this in April 2019 (just over 5 weeks away) is unfair and impractical.

We therefore propose that the discretionary funding for PRS remains at the current level until April 2020 at which point it reduces by 50%. The remaining 50% is then removed with effect from April 2021 rather than September 2020 as proposed in the Budget / MTFs report. This delay will provide the PRS with valuable time in which plans can be made in conjunction with the individual PRSs to ensure continuity to those who are most vulnerable whilst making changes to the service.

We know that this will involve additional resources being put into the revenue budget in order to delay this transition but the Council did receive an additional £1.6m of Rural Services Grant in the Local Government Finance Settlement for 2019/20 and £1.2m of additional SEND grant from the Department for Education in both 2018/19 and then again in 2019/20 – neither had been expected so present opportunities to taper the proposed savings for the PRS. This windfall totals £4,000k and is in excess of the delayed savings that total £2,112k so it can surely be afforded.

#### Financial Consequences

If the first tranche of the discretionary element of the savings proposal was delayed for 12 months and the second tranche delayed by 6 months then it would require a further £2,112k of Reserves (Strategic Capacity Unallocated).

The change would impact upon the following Recommendations (pp85 – 87 of Executive 29 January 2019) as put forward by the Executive:-

12.1 d) – need to reflect £2,112k increase in use of Reserves as set out in the Table below.

12.1 I) – Appendix A (pp97 of Executive 29 January 2019) to replace the values in CYPS 7 and increase CYPS budget in each of the years by the corresponding reduction in savings as follows:-

	2019/20	2020/21	2021/22	Total
	£000	£000	£0000	£000
Current values	1,009	241	305	1,555
Replaced by	-324	795	1,084	1,555
Increase to CYPS Budget	1,333	-554	-779	0
<i>Use of Reserves</i>	1,333	779	0	2,112

There would be no impact upon the council tax requirement and subsequent precept notice to the District Councils. Assuming that the savings was implemented as set, albeit more slowly, there would be no impact on the recurring budget deficit over the life of the MTFs.

**A named vote was taken on the amendment and the motion was declared defeated with 51 against, 12 for and 2 abstentions. Votes were recorded as follows:**

**For the motion:** County Councillors John Blackie, Philip Broadbank, Liz Colling, Stephanie Duckett, David Goode, Helen Grant, Bryn Griffiths, Mike Jordan, John McCartney, Stuart Parsons, Tony Randerson, Geoff Webber.

**Against the motion:** County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Bob Baker, Derek Bastiman, David Blades, Michael Chambers MBE, David Chance, Jim Clark, Richard Cooper, Gareth Dadd, Caroline Dickinson, Keane Duncan, John Ennis, Caroline Goodrick, Michael Harrison, Paul Haslam, Robert Heseltine, David Hugill, David Ireton, David Jeffels, Andrew Jenkinson, Andrew Lee, Carl Les, Stanley Lumley, Cliff Lunn, Don Mackay, Don Mackenzie, John Mann, Stuart Martin MBE, Zoe Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Caroline Patmore, Chris Pearson, Clive Pearson, Gillian Quinn, Janet Sanderson, Karin Sedgwick, Andy Solloway, Peter Sowray, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, John Weighell OBE, Richard Welch, Greg White, Annabel Wilkinson, and Robert Windass.

**Abstentions:** County Councillors Lindsay Burr MBE, and Janet Jefferson.

County Councillor Eric Broadbent was not present in the Council Chamber and did not participate in the vote.

**A named vote was taken on the substantive recommendations in the Executive Report on the budget and the motion was declared carried, with 51 for, 13 against and 1 abstention. Votes were recorded as follows:**

**For the motion:** County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Bob Baker, Derek Bastiman, David Blades, Michael Chambers MBE, David Chance, Jim Clark, Richard Cooper, Gareth Dadd, Caroline Dickinson, Keane Duncan, John Ennis, Caroline Goodrick, Michael Harrison, Paul Haslam, Robert Heseltine, David Hugill, David Ireton, David Jeffels, Andrew Jenkinson, Mike Jordan, Andrew Lee, Carl Les, Stanley Lumley, Cliff Lunn, Don Mackenzie, John Mann, Stuart Martin MBE, Zoe Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Caroline Patmore, Chris Pearson, Clive Pearson, Gillian Quinn, Janet Sanderson, Karin Sedgwick, Andy Solloway, Peter Sowray, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, John Weighell OBE, Richard Welch, Greg White, Annabel Wilkinson, and Robert Windass.

**Against the Motion:** County Councillors John Blackie, Philip Broadbank, Lindsay Burr MBE, Stephanie Duckett, David Goode, Helen Grant, Bryn Griffiths, Janet Jefferson, Don Mackay, John McCartney, Stuart Parsons, Tony Randerson, Geoff Webber.

**Abstention:** County Councillor Liz Colling.

County Councillor Eric Broadbent was not present in the Council Chamber and did not participate in the vote.

**Resolved -**

- (a) 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 8.17) and the risk assessment of the MTFS detailed in Section 9 be noted.

- (b) 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 2019/20 of £305,852,694 be approved and that a Council Tax precept of that sum be issued to billing authorities in North Yorkshire (Section 3.3 and Appendix C).
- (c) 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 £1,311.16 be approved (paragraph 3.3.10 and Appendix C).
- (d) A Net Revenue Budget for 2019/20, after use of reserves, of £382,018k (Section 4.0 and Appendix F) be approved, and that the financial allocations to each Directorate, net of planned savings, be as detailed in Appendix B.
- (e) In the event that the final Local Government Settlement results in a variance of less than £5m in any single year then the difference to be addressed by a transfer to / from the Strategic Capacity Unallocated Reserve in line with paragraph 3.2.8 with such changes being made to Appendix D as appropriate.
- (f) The Corporate Director – Children and Young People’s Service be authorised, in consultation with the Corporate Director, Strategic Resources and the Executive Members for Schools and Finance, to take the final decision on the allocation of the Schools Budget including High Needs (paragraph 3.4.16).
- (g) £360k be provided for Members Environmental Locality Budgets in 2019/20 in line with paragraph 3.9.2.
- (h) A further £1m be provided to fund the on-going 2020 North Yorkshire Programme and its emerging successor (Beyond 2020 Programme) in response to the need to plan for further savings proposals as set out in paragraph 3.9.3.
- (i) The Medium Term Financial Strategy for 2020/21 to 2021/22, and its caveats, as laid out in Section 3.0 and Appendix F be approved.
- (j) The Corporate Director – Business & Environmental Services be authorised, in consultation with the Executive Members for BES, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix A1 (BES 1 to 7).
- (k) The Corporate Director – Health and Adult Services be authorised, in consultation with the Executive Members for HAS, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix A1 (HAS 1 to 17).
- (l) The Corporate Director – Children and Young People’s Services be authorised, in consultation with the Executive Members for CYPS, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix A1 (CYPS 1 to 7).
- (m) The Chief Executive is authorised, in consultation with the Executive Members for Central Services, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix A1 (CS 1 to 17).

- (n) Any outcomes requiring changes following Recommendations j), 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 be considered by full County Council.
- (o) The existing policy target for the minimum level of the General Working Balance is retained at £27m in line with paragraphs 3.6.4 to 3.6.5 and Appendix E.
- (p) The pay policy statement (Appendix H) covering the period 1 April 2019 to 31 March 2020 be approved as set out in Section 6.
- (q) The recommendation of the Chief Officers Appointment and Disciplinary Sub Committee to combine current grades Director 2 and 3 into a single grade be approved as set out in Section 6 and as incorporated within Appendix H.

In addition, the Executive also:

- Noted and agreed the delegation arrangements referred to in Section 10 that authorised the Corporate Directors to implement the Budget proposals contained in the report for their respective service areas and for the Chief Executive in those areas where there were cross-Council proposals.
- Had regard to the Public Sector Equality Duty (identified in Section 7 and Appendix I) in approving the Budget proposals contained in the report.

### **Capital Plan**

**The vote was taken and on a show of hands, the motion was declared carried, with 61 for, none against and five abstentions.**

#### **Resolved:-**

- (a) Approved the updated Capital Plan, summarised at Appendix E which incorporated a number of specific refinements reported in paragraph 4 of the report.
- (b) Agreed that no action be taken at this stage to allocate any further additional capital resources (paragraph 6.4).
- (c) Agreed to Recommend to the County Council that the Q3 2018/19 Capital Plan, as summarised in Appendices A to E be adopted.

### **Treasury Management Strategy**

**The vote was taken and on a show of hands, the motion was declared carried, with 60 for, none against and six abstentions.**

#### **Resolved:-**

- (a) The Treasury Management Policy Statement as attached as Appendix A;
- (b) The Annual Treasury Management and Investment Strategy for 2019/20 as detailed in Appendix B and Prudential Indicators attached as Schedule E, in particular;
  - i. an authorised limit for external debt of £537.2m in 2019/20;



- ii. an operational boundary for external debt of £517.2m in 2019/20;
  - iii. the Prudential and Treasury Indicators for 2019/20 to 2020/21
  - iv. a limit of £40m of the total cash sums available for investment (both in house and externally managed) to be invested in Non-Specified Investments over 365 days;
  - v. a 10% cap on capital financing costs as a proportion of the annual Net Revenue Budget;
  - vi. a Minimum Revenue Provision (MRP) policy for debt repayment to be charged to Revenue in 2019/20
  - vii. 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) The Capital Strategy as attached as Appendix C.
- (d) That the Audit Committee be invited to review Appendices A, B and C and submit any proposals to the Executive for consideration at the earliest opportunity.

### 73. Council Plan

The recommendation at paragraph 2 of the report (page 10674 of the Minute Book) was moved and seconded.

**The vote was taken and on a show of hands, the motion was declared carried, with 62 for, none against and four abstentions.**

#### Resolved -

That the County Council approve the draft Council Plan and authorises the Chief Executive to make any necessary changes to the text, including reflecting decision made by the County Council on the budget, Medium Term Financial Strategy and updated performance data.

### 74. Response by the Scrutiny of Health Committee to the Notice of Motion to County Council on 14 November 2018 on the NHS Patient Transport Service and Community Hospitals

The recommendation at paragraph 3 of the report (page 10675 of the Minute Book) was moved and seconded.

County Councillor Michael Harrison put forward an amendment as follows:

That point 2 of the recommendations on page 27 include the word 'immediately' and so reads as follows "The Clinical Commissioning Groups and the Yorkshire Ambulance Service immediately consider amending the assessment criteria to explicitly include as considerations...."

This was seconded by County Councillor John Blackie.

**The vote was taken and on a show of hands, the motion was declared carried, with 66 for, none against and no abstentions.**

## Resolved -

That County Council approve the approach that has been adopted by the Scrutiny of Health Committee and the recommendations that were considered by Executive. These are detailed in full as follows:

### NHS Patient Transport Service

1. The Clinical Commissioning Groups and Yorkshire Ambulance Service to provide data on:
  - the number of appeals (successful and unsuccessful) as a percentage of the overall number of journeys
  - the financial impact of the changes to the application of the eligibility criteria
  - the number of 'Did Not Attends' for medical appointments that can be linked to the changes in the application of the eligibility criteria.
2. The Clinical Commissioning Groups and the Yorkshire Ambulance Service to immediately consider amending the assessment criteria to explicitly include as considerations:
  - the impact of rurality
  - the level of access to public transport
  - the distances that have to be travelled.
3. The Vale of York CCG and Scarborough and Ryedale CCG to consider amending their criteria so that patients undergoing Chemotherapy, Radiotherapy, Renal and Other Oncology are automatically entitled to patient transport services and do not need an assessment.
4. The appeals process to be simplified and better publicised.
5. The Council's Scrutiny of Health Committee to liaise with the Council's Care and Independence Overview and Scrutiny Committee over changes to adult social care transport charging that are currently being consulted upon.
6. Daniel Harry to draft a report that outlines the Scrutiny of Health Committee response to the Notice of Motion, based upon the discussions today, and circulate to the members of the committee for comment.
7. That an update on the impact of the changes to the way in which the eligibility criteria for the Patient Transport Service are applied is provided to the Scrutiny of Health committee meeting on 21 June 2019.

These were considered by the Executive on 29 January 2019. In addition to the above, Executive also made the following recommendations for Council to consider, that:

- All CCGs operate a consistent approach to the commissioning and operation of Patient Transport Services
- The fourth resolution should be strengthened to say 'The entire appeals policy and process should be simplified, made clearer and more transparent, and better publicised'.

## Community Hospitals

At the Scrutiny of Health Committee Mid Cycle Briefing on 1 February 2019, local NHS commissioners and providers started a discussion about what the long term vision could be for small and community hospitals.

### **75. LGPS Employer Discretions Policy**

The recommendation at paragraph 4 of the report (page 10676 of the Minute Book) was moved and seconded.

**The vote was taken and on a show of hands, the motion was declared carried, with 65 for, none against and one abstention.**

**Resolved -**

That the changes to the LGPS Employer Discretions Policy is approved.

### **76. School Admission Arrangements for the School Year 2020/21**

The recommendation at paragraph 5 of the report (page 10676 of the Minute Book) was moved and seconded.

**The vote was taken and on a show of hands, the motion was declared carried, with 66 for, none against and no abstentions.**

**Resolved -**

That County Council approve the proposed Admissions Arrangements which include:

- 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 and 2 of the report
- iii. the proposed co-ordinated admission arrangements as set out in Appendix 3 to the report;
- iv. the proposed in Year Fair Access Protocol as set out in Appendix 3a to the report; and
- v. the proposed published admission numbers (PAN's) for community and voluntary controlled schools as shown in Appendices 4 (Primary) and 5 (Secondary).

### **77. Appointments to Committees and Outside Bodies**

The recommendation at paragraph 6 of the report (page 10676 of the Minute Book) was moved and seconded.

Additional appointments were proposed by Group Secretaries, as below:

Cllr Keane Duncan to come off the Young People's Overview and Scrutiny Committee  
Cllr Richard Musgrave to go onto the Young People's Overview and Scrutiny Committee.

**The vote was taken and, on a show of hands, the motion was declared carried, with 66 for, none against and no abstentions.**

**Resolved -**

That County Councillors Caroline Goodrick, David Goode and Liz Colling are appointed to the Looked After Children Members' Group.

County Councillor Keane Duncan to come off the Young People's Overview and Scrutiny Committee and County Councillor Richard Musgrave to go onto the Young People's Overview and Scrutiny Committee.

**78. Progress with the three Notices of Motion that went to County Council on 14 November 2018**

This item provided an update to Council and so no motion was moved and no vote taken.

**79. Report and recommendations of the Members' Independent Remuneration Panel**

The recommendations at paragraph 5 at page 31 (page 11091 of the Minute Book) were moved and seconded.

**The vote was taken and, on a show of hands, the motion was declared carried, with 59 for, 6 against and 1 abstention.**

**The following County Councillors asked that their votes against the motion be recorded in the minutes: Keane Duncan and Stuart Parsons.**

**Resolved -**

That the County Council approves:

- (a) An increase of 2.6% to the Basic Allowance and all Special Responsibility Allowances.
- (b) An increase of 3 units in the Special Responsibility Allowance for the Leader of the Council.
- (c) An increase of 2 units in the Special Responsibility Allowance for the Chair of the Police, Fire and Crime Panel; an increase of 1 unit in the Special Responsibility Allowance for the Vice Chairs of the Police, Fire and Crime Panel; an increase of 0.5 units in the Special Responsibility Allowance for the Community Co-opted members of the Police, Fire and Crime Panel; and the introduction of a Special Responsibility Allowance of 1 unit for other members of the Police, Fire and Crime Panel.
- (d) That members of the Police, Fire and Crime Panel who are not County Councillors are invited to voluntarily return a proportion of their allowance if their attendance falls below a benchmark of 60%, except where there are mitigating circumstances such as illness, in line with the existing scheme for County Councillors.
- (e) That, if there are any increases in the travel and subsistence rates payable to staff, a similar increase be made to the rates in the Members' Allowances Scheme, to come into effect at the same time.

## **80. Statements by Executive Members and Chairmen of Overview and Scrutiny Committees**

County Councillor Michael Harrison, Executive Member for Health and Adult Services Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11106 to 11107), and responded to questions.

County Councillor David Chance, Executive Member for Stronger Communities Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11102 to 11104), and responded to questions.

County Councillor Caroline Dickinson, Executive Member for Public Health, Prevention and Supported Housing Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11108 to 11110).

County Councillor Andrew Lee, Executive Member for Open to Business Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11112 to 11113).

County Councillor Greg White, Executive Member for Customer Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11114 to 11116), and responded to questions.

County Councillor Gareth Dadd, Executive Member for Finance and Assets and Special Projects Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11118 to 11119).

County Councillor Janet Sanderson, Executive Member for Children's Services Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11120 to 11121).

County Councillor Patrick Mulligan, Executive Member for Education and Skills Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11122 to 11124), and responded to questions.

County Councillor Don Mackenzie, Executive Member for Access Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11126 to 11127), and responded to questions.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees having previously been circulated, and which appears in the Minute Book (pages 11128 to 11146) were noted.

County Councillor Jim Clark, Chairman of the Scrutiny of Health Committee, responded to questions.

## **81. Notice of Motion**

“This Council calls upon the Government to reconsider transitional arrangements for women born on or after 6<sup>th</sup> April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.”

County Councillor Mike Jordan proposed the motion, and this was seconded by County Councillor John McCartney.

The Chairman resolved to discuss the Notice of Motion at Council.

The Chairman noted that female County Councillors would not have to declare an interest, as their pension arrangements are not required to be registered in the Register of Members' Interests.

County Councillor John McCartney called for a named vote on the motion. This request was declined as only 17 stood in support, 3 below the required minimum of 20.

**The vote was taken and, on a show of hands, the motion was declared carried, with 33 for, 20 against and 8 abstentions.**

**The following County Councillors asked that their votes in support of the motion be recorded in the minutes: Lindsay Burr MBE, Mike Jordan, Don Mackay, John McCartney and Stuart Parsons.**

**Resolved -**

That a letter be written to the relevant Government Minister requesting that they reconsider transitional arrangements for pensions for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.

**82. Council Procedure Rule 10 Questions**

There were no Council Procedure Rule 10 questions.

The meeting closed at 1:45pm

**County Council Meeting****Wednesday 15 May 2019****Leader's Statement****A64**

Our continuing priorities for road improvements have a common theme – improving east west connectivity. The A66 has only a little mileage left to be dualled, Kex Gill needs a bypass, and the A64 has been the subject of improvement considerations since 1913! There is speculation that Highways England are not committed to the next round of improvements from the Hopgrove roundabout to the Jinnah restaurant, because additional bridge work makes the project more expensive. This is not acceptable. We will work with our MP's, our District and Borough colleagues, and the A64 Action Group to make the strongest possible case to the Department for Transport that the A64 is a special case because of its strategic role in supporting the economy of the Coast.

**Welcome to Yorkshire**

2 independent enquiries have now been commissioned by the Board, (of which I, Richard Cooper (Harrogate) and Steve Parnaby (East Riding) are members) - one into the management style and the other into expenses claimed by the former Chief Executive and other senior personnel. The findings and recommendations will be made public. An interim Chair has been appointed with wide hospitality industry experience. A new Chief Executive will be recruited.

Some Councils have decided to withhold their subscriptions to W2Y. I think this is a mistake. Whatever is found to be wrong will be put right, but nobody can doubt the enormous success that W2Y has had in increasing the visitor economy from £4 bn 10 years ago to £9bn today. This success needs to continue, and we need to support the team of over 40 staff who deliver not just a world class cycle event annually, but many other major and also very local events that have transformed public perceptions that Yorkshire, especially North Yorkshire, is a great place to visit.

**House of Lords report into Rural Affairs**

We now have confirmation and endorsement from a Lords Select Committee about something we have been saying all along – that rural areas have lost out in the funding stakes through the actions or inactions of all governments, whatever colour. We have made representation on this and we expect that the Fairer Funding Review and subsequent spending reviews will start to address this imbalance.

**Social care**

Similarly, we expect that when the Brexit impasse is sorted, and the bandwidth of Parliamentary time can address other issues, that Government can address the funding position for adult social care. It's a good problem to have, more people living longer, and I'm told that there is cross party consensus in Westminster to address the problem. It is not acceptable that consideration of a subject that will shortly consume 50% of our budget continues to be delayed. We have responded as part of the County Council Network and the LGA. Now we need government to react to suggestions and come up with a national solution.

## **Climate Change**

I'm not convinced that children should have taken a day out of school to protest – their school days are limited enough in number. However nobody could fail to be impressed by the arguments put forward by 16 year old Greta Thunberg from Sweden, and the passion with which our young people want the issue addressed. Some authorities have already addressed Climate Emergency motions. I have invited Scrutiny chairs to consider their areas of activity in the Council, and for the Executive and Management Board to examine our present activities, and those we influence, and to consider the Council's approach to future policies to address this issue.

Carl Les

3<sup>rd</sup> May, 2019



**North Yorkshire County Council**  
**15 May 2019**  
**The Report of the Executive**

**1.0 Purpose of the Report**

- 1.1 To provide County Council with details of reports received, decisions made and recommendations to County Council by the Executive.

**2.0 Details of meetings**

- 2.1 The following sections provide details of the meetings of the Executive that were held on 19 February 2019, 26 March 2019, 16 April 2019 and 30 April 2019. The meeting that had been scheduled for 12 March 2019 was cancelled.

**2.2 19 February 2019 Executive meeting**

The Executive met on Tuesday 19 February 2019. County Councillor Carl Les in the Chair. County Councillors Gareth Dadd, Andrew Lee, Don Mackenzie, Michael Harrison, Caroline Dickinson, Greg White, David Chance, Janet Sanderson and Patrick Mulligan were in attendance.

Also in attendance: County Councillors John Clark, John Ennis and Janet Jefferson.

Substantive agenda items were:

- Quarterly Performance and Budget Monitoring Report
- Appointments to Committees and Other Bodies.

The link to the reports and minutes from this meeting is as follows:

<http://democracy.northyorks.gov.uk/committees.aspx?commid=18&meetid=3786>

**2.3 26 March 2019 Executive meeting**

The Executive met on Tuesday 26 March 2019. County Councillor Carl Les in the Chair. County Councillors Gareth Dadd, Andrew Lee, Don Mackenzie, Caroline Dickinson, Greg White, David Chance and Janet Sanderson were in attendance.

Apologies: County Councillors Patrick Mulligan and Michael Harrison.

Also in attendance: County Councillors Derek Bastiman, Paul Haslam and David Jeffels.

Substantive agenda items were:

- Adoption of new Howardian Hills AONB Management Plan 2019-2024
- Extension of Temporary Vehicle Activated Sign (VAS) Protocol
- Review of Cash-based, Over the Counter Banking and Post Office Services in Rural Areas of the County
- Corporate and Partnerships Overview and Scrutiny Committee response to the Notice of Motion - North Yorkshire County Council's Current Level of Compliance with the Charter against Modern Slavery
- Lowering the age range of Thornton in Craven Community Primary School to 3-11
- SEND Special Provision Capital Funding (SPCF) - LA Plan for use of Years 2

- and 3 Funding
- Redevelopment of Land forming part of Yew Tree Farm Marton cum Grafton to Brierley Homes Limited
- Funding for Harrogate Rail Improvement Scheme (PRIVATE ITEM).

The link to the reports and minutes from this meeting is as follows:

<http://democracy.northyorks.gov.uk/committees.aspx?commid=18&meetid=3788>

#### 2.4 **16 April 2019 Executive meeting**

The Executive met on Tuesday 16 April 2019. County Councillor Carl Les in the Chair. County Councillors Andrew Lee, Don Mackenzie, Michael Harrison, Caroline Dickinson, Greg White, David Chance, Janet Sanderson and Patrick Mulligan were in attendance.

Apologies: County Councillor Gareth Dadd.

Substantive agenda items were:

- Proposed Changes to the Constitution
- Proposed Changes to the Contract Procedure Rules and Key Decision Exemptions
- Proposal to Case to Maintain Arkengarthdale Church of England Primary School
- Winding-up of YNY Limited
- Scarborough Junction Improvements - Approval of LEP Funding
- Appointments to Committees and Other Bodies
- Extra Care Delivery in Skipton (Appendix C EXEMPT INFORMATION)
- Future Delivery of the Highways Service (Appendices A, B and D EXEMPT INFORMATION).

The link to the reports and minutes from this meeting is as follows:

<http://democracy.northyorks.gov.uk/committees.aspx?commid=18&meetid=3789>

#### 2.5 **30 April 2019 Executive meeting**

The Executive met on Tuesday 30 April 2019. County Councillor Carl Les in the Chair. County Councillors Gareth Dadd, Andrew Lee, Don Mackenzie, Michael Harrison, Caroline Dickinson, Greg White, David Chance, Janet Sanderson and Patrick Mulligan were in attendance.

Also in attendance: County Councillors Paul Haslam and David Ireton.

Substantive agenda items were:

- Proposals to cease to maintain Clapham Church of England Primary School - Closure Proposal
- Loan Facility for Richmondshire Building Preservation Trust
- A59 Kex Gill Diversion - Progress Update
- Strengthening Families, Protecting Children Programme (Appendix A EXEMPT INFORMATION)
- Appointments to Committees and Other Bodies.

The link to the reports and minutes from this meeting is as follows:

<http://democracy.northyorks.gov.uk/committees.aspx?commid=18&meetid=4221>

**3.0 Recommendations by Executive for approval/information at Full Council**

The following recommendations were made by Executive at the above meetings for approval and/or information at Full Council:

**3.1 Response by the Corporate and Partnerships Overview and Scrutiny Committee to the Notice of Motion to County Council on 14 November 2018 on North Yorkshire County Council's current level of compliance with the Charter against Modern Slavery.**

This item was considered at Executive on 26 March 2019. A full report on this has been included in the Council papers under agenda item 10, as it is the response to the Notice of Motion previously raised at County Council.

**3.2 Appointments to Committee and Other Bodies.**

The following appointments are to be noted by County Council.

This item was considered at Executive on 19 February 2019. That Andrew Pippin, Yorkshire Ambulance Service Sector Commander for North and East Yorkshire as the representative of the emergency services on the North Yorkshire Health and Wellbeing Board and Lesley Butterworth, Yorkshire Ambulance Service Group Station Manager as his substitute.

This item was considered at Executive on 16 April 2019. That County Councillor Gillian Quinn is appointed to the Airedale Hospital Trust's Governing Body.

**3.3 Proposed Changes to the Constitution**

This item was considered at Executive on 16 April 2019 where Executive was asked to make recommendations to the County Council as follows:

**The Executive RECOMMENDS:**

That:

- i) The proposed approach to the level of recording of executive and non-executive decisions by officers, and the proposed amendments to the Access to Information Procedure Rules set out in Appendices 1 and 2 of the report, be recommended to full Council for approval and if agreed, reviewed after two years' implementation.
- ii) The proposed changes to the Constitution set out in Appendix 3 be recommended to full Council for approval.

A copy of the report that went to Executive is in Appendix A.

**3.4 Proposed Changes to the Contract Procedure Rules and Key Decision Exemptions**

This item was considered at Executive on 16 April 2019 where Executive was asked to make recommendations to the County Council as follows:

**The Executive RECOMMENDS:**

That the recommendations and changes to the Contract Procedure Rules and Key Decision exemptions set out in the Audit Committee report be recommended to the County Council for approval.

A copy of the report that went to Executive is in Appendix B.

3.5 Pension Board Membership

This item was considered at Executive on 30 April 2019 when Executive was asked to make recommendations to the County Council as follows:

**The Executive RECOMMENDS:**

That the Independent Chair, and Members appointed to the Pension Board in July 2015, be given a temporary continuation to their terms of office, until January 2020.

CARL LES  
Chairman  
County Hall  
Northallerton

7 May 2019

# APPENDIX A TO EXECUTIVE REPORT TO COUNTY COUNCIL

## North Yorkshire County Council

### EXECUTIVE

16 April 2019

#### Proposed Changes to the Constitution for recommendation to County Council

##### Report of the Assistant Chief Executive (Legal and Democratic Services)

#### 1.0 PURPOSE OF REPORT

- 1.1 To present to Members, for their consideration for recommendation to full Council for approval, proposed changes to the Constitution.

#### 2.0 BACKGROUND

- 2.1 The Constitution is maintained by the Monitoring Officer and kept under review on an ongoing basis. This report sets out amendments required to the Constitution to keep it up to date.

#### 3.0 AMENDMENTS TO THE CONSTITUTION

- 3.1 The more substantive items for consideration are the subject of separate sections in this report and **Appendices 1 to 2**.
- 3.2 Other proposed miscellaneous changes to the Constitution are set out in the table of proposed amendments set out at **Appendix 3**.

#### 4.0 ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 The Access to Information Procedure Rules include provisions around the taking and recording of executive decisions by officers and individual Executive Members and certain types of non-executive decisions by officers. All such decisions by those individuals must be the subject of a decision record. It has been suggested that guidance should be included in the Rules to clarify a de minimis threshold above which such decisions should be the subject of a decision record, to avoid an unnecessary bureaucratic burden in producing decision records for almost all decisions.

##### Executive decisions

- 4.2 Regarding individual officer decisions, previously only *key* executive decisions by officers needed to be recorded and published however under current law all individual executive decisions (key or otherwise) by officers need to be recorded by way of a decision record (which then needs to be available for public inspection and published on the website for six years) as soon as reasonably practicable after the decision is taken. Some executive decisions can be relatively minor/routine in nature or indeed purely administrative, however there is no stated de minimis threshold in the legislation.

- 4.3 At the time the legislative framework was expanded to cover all executive decisions by officers (with the aim of furthering openness and transparency in decision making), it was recognised nationally that this could potentially lead to almost all decisions being caught by the recording regime, presenting a significant logistical challenge and bureaucratic burden on authorities.
- 4.4 Whether authorities can differentiate between executive decisions (other than key decisions) will depend on whether the decision in question is being made in connection with the discharge of an executive function and whether it is closely connected to (in which case record the decision) or remotely connected to the function. Purely administrative decisions in connection with the discharge of an executive function are unlikely to be caught by the recording requirement as they are only very remotely connected. However, some decisions may be fairly routine but are closely connected to the executive function, in which case they would need to be recorded even if this brings about a disproportionate burden. To do otherwise would require a change in the law. Executive decisions by individual officers which are closely connected to the discharge of the executive function need to be recorded and published.
- 4.5 DCLG issued guidance on the issue which is published online:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/343182/140812\\_Openness\\_Guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf)

The extracts relevant to officer executive decisions are:

***Are all decisions made by councils' officers to be so recorded?***

*No. The requirement to record decisions extends only to "executive decisions". Executive decisions can sometimes be defined in your council's rules. Decisions which are taken by officers under specific delegations from a meeting of their council's executive are clearly executive decisions. However, many administrative and operational decisions officers take on how they go about their day to day work will be delegated within the council's rules and are not in this "executive decisions" category; as such they do not need to be recorded.*

*The decisions that should be not recorded might include the following examples:*

- *Decisions to allocate social carers to particular individuals, or for example, to provide walking aids;*
- *decisions to allocate a social housing unit to an applicant or to send someone to carry out repairs;*
- *decisions to review the benefit claims of an individual applicant and*
- *decisions to allocate market stalls to individual traders.*

*Where officers have been empowered to act on behalf of their council's executive, examples of decisions that should be recorded could include:*

- *Decisions about awarding contracts above specified individual or total values;*
- *decisions to exercise powers of Compulsory Purchase;*

- *decisions on disposal of and/ or provision of allotment land and green spaces;*
- *awarding of Discretionary Rate Relief*
- *the opening hours of local libraries; and*
- *the holding of car boot sales/markets on council-owned land.*

*This is not intended to be an exhaustive list, rather a series of examples to illustrate that, in the interests of maximum transparency, these Regulations require more than just key decisions to be recorded.*

*Ultimately it is for local decision makers to decide what information should be recorded on the basis of the national rules.*

- 4.6 Executive functions are executive functions however they are delegated (whether specifically at a meeting or generally via the Delegation Scheme). All functions not prescribed in law to be non-executive functions are, by default, executive functions. The guidance indicates that the recording requirements should catch significant other executive decisions falling short of a key decision, and those specifically delegated by the Executive, but not those decisions which fall within general delegated powers within which officers operate on a day to day basis and which form the substance of their operational work. But this is not what the legislation actually says: the law requires the recording and publishing of all executive decisions by officers.

#### **Non-executive functions**

- 4.7 The Openness of Local Government Bodies Regulations introduced in 2014, regarding the recording of non-executive decisions by officers, specifically require the publication of a decision record for a non-executive decision by an officer where it has been delegated to an officer either:
- (i) under a specific express authorisation; or
  - (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to:
    - grant a permission or licence (although that requirement is satisfied where a written record containing the prescribed details is already required to be produced under other legislation);
    - affect the rights of an individual; or
    - award a contract or incur expenditure which, in either case, materially
    - affects that relevant local government body's financial position.

- 4.8 Extracts from the Guidance for these Regulations:

#### ***Can I see all decisions made by my council or local government body's officers?***

*No. The requirement to record applies to all decisions taken by officers whilst acting under a specific express authorisation and to only three categories of decision taken whilst acting under a general authorisation. These categories cover decisions to “grant a permission or licence”; that “affect the rights of an individual” (i.e. to change an individual's legal rights); or to “award a contract*

*or incur expenditure which, in either case, materially affects xx that relevant local government body's financial position".*

*Officers take many administrative and operational decisions about how they go about their day to day work within the council's or local body's rules. These decisions will not need to be recorded.*

*You will not be able to inspect some recorded decisions if the whole or part of the records contains confidential or exempt information.*

*Examples of decisions that should be recorded could include:*

- Decisions about awarding contracts above specified individual or total values (the values will vary according to the relevant council or local government body);*
- a decision to carry out major road works;*
- determination of licencing applications, building control decisions and notices; and*
- decisions to give listed building consents.*

*Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published includes the date the decision was taken and the reasons for the decision.*

*Decisions that do not need to be recorded might include the following examples:*

- Routine administrative and organisational decisions such as giving permission to a local society to use the authority's premises;*
- decisions on operational matters such as day to day variations in services;*
- decisions to give business relief to individual traders;*
- decisions to review the benefit claims of an individual applicant; and*
- decisions taken in response to requests under the Data Protection Act 1998 or the Freedom of Information Act 2000.*

*These are a few selected examples and not an exhaustive list. It is for the council or local government body to decide what information should be recorded on the basis of the national rules.*

4.9 Regarding decisions which might affect a person's rights, the Guidance states that "These decisions do not include decisions taken pursuant to an existing framework of rights". It is therefore arguable that decisions taken within current policy would be deemed to be administrative/operational and not subject to the recording requirement.

4.10 Regarding decisions affecting the Council's financial position, the Guidance states that "...what constitutes the material threshold is a judgement that should be made by individual bodies."

#### **Proportionate application of guidance**

4.11 It is therefore for the Council to decide what level of executive and non-executive decisions by officers should be subject to the decision record requirements, taking into account the need for openness, accountability and transparency in decision making and balancing this against the need for a workable and proportionate



recording system. It is recommended that the proposed amendments to the Access to Information Procedure Rules set out in **Appendix 1** to this report by way of tracked changes represent an appropriate and proportionate approach to the application of the legislative framework.

- 4.12 The Members' Working Group on the Constitution agreed that the proposed amendments in this respect represented a proportionate way forward and requested that, if agreed, they be reviewed after two years' implementation.

### **Miscellaneous**

- 4.13 The opportunity has also been taken to suggest the following other 'housekeeping' amendments to the Access to Information Procedure Rules, including:

- (a) clarify Rule 19.1 (reports intended to be taken into account) to ensure consistency with the rest of the Constitution.
- (b) clarify Rule 19A to ensure it is clear regarding the existing rule that regarding officer decisions, it is only key decisions which can be called in.
- (c) update the Explanatory Note re the Current Rules Applying to Types of Decision in the Appendix to the Access to Information Procedure Rules as set out in **Appendix 2** to this report, to reflect the content of the current Rules (and to update the reference to Area Constituency Committees).

- 4.14 Certain proposed amendments to the exemptions from the Key Decision definition in Article 13 of the Constitution, for clarification purposes to reflect current interpretation and practice, are set out in a separate report to the Executive at its meeting.

## **5.0 OTHER PROPOSED AMENDMENTS**

- 5.1 Other proposed changes to the Constitution are set out in the table of proposed amendments set out at **Appendix 3** to this report, including:

- (a) referencing the Council's Petitions Scheme in the Constitution;
- (b) highlighting the public's right to make representations about why a proposed private meeting/part of a meeting of an executive decision making body should be held in public;
- (c) consideration of the resolution of the Audit Committee on 26 July 2018 that the term of appointment of Independent Members of the Audit Committee shall be four years from the 31st July during the year which follows a County Council election in order to provide consistency during the period for production, and subsequent approval of, the Statement of Final Accounts;
- (d) clarifying the Pension Fund Committee Terms of Reference to make it clear that it is a legal requirement for the Audit Committee to approve the Statement of Final Accounts;
- (e) to update the Constitution re:
  - i. the transfer of responsibilities following staff changes;
  - ii. including the Shareholder Committee Terms of Reference;

iii. correcting administrative type amendments eg correcting a statutory reference;

(f) to update the Schedule of Appointments to Outside Bodies;

(g) and, in Part B of the table, amendments are set out for information which have or will be undertaken by the Assistant Chief Executive (Legal and Democratic Services) under his delegated powers powers in Article 15.02(c) of the Constitution to reflect administrative changes, legal requirements and changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.

## 6.0 **FINANCIAL IMPLICATIONS**

6.1 There are no specific financial implications arising from this report.

## 7.0 **LEGAL IMPLICATIONS**

7.1 The legal implications of the proposed amendments to the Constitution are set out in the body of this report and in the Appendices.

## 8.0 **CONSULTATION**

8.1 Relevant Officers and Members have been consulted on the proposed changes set out in this report and its appendices. The papers have been considered at the Members' Working Group on the Constitution on 29 March 2019.

## 9.0 **REASONS FOR RECOMMENDATIONS**

9.1 For the reasons set out in the Amendments Chart at **Appendix 3** and in the body of this report, it is recommended that, subject to any comments Members may have, the recommendations and changes to the Constitution set out below be recommended to the County Council for approval.

## 10.0 **RECOMMENDATIONS**

10.1 That, subject to any comments Members may have, the proposed approach to the level of recording of executive and non-executive decisions by officers and the proposed amendments to the Access to Information Procedure Rules as set out in **Appendices 1 and 2** to this report be recommended to full Council for approval and that, if agreed, they be reviewed after two years' implementation.

10.2 That, subject to any comments Members may have, the proposed changes to the Constitution set out in **Appendix 3** be recommended to full Council for approval.

BARRY KHAN  
Assistant Chief Executive (Legal and Democratic Services)

County Hall  
NORTHALLERTON

4 April 2019

Background Documents:

- The Council's Constitution

## Access to Information Procedure Rules

...

### 19. EXECUTIVE DECISIONS BY INDIVIDUAL OFFICERS OR INDIVIDUAL MEMBERS OF THE EXECUTIVE

*(For the decision making powers of individual Executive members and Officers, see the Executive Members' and Officers' Delegation Schemes in Part 3).*

#### 19.1 Reports intended to be taken into account

Where:

- an individual member of the Executive receives a report which he/she intends to take into account in making any executive decision; or
- an Officer (either alone or in consultation with an Executive Member) receives a report which he/she intends to take into account in making any key decision,

then (subject to Rule 16) he/she will not make the decision until at least five clear days after receipt of that report.

#### 19.2 Provision of copies of reports to Overview and Scrutiny Committees

On the giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

#### 19.3 Record of individual decision

- (a) As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or by an Officer, (either alone or in consultation with an Executive Member) he/she will prepare a record of the decision including the date it was made, a statement of the reasons for it and any alternative options considered and rejected, a record of any conflict of interest declared by any executive member who is consulted in relation to the decision, and a note of any dispensation granted in respect of any declared conflict of interest, in the format contained in the Appendix to these Rules.

##### Guidance points:

Regarding executive decisions by Officers, those executive decisions which are purely administrative or operational in nature will not usually be subject to the decision record recording and publication requirements. The authority has agreed to categorise as administrative/operational those executive decisions which are not key decisions and which:

- are routine, day to day operational decisions under general delegations; and
- are within approved budget and policy; and

**Commented [MB1]:** To clarify and reflect the position as recorded elsewhere in the Constitution that for executive decisions by individual executive members, any report on which the decision will be based needs to be published 5 clear working days in advance of the decision being taken. The wording of 19.1 currently implies that it is only key decisions by individual executive members which would need the report to be pre-published. This is inconsistent with other constitutional provisions.

- have financial implications of £50,000 or less;

HOWEVER, each matter should be considered in light of its particular circumstances and with regard to the likely level of public interest in it.

DCLG has offered guidance on what should and should not be recorded:

...

The decisions that should be not recorded might include the following examples:

- Decisions to allocate social carers to particular individuals, or for example, to provide walking aids;
- decisions to allocate a social housing unit to an applicant or to send someone to carry out repairs;
- decisions to review the benefit claims of an individual applicant and
- decisions to allocate market stalls to individual traders.

Where officers have been empowered to act on behalf of their council's executive, examples of decisions that should be recorded could include:

- Decisions about awarding contracts above specified individual or total values;
- decisions to exercise powers of Compulsory Purchase;
- decisions on disposal of and/ or provision of allotment land and green spaces;
- awarding of Discretionary Rate Relief
- the opening hours of local libraries; and
- the holding of car boot sales/markets on council-owned land

- (b) Copies of the decision record will be sent electronically, as soon as possible, to:
- ♦ All Members of the Council
  - ♦ All Management Board
  - ♦ All Management Board Secretaries
  - ♦ All Senior Managers
  - ♦ All Democratic Services Officers
  - ♦ All Corporate Development Officers
  - ♦ Senior Press Officer
  - ♦ Communications Officer
- (c) The Assistant Chief Executive (Legal and Democratic Services) will be responsible for forwarding the record to all Members, and will publish the record on the Council's website on the day of receipt.
- (d) Any record containing confidential and/or exempt information, must be marked "not for publication" in the top right hand corner. Where possible, The Assistant Chief Executive (Legal and Democratic Services) will remove any confidential and/or exempt information before publishing it on the Council's website.

- (e) The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of executive decisions by individual members of the Executive and officers. This does not require the disclosure of exempt or confidential information.

## 19A IMPLEMENTATION OF EXECUTIVE DECISIONS

**19A.1** After a decision record has been produced and published (whether in the form of Minutes of a meeting or in the decision record format contained in the Appendix to these Rules), there will be a period of 5 clear working days before the decision will take effect if not called in within that time, in accordance with Overview and Scrutiny Procedure Rule 16. (NB: please note that regarding decisions by officers, only key decisions by officers are subject to the call in period).

**Commented [MB2]:** For clarity.

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**Commented [MB3]:** To allocate a paragraph number for clarity and consistency and to clarify the existing rule that regarding officer decisions, it is only key decisions which can be called in.

## 19B OTHER DECISIONS BY INDIVIDUAL OFFICERS

19B.1 An officer must produce a written record of any decision which he/she makes which falls within paragraph 19B.2.

19B.2 A decision falls within this paragraph if it would otherwise have been taken by North Yorkshire County Council, or a committee, sub-committee of the County Council (or a joint committee in which the County Council participates), but it has been delegated to an officer of the County Council either -

- (i) under a specific express authorisation; or
- (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to -
- grant a permission or licence;
  - affect the rights of an individual; or
  - award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

### Guidance points:

Regarding non-executive decisions by Officers, examples of such decisions which should normally be recorded include:

- those made in pursuance of a specific delegation made at a formal committee meeting;
- those granting planning/development control/licensing permissions;
- those awarding a contract or incurring expenditure of more than £50,000.

Regarding non-executive decisions by Officers, those decisions which are purely administrative or operational in nature will not usually be subject to the decision record recording and publication requirements. The authority has agreed to categorise as administrative/operational those non-executive decisions of the type specified in 19B.2(ii) above which:

- are routine, day to day operational decisions under general delegations; and
- are within approved budget and policy; and
- have financial implications of £50,000 or less;

HOWEVER, each matter should be considered in light of its particular circumstances and with regard to the likely level of public interest in it.

DCLG has offered guidance on what should and should not be recorded: ...

Examples of decisions that should be recorded could include:

- Decisions about awarding contracts above specified individual or total values (the values will vary according to the relevant council or local government body);
- a decision to carry out major road works;
- determination of licencing applications, building control decisions and notices; and
- decisions to give listed building consents.

Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published includes the date the decision was taken and the reasons for the decision.

Decisions that do not need to be recorded might include the following examples:

- Routine administrative and organisational decisions such as giving permission to a local society to use the authority's premises;
- decisions on operational matters such as day to day variations in services;
- decisions to give business relief to individual traders;
- decisions to review the benefit claims of an individual applicant; and
- decisions taken in response to requests under the Data Protection Act 1998 or the Freedom of Information Act 2000.

19B.3 As soon as reasonably practicable after a [recordable](#) decision at 19B.2 has been taken by an individual Officer, he/she will prepare a record of the decision including the date it was made; a statement of the reasons for it and any alternative options considered and rejected; and, where the decision falls under paragraph (i) of 19B.2, the names of any Member of the relevant local government body who has declared a conflict of interest in relation to the decision.

19B.4 The duty imposed by paragraph 19B.1 is satisfied where, in respect of a decision, a written record containing the following information is already required to be produced in accordance with any other statutory requirement -

- the date the decision was taken; and
- a record of the decision taken along with reasons for the decision.

19B.5 Where an officer makes a decision which falls within paragraph 19B.2, he/she will, as soon as reasonably practicable after the record is made -

- make the decision record, together with any background papers, available for inspection by members of the public, at all reasonable hours, at the offices of the relevant local government body; and

- forward a copy of the decision record, together with any background papers, to the Assistant Chief Executive (Legal and Democratic Services) who will publish the decision record, together with any background papers, on the website of the relevant local government body, if it has one, and email copies of the decision record, as soon as possible, to the Members and officers listed in paragraph 19.3(b) of the County Council's Access to Information Procedure Rules,

subject to the exclusion of any document or part of a document which the Proper Officer is of the opinion contains, or may contain, confidential or exempt information.



**CURRENT RULES APPLYING TO TYPES OF DECISION**

<i>Decision type</i>		<i>Taken by</i>	<i>28 clear calendar<sup>10</sup> days' publication on Forward Plan?</i>	<i>28 and 5 clear days' notices of exempt information?<sup>10</sup></i>	<i>5 clear days' notice and report?<sup>3</sup></i>	<i>Decision record?</i>	<i>Subject to call-in?</i>
<b>Executive decisions</b>	<b>Key decisions</b>	<b>Member body<sup>1</sup></b>	YES	YES <sup>9</sup>	YES	YES <sup>5</sup>	YES
		<b>Individual Executive Member</b>	YES	NO	YES	YES	YES
		<b>Individual Officer</b>	YES	NO	YES	YES	YES
	<b>Other Executive decisions</b>	<b>Member body<sup>1</sup></b>	NO	YES <sup>9</sup>	YES	YES <sup>6</sup>	YES
		<b>Individual Executive member</b>	NO	NO	YES	YES	YES
		<b>Individual Officer</b>	NO	NO	NO	YES <sup>8</sup>	NO
<b>Non-executive decisions</b>	<b>Major decisions</b>	<b>Member body<sup>2</sup></b>	YES <sup>4</sup>	NO	YES	YES <sup>6</sup>	NO
		<b>Individual Officer</b>	YES <sup>4</sup>	NO	NO	NO	NO
	<b>Other non-executive decisions</b>	<b>Member body<sup>2</sup></b>	NO	NO	YES	YES <sup>6</sup>	NO
		<b>Individual Officer</b>	NO	NO	NO	YES <sup>7</sup>	NO

Notes:

1. *Either the Executive, Committee of the Executive or an Area Committee.*
2. *The Planning and Regulatory Functions Committee, Area Constituency Committees, Standards Committee, Audit Committee, Appeals Committee (Home to School Transport), Chief Officers Appointments and Disciplinary Committee, Pension Fund Committee and the County Council.*
3. *Five clear days' notice and report – this requirement will be met in relation to member bodies by the publication of agenda papers. For Executive Members it will be met by the requirement that if there is a report which is to be taken into account in making any executive decision, it will be made available to the relevant Overview and Scrutiny Committee Chairman and Vice-Chairman and be available for public inspection. The same will apply to key decisions to be taken by officers. For the purpose of counting five clear days, only days when County Hall is open should be counted, i.e. not weekends or bank holidays.*
4. *Publication of these matters in the Forward Plan is a locally adopted practice and not a statutory obligation.*
5. *By minutes of Executive (or Committee of Executive) meeting or by decision record for Area Committees.*
6. *By way of minutes of meetings.*
7. *A decision record must be produced, published on the website, and made available for public inspection, where the decision has been made by an individual officer either -*
  - (i) *under a specific express authorisation; or*
  - (ii) *under a general authorisation to officers to take such decisions and, the effect of the decision is to -*
    - *grant a permission or licence;*
    - *affect the rights of an individual; or*
    - *award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.*

*NB: No need to publish decision record where the decision already has to be published under other legislation (provided it includes date of decision and reasons for it).*

*Where a non-executive decision by an individual Officer does not fall into one of the above descriptions, a decision record is not required.*

8. *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require the recording of **executive** decisions made by individual members or officers under delegated arrangements (this changed the previous provision that only key decisions by officers needed to be the subject of a decision record).*
9. *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require the publishing of notices of any exempt/confidential items **by executive decision making bodies** at least 28 clear calendar days and, subsequently, 5*

*clear working days' before the meeting. This does NOT apply to individual decisions by individual Executive Members or officers.*

10. *For longer publication requirements such as 28 days, this is a reference to clear calendar days. For shorter publication requirements eg 5 days, this is a reference to clear working days (see note 3 above).*

**Proposed Amendments to Constitution – 2019**

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

<b><u>PART A: ITEMS FOR DECISION</u></b>			
<b>Provision in Constitution</b>	<b>Current Wording</b>	<b>Proposed Amendment</b>	<b>Reason(s)</b>
Part 1 Summary and Explanation  Citizens' Rights	... Citizens have the right to: <ul style="list-style-type: none"> <li>◆ vote at local elections if they are registered;</li> <li>◆ contact their local Councillor about any matters of concern to them;</li> <li>◆ attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;</li> <li>◆ participate in the Council's question time and contribute to investigations by the overview and scrutiny committees</li> <li>◆ find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;</li> <li>◆ attend meetings of the Executive except when sensitive private information is being considered</li> <li>◆ see reports and background papers, and any record of decisions made by</li> </ul>	.. Citizens have the right to: <ul style="list-style-type: none"> <li>◆ vote at local elections if they are registered;</li> <li>◆ contact their local Councillor about any matters of concern to them;</li> <li>◆ attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;</li> <li>◆ participate in the Council's question time and contribute to investigations by the overview and scrutiny committees</li> <li>◆ find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;</li> <li>◆ attend meetings of the Executive except when sensitive private information is being considered</li> <li>◆ see reports and background papers, and any record of decisions made by</li> </ul>	To reference the Council's Petitions Scheme in the Constitution.

	<p>the Council and Executive;</p> <ul style="list-style-type: none"> <li>◆ comment or make suggestions in relation to the Council and the services it delivers, and complain if they feel something has gone wrong;</li> <li>◆ complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;</li> <li>◆ complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Members;</li> <li>◆ inspect the Council's accounts and make their views known to the external auditor.</li> <li>◆ petition to request a referendum on a different form of Constitution; and</li> <li>◆ obtain a copy of the Constitution;</li> </ul>	<p>the Council and Executive;</p> <ul style="list-style-type: none"> <li>◆ comment or make suggestions in relation to the Council and the services it delivers, and complain if they feel something has gone wrong;</li> <li>◆ complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;</li> <li>◆ complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Members;</li> <li>◆ inspect the Council's accounts and make their views known to the external auditor;</li> <li>◆ <a href="#">submit a petition to the Council regarding issues of concern</a>;</li> <li>◆ petition to request a referendum on a different form of Constitution; and</li> <li>◆ obtain a copy of the Constitution;</li> </ul>	
<p>Part 2</p> <p>Articles of the Constitution</p> <p>Article 3 – Citizens and the Council</p> <p>3.01 Citizens' rights</p>	<p><b>3.01 Citizens' rights</b></p> <p>Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:</p> <p>(a) <b>Voting and petitions:</b> Citizens on the electoral roll for the area have the right:</p> <p>(i) to vote at Council elections; and</p> <p>(ii) to sign a petition to request a referendum for a different form of Constitution.</p>	<p><b>3.01 Citizens' rights</b></p> <p>Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:</p> <p>(b) <b>Voting and petitions:</b> Citizens on the electoral roll for the area have the right:</p> <p>(i) to vote at Council elections;</p> <p>(ii) <a href="#">to submit a petition to the Council regarding issues of concern. Details of the Council's Petitions' Scheme are published on the Council's website; and</a></p>	<p>To reference the Council's Petitions Scheme in the Constitution.</p>

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		(iii) to sign a petition to request a referendum for a different form of Constitution.	
<p>Part 2</p> <p>Articles of the Constitution</p> <p>Article 3 – Citizens and the Council</p> <p>3.01 Citizens' rights</p>	<p>...</p> <p>(b) <b>Information:</b> Citizens have the right to:</p> <p>(i) attend meetings of the Council and its committees and of the Executive, except where confidential or exempt information (as defined in the Access to Information Procedure Rules contained in Part 4 of this Constitution) is likely to be disclosed, and the meeting is therefore held in private;</p> <p>(ii) find out from the forward plan what key decisions will be taken by the Executive and other decision takers and when. Also, subject to urgency procedures, to have at least 28 days' prior notice of a private meeting of an executive decision making body;</p> <p>(iii) see reports and background papers (except where these contain confidential or exempt information), and any records of decisions made by the Council and the Executive; and</p> <p>(iv) inspect the Council's accounts and make their views known to the external auditor.</p>	<p>...</p> <p>(b) <b>Information:</b> Citizens have the right to:</p> <p>(i) attend meetings of the Council and its committees and of the Executive, except where confidential or exempt information (as defined in the Access to Information Procedure Rules contained in Part 4 of this Constitution) is likely to be disclosed, and the meeting is therefore held in private;</p> <p>(ii) find out from the forward plan what key decisions will be taken by the Executive and other decision takers and when. Also, subject to urgency procedures, to have at least 28 days' prior notice of a private meeting of an executive decision making body;</p> <p><del>(iii)</del> see reports and background papers (except where these contain confidential or exempt information), and any records of decisions made by the Council and the Executive; <del>▼</del></p> <p>(iv) <u>make representations about why a proposed private meeting/part of a meeting of an executive decision making body should be held in public; and</u></p> <p>(iv) inspect the Council's accounts and make their views known to the external auditor.</p>	<p>To raise awareness of the public's statutory right to do this and increase openness and transparency.</p>

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<p>Part 2</p> <p>Articles of the Constitution</p> <p>Article 12 – Staff</p> <p>Article 12.06 Proper Officer Functions</p>		<p><i>Under (a) <u>Local Government Act 1972, re the entries for Schedule 29 paras 41(3) and (4):</u></i></p> <ul style="list-style-type: none"> <li>• <i>amend the post “Assistant Director Library and Community Services” to read “Assistant Director Policy, Partnerships and Communities”</i></li> </ul> <p><i>and to similarly amend all other references to the Assistant Director (Library and Community Services) throughout the Constitution.</i></p>	<p>To update the Constitution re transfer of responsibilities for these functions following the retirement of the Assistant Director (Library and Community Services).</p>
<p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 1 - Council Committees, their membership and their powers</p> <p>Membership list for the Audit Committee</p>		<p><i>Add the following note at the end of the Membership list for the Audit Committee:</i></p> <p><u>The term of appointment of Independent Members of the Audit Committee shall be four years from the 31st July during the year which follows a County Council election in order to provide consistency during the period for production, and subsequent approval of, the Statement of Final Accounts.</u></p>	<p>To comply with the resolution of the Audit Committee on 26 July 2018 that the Constitution Members’ Working Group be recommended to agree that the term of appointment of Independent Members of the Audit Committee shall be four years from the 31st July during the year which follows a County Council election in order to provide consistency during the period for production, and subsequent approval of, the Statement of Final Accounts.</p>
<p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 1 - Council Committees, their membership and their powers</p> <p>Pension Fund Committee</p>	<p>...</p> <p>1. To exercise the powers of the County Council to invest monies forming part of the Pension Fund, including:-</p> <ul style="list-style-type: none"> <li>♦ to determine and periodically review the Investment Strategy of the Fund</li> <li>♦ to appoint managers to manage and invest Fund monies on the County Council’s behalf;</li> <li>♦ to receive reports from the appointed managers, at least once every three months, setting out the action they have</li> </ul>	<p>...</p> <p>1. To exercise the powers of the County Council to invest monies forming part of the Pension Fund, including:-</p> <ul style="list-style-type: none"> <li>♦ to determine and periodically review the Investment Strategy of the Fund</li> <li>♦ to appoint managers to manage and invest Fund monies on the County Council’s behalf;</li> <li>♦ to receive reports from the appointed managers, at least once every three months, setting out the action they have</li> </ul>	<p>To clarify within the Constitution that it is a legal requirement for the Audit Committee to approve the Statement of Final Accounts (SOFA).</p> <p>Whilst this is already clear in the Audit Committee Terms of Reference, it is less so in those of the Pension Fund Committee.</p> <p>The current Terms of Reference of the Pension Fund Committee are</p>

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Delegated Powers	<p>taken under their appointment;</p> <ul style="list-style-type: none"> <li>♦ to receive reports, at least once every three months from the Investment Adviser, Investment Consultant and the Performance Measurer, regarding the investment performance of the appointed investment managers and the Fund overall;</li> <li>♦ from time to time to consider the desirability of continuing or terminating the appointments of any organisations involved in the investment of the monies of the Fund and / or advising / reporting thereon;</li> <li>♦ to approve a Statement of Final Accounts and associated governance statements for submission to the Audit Committee; and</li> <li>♦ from time to time reporting to the Executive.</li> </ul>	<p>taken under their appointment;</p> <ul style="list-style-type: none"> <li>♦ to receive reports, at least once every three months from the Investment Adviser, Investment Consultant and the Performance Measurer, regarding the investment performance of the appointed investment managers and the Fund overall;</li> <li>♦ <a href="#">to receive regular budget reports regarding the administration of the Pension Fund;</a></li> <li>♦ from time to time to consider the desirability of continuing or terminating the appointments of any organisations involved in the investment of the monies of the Fund and / or advising / reporting thereon; <a href="#">and</a></li> <li>♦ from time to time reporting to the Executive.</li> </ul>	<p>potentially misleading and therefore require amendment to provide absolute clarity re the current position.</p>
<p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 2 – The Executive</p> <p>▪ Executive Members and their Responsibilities</p> <p>The Area of Responsibility entry for the Executive Member for Access</p>	<p>...</p> <p>Access - inc highways, road and rail transport, broadband and mobile phones</p>	<p><i>The Leader to add the following to the portfolio of the Executive Member for Access and the Constitution to be consequently amended:</i></p> <p>Access - inc highways, road and rail transport, broadband and mobile phones; <a href="#">and to act as the Council's Digital Infrastructure Champion.</a></p>	<p>To comply with a letter from the Minister for Digital and the Creative Industries, and the Minister for Local Government requesting that authorities nominate a Digital Infrastructure Champion for their organisation.</p>
<p>Part 3</p> <p>Responsibility for Functions</p>	<p><b><u>4.9 To the Assistant Director (Library and Community Services)</u></b></p> <p>(a) To undertake the Council's functions in</p>	<p><b><u>4.9 To the Assistant Director (Policy, Partnerships and Communities)</u></b></p> <p>(a) To undertake the Council's functions in</p>	<p>To update the Constitution re transfer of responsibilities for these functions following the retirement of the Assistant Director (Library and Community</p>

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<p>Schedule 4 – Officers’ Delegation Scheme</p> <p><b>4.0 Specific Delegations</b></p>	<p>relation to Library, Customer and Community Services and Registration, Coroners and Archives.</p> <p>(b) To exercise the functions of the Council in relation to public libraries, the County Archives and the provision of schools library services, except for the withdrawal or modification of public facilities.</p> <p>(c) To exercise all functions of the Coroner’s Service.</p> <p>(d) To approve premises for the solemnisation of marriages and to exercise all functions of the County Council for the Registration of Births, Deaths and Marriages.</p> <p><b>NOTE: The following matters are excluded from this delegation</b></p> <p>(e) Major changes in the pattern of provision of library services, including permanent closure of libraries.</p> <p>(f) Major changes in the pattern of provision for the Registration Service or the Coroners’ Service.</p>	<p>relation to Library <u>Services</u>, and Registration, Coroners and Archives.</p> <p>(b) To exercise the functions of the Council in relation to public libraries, <u>and</u> the County Archives, <u>except for the withdrawal or modification of public facilities.</u></p> <p>(c) To exercise all functions of the Coroner’s Service.</p> <p>(d) To approve premises for the solemnisation of marriages and to exercise all functions of the County Council for the Registration of Births, Deaths and Marriages.</p> <p><b>NOTE: The following matters are excluded from this delegation</b></p> <p>(e) Major changes in the pattern of provision of library services, including permanent closure of libraries.</p> <p>(f) Major changes in the pattern of provision for the Registration Service or the Coroners’ Service.</p>	<p>Services).</p>
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<p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 5</p> <p>Appointments to Outside Bodies</p>		<p><i>Amend Schedule 5 as follows to reflect that Citizens Advice Hambleton, Richmondshire and Selby and the Ryedale Citizens Advice Bureau have merged to form Citizens Advice Mid-North Yorkshire.</i></p> <p><i>In section 1. PARTNER BODIES:</i></p> <ul style="list-style-type: none"> <li>• <i>Change the name of ‘Citizens Advice Hambleton, Richmondshire and Selby’ to ‘Citizens Advice Mid-North Yorkshire’</i></li> <li>• <i>Amend to show that there are 2 seats</i></li> <li>• <i>Amend to show that CC Les and CC Goodrick are currently serving on the body and to formalise those appointments.</i></li> </ul> <p><i>In section 2. LOCAL BODIES (appointments by Area Constituency Committees):</i></p> <ul style="list-style-type: none"> <li>• <i>Remove the entry relating to Ryedale Citizens Advice Bureau.</i></li> </ul>	<p>To reflect the appointments to the merged body and to keep the Constitution up to date.</p>
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<p>Part 4 - Rules of Procedure</p> <p>Council Procedure Rules</p> <p><b>8.0 Quorum</b></p>	<p><b>8.1 Council Meetings</b></p> <p>If during any meeting of the Council the Chairman declares that there is not a quorum present (one quarter of the whole number of Members) the meeting shall stand adjourned. (If at any time more than one third of the Members have a disclosable pecuniary interest, the quorum shall be one quarter of the Members remaining).</p> <p><b>8.2 Other Meetings</b></p> <p>The quorum of any other meeting will be one quarter of the total voting membership of the body or three voting members, whichever is the larger. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.</p>	<p><b>8.1 Council Meetings</b></p> <p>If during any meeting of the Council the Chairman declares that there is not a quorum present (one quarter of the whole number of Members) the meeting shall stand adjourned. (If at any time more than one third of the Members have a disclosable pecuniary interest, the quorum shall be one quarter of the Members remaining).</p> <p><b>8.2 Other Meetings</b></p> <p>The quorum of any other meeting will be one quarter of the total voting membership of the body or three voting members, whichever is the larger. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.</p> <p><u><a href="#">8.2.1, Regarding formal Council, Executive, Committee or Sub-Committee meetings, "present" means physical presence, in person, at the meeting (in order to be able to count towards the quorum and to vote). Electronic 'attendance' via the internet may be permissible for other informal meetings – please liaise with Legal and Democratic Services re any such queries.</a></u></p>	<p>To clarify that presence at a formal Council, Executive, Committee or Sub-Committee meeting is, by law, required to be in person in order to count towards the quorum and to enable the Member to vote.</p>
<p><b><u>PART B: ITEMS FOR INFORMATION</u></b></p>			

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Whole Constitution		<i>Amend all references to “Democratic Services Manager” to read “Scrutiny Team Leader and Democratic Services Manager”</i>	<p>To ensure that the Constitution is up to date.</p> <p>The Monitoring Officer will include the Terms of Reference in the Constitution under his delegated powers in Article 15.02(c) of the Constitution to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.</p>
Part 3 Responsibility for Functions  Schedule 2 – The Executive  Sub-Committees of the Executive  1. Shareholder Committee – membership and terms of reference		<i>Include the Shareholder Committee Terms of Reference as set out in <b>Appendix 4</b> to this report after the Committee’s membership page.</i>	<p>To ensure that the Constitution is up to date, to reflect the Terms of Reference for the Shareholder Committee which were previously agreed by the Executive.</p> <p>The Monitoring Officer will include the Terms of Reference in the Constitution under his delegated powers in Article 15.02(c) of the Constitution to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.</p>

<p>Part 3 Responsibility for Functions</p> <p>Schedule 4</p> <p>Officers' Delegation Scheme</p> <p>Introductory paragraph</p>	<p>North Yorkshire County Council has functions given to it by statute. Certain functions rest with the authority as a whole. These powers can be delegated to Officers under s101 Local Government and Housing Act 1989. Other functions, called Executive Functions rest with the Council's Executive, and can be delegated by the Executive to Officers. Within this scheme, functions delegated are marked either Executive or Council to indicate the origin of the delegation.</p>	<p>North Yorkshire County Council has functions given to it by statute. Certain functions rest with the authority as a whole. These powers can be delegated to Officers under s101 Local Government Act 1972. Other functions, called Executive Functions rest with the Council's Executive, and can be delegated by the Executive to Officers. Within this scheme, functions delegated are marked either Executive or Council to indicate the origin of the delegation.</p>	<p>To correct the statutory reference which is currently incorrect.</p> <p>The Monitoring Officer will make the correction under his delegated power to amend the Constitution set out in Article 15.02(c)(i) of the Constitution to correct administrative issues</p>	<p><del>Deleted:</del> and Housing</p> <p><del>Deleted:</del> 1989</p>
<p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 4</p> <p>Officers' Delegation Scheme</p> <p><b>4.0 <u>Specific Delegations</u></b></p> <p><b>4.1 <u>To the Chief Executive Officer</u></b></p>	<p>...</p> <p>(f) Through the County Emergency Planning Officer, to exercise the functions of the Executive for civil aid and emergency planning.</p> <p>...</p> <p>(k) To approve recommendations from external partnerships in relation to the distribution of Area Based Grant and Single Capital Pot Grant, in consultation with the relevant Executive Member.</p>	<p>...</p> <p>(f) <del>To</del> exercise the functions of the Executive for civil aid and emergency planning.</p> <p>...</p> <p>(k) To approve recommendations from external partnerships in relation to the distribution of <del>fun</del>ds overseen by those partnerships, in consultation with the relevant Executive Member.</p>	<p>To reflect that the County Emergency Planning Officer post no longer exists, <del>that Area Based Grant and Single Capital Pot Grant no longer exist</del>, and to ensure that the Constitution is up to date.</p> <p>The Monitoring Officer will make this amendment under his delegated powers in Article 15.02(c) of the Constitution to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.</p>	<p><del>Deleted:</del> Through the County Emergency Planning Officer, t</p> <p><del>Deleted:</del> Area Based Grant and Single Capital Pot Grant</p>

<p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 4</p> <p>Officers' Delegation Scheme</p> <p><b>4.0 <u>Specific Delegations</u></b></p> <p><b>4.1 <u>To the Chief Executive Officer</u></b></p>		<p><i>Insert a new sub-paragraph (n) as follows:</i></p> <p><u>(n) to act as, and exercise all functions of, the Chief Executive of NYCC and Group (Shareholder Representative) in relation to the Council's companies and shareholdings.</u></p>	<p>To ensure that the Constitution is up to date, to reflect the previous resolutions of the Executive regarding governance arrangements for the Council's companies.</p> <p>The Monitoring Officer will include the delegation in the Constitution under his delegated powers in Article 15.02(c) of the Constitution to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.</p>
<p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 4</p> <p>Officers' Delegation Scheme</p> <p><b>4.0 <u>Specific Delegations</u></b></p> <p><b>4.6 <u>To the Assistant Chief Executive (Legal and Democratic Services)</u></b></p>	<p>(d) [Not used]   Council</p>	<p>(d) [Not used]  </p>	<p>To amend the Constitution as there is no corresponding entry.</p>

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<p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 4</p> <p>Officers' Delegation Scheme</p> <p><b>4.0 Specific Delegations</b></p> <p><b>4.6 To the Assistant Chief Executive (Legal and Democratic Services)</b></p>		<p><i>The addition of the following sub-paragraph (l) to the specific delegations to the Assistant Chief Executive (Legal and Democratic Services):</i></p> <p>(l) To take all decisions in relation to the Legal and Democratic Services Alternative Business Structure company, subject to the controls given to the Council by the Shareholders' agreement, and to exercise day to day control of the Alternative Business Structure attached to the company.</p>	<p>The Monitoring Officer has previously amended the Officers' Delegation Scheme under his delegated powers in Article 15.02(c) of the Constitution to ensure the Scheme is updated to reflect delegations which have previously made to him by the Executive, and is now reporting back to full Council.</p>
<p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 4</p> <p>Officers' Delegation Scheme</p> <p><b>4.0 Specific Delegations</b></p> <p><b>4.6 To the Assistant Chief Executive (Legal and Democratic Services)</b></p>		<p><i>The addition of the following sub-paragraph (m) to the specific delegations to the Assistant Chief Executive (Legal and Democratic Services):</i></p> <p><a href="#">(m) To exercise all necessary powers to implement the Executive's resolutions regarding the governance arrangements for the Council's companies and shareholdings, including reviewing the terms of the Companies governance documents.</a></p>	<p>To ensure that the Constitution is up to date, to reflect the previous resolutions of the Executive regarding governance arrangements for the Council's companies.</p> <p>The Monitoring Officer will include the delegation in the Constitution under his delegated powers in Article 15.02(c) of the Constitution to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.</p>

<p>Part 4 – Rules of Procedure</p> <p>Council Procedure Rules</p> <p><b>19. MEMBERS' CONDUCT</b></p>	<p>...</p> <p>(c) Members must at all times observe the Members' Code of Conduct set out at Part 5 of this Constitution. Whilst observance of the Code is the individual responsibility of each Member, advice may be sought from Officers (in particular the Monitoring Officer, Chief Finance Officer, Chief Executive Officer, Assistant Chief Executive (Legal and Democratic Services) or any Director) as to the requirements of the Code.</p>	<p><i>Amend Council Procedure Rule 19 (c) as follows:</i></p> <p>(c) Members must at all times observe the Members' Code of Conduct set out at Part 5 of this Constitution. <u>If you are present at a meeting when a matter is to be considered or is being considered, in which you have a disclosable pecuniary interest, you must declare that you have an interest (if the interest is not already registered in the Register of Members' Interests) not participate in the discussion or vote and leave the meeting room (subject to the granting of a dispensation by the Standards Committee or Monitoring Officer).</u> Whilst observance of the Code is the individual responsibility of each Member, advice may be sought from Officers (in particular the Monitoring Officer, Chief Finance Officer, Chief Executive Officer, Assistant Chief Executive (Legal and Democratic Services) or any Director) as to the requirements of the Code.</p>	<p>To ensure that the Constitution prominently reflects the previous resolution of the Council on 18 July 2012 (resolution 139(f)) regarding the Council's ethical framework to include a Council Procedure Rule to this effect (provision is already included in the Constitution in paragraph 10.3 at page 350 but not in the Council Procedure Rules themselves).</p> <p>The Assistant Chief Executive (Legal and Democratic Services) will make this amendment under his delegated powers in Article 15.02(c)(iv) of the Constitution to consequentially amend the Constitution to give effect to changes explicitly approved by full Council.</p>
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<p>Part 7 – Management Structure</p>		<p><i>Amend the Structure Chart by:</i></p> <ul style="list-style-type: none"> <li>• <i>removing the post “AD Library, Customer &amp; Community Services”</i></li> <li>• <i>amending the post title “AD Policy and Partnerships” to “AD Policy, Partnerships and Communities” and changing the post grading from AD1 to AD2.</i></li> <li>• <i>to update the postholder of the Head of Communications</i></li> </ul>	<p>To ensure the Constitution is up to date.</p> <p>As this post no longer exists.</p> <p>To reflect amendments to the delegations to this post.</p> <p>To reflect change of personnel.</p> <p>The Monitoring Officer will make these amendments under his delegated powers in Article 15.02(c) of the Constitution to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.</p>
		<p><i>Certain typographical/administrative errors have been corrected in the Constitution under the Monitoring Officer’s delegated powers as set out in Article 15.02(c)(i) of the Constitution to correct administrative issues.</i></p>	<p>To ensure that the Constitution is accurate and up to date.</p>

## **DELEGATIONS OF DECISION-MAKING POWERS FOR COMPANIES**

For matters relating to a company which would require a Council decision or where approval of the Council is required within the company's governance arrangements the following distribution of powers will apply:

### **Decisions reserved to the Executive**

1. Approving steps to wind up a company.
2. Making loans in excess of (£500k) other than by way of normal trade credit.

### **Decisions which would fall within the remit of the Shareholders Committee**

3. Approving or making amendments to the strategic or business plans.
4. Monitoring the strategic and business plans
5. Acquiring shares in another company.
6. Changes to company governance eg changes to Articles, Shareholder Agreements.
7. Establishing subsidiary companies.
8. Approving disposals of assets valued over (£500k) [subject to the Company's articles of association]
9. Approving borrowing in excess of (£500k). [subject to the Company's articles of association]
10. Entering, amending or terminating any agreements which create a potential liability for the company in excess of £500k. [subject to the Company's articles of association]
11. Making changes to the nature of the company's business.
12. Matters relating to the approval of dividends requiring Council consent.
13. Reviewing the decisions of the Chief Executive of NYCC and Group (Shareholder Representative) and holding the decisions and that individual to account. Formal decisions made will be reported back to the Shareholders Committee

### **Decisions which fall within the remit of the Chief Executive of NYCC and Group (Shareholder Representative)**

14. Monitoring the strategic and business plans and approving emergency amendments.
15. Approving the appointment or dismissal of company Directors including the Chair.
16. Matters relating to the terms and conditions of company Directors.
17. Matters relating to the entering of any contracts with company Directors.
18. Matters relating to the employment of senior management team of the company.

19. Changes to share capital and admission of shareholders.
20. Making changes to the nature of the company's business.
21. Approving changes to the area in which the company works.
22. Altering the company's name or registered office.
23. Where required giving any further specific approval to a matter provided for within the approved business plan.
24. To Act on behalf of the Shareholder's Committee to monitor Performance of the Company
25. To take appropriate action and decisions as the Shareholder as directed by the Shareholders Committee
26. To take all other decisions as the Shareholder as provided for by legislation or the Company's governance documents.
27. To report back to the Shareholders Committee from time to time on formal decisions made

## North Yorkshire County Council

### EXECUTIVE

16 April 2019

#### **Proposed changes to the Contract Procedure Rules and Key Decision exemptions, for recommendation to County Council**

#### **Report of the Corporate Director – Strategic Resources**

#### **1.0 PURPOSE OF REPORT**

- 1.1 To present to Members, for their consideration for recommendation to full Council for approval, proposed changes to the Contract Procedure Rules and clarification of the Key Decision exemptions.

#### **2.0 BACKGROUND**

- 2.1 On 20 December 2018, the Audit Committee considered a review of and certain proposed changes to the Contract Procedure Rules (and consequential amendments to the Constitution), in accordance with the Committee's terms of reference, for onward recommendation to the Members' Working Group on the Constitution, the Executive and full Council for consideration.
- 2.2 The Committee also considered certain proposed amendments to the exemptions in the Key Decision definition in order to provide clarification as to how they are applied in practice.

#### **3.0 AMENDMENTS TO THE CONSTITUTION**

- 3.1 The report to Audit Committee on 20 December 2018 is attached at **Appendix 1** to this report for Members' consideration.
- 3.2 Other proposed amendments to the Constitution are the subject of a separate report to the Executive.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 Any financial implications are set out in the Appendix to this report.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 There are no significant legal implications arising out of this report.

#### **6.0 CONSULTATION**

- 6.1 Relevant Officers and Members have been consulted on the proposed changes set out in this report and its appendices. The report was also considered by the Members' Working Group on the Constitution on 29 March 2019.

7.0 **REASONS FOR RECOMMENDATIONS**

7.1 For the reasons set out in the Audit Committee report, it is recommended that, subject to any comments Members may have, the recommendations and changes to the Contract Procedure Rules and Key Decision exemptions set out in the Audit Committee report be recommended to the County Council for approval.

8.0 **RECOMMENDATIONS**

8.1 That, subject to any comments Members may have, the recommendations and changes to the Contract Procedure Rules and Key Decision exemptions set out in the Audit Committee report be recommended to the County Council for approval.

GARY FIELDING  
Corporate Director Strategic Resources

County Hall  
NORTHALLERTON

4 April 2019

Background Documents:

- The Council's Constitution

## NORTH YORKSHIRE COUNTY COUNCIL

## AUDIT COMMITTEE

20<sup>th</sup> December 2018

## REVIEW OF THE PROCUREMENT AND CONTRACT PROCEDURE RULES

## Report of the Corporate Director – Strategic Resources

**1.0 PURPOSE OF REPORT**

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

**2.0 BACKGROUND**

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

**3.0 PROPOSED FUTURE CHANGES**

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

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

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

## **4.0 KEY CHANGES**

### **Powers and Key Decisions**

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

### **OJEU Tenders**

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

### **Contract Management**

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

### **Authorisations**

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

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

### **Grants**

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

### **Quotes**

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

### **Transparency**

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

### **Small and Medium Enterprise (SMEs)**

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



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

## **5.0 RECOMMENDATIONS**

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

Gary Fielding  
Corporate Director, Strategic Resources

Author of Report –

Kevin Draisey  
Head of Procurement and Contract Management  
10 December 2018

Appendix 1CONTRACT PROCEDURE RULESSUGGESTED AMENDMENTS

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

# Procurement and Contract Procedure Rules

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

## **1 INTRODUCTION**

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

<b>ACE(LDS)</b>	means Assistant Chief Executive (Legal and Democratic Services)
<b>Best Value Form</b>	means the form to be completed to capture the rationale for not seeking bids in accordance with <b>Rule 8.3</b>
<b>CD-SR</b>	means the Corporate Director - Strategic Resources
<b>CM</b>	means the Contracts Manager
<b>Constitution</b>	means the Council's Constitution of which these Rules form part
<b>Contract</b>	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 <b>Rule 2.2</b>
<b>Contracts Finder</b>	means the web-based portal as described in the PCRs
<b>Contract Register</b>	means the register of Contracts maintained by the Council as set out in <b>Rule 17.8</b>
<b>Contract Management Practitioners Group</b>	means the Council's practitioner group responsible for improving contract management standards, chaired by the Contracts Manager
<b>Contractor</b>	means a person or entity with whom the Council has a Contract
<b>Council</b>	means North Yorkshire County Council
<b>Director</b>	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
<b>Directors Recommendation</b>	means a written record of the decision and justification to apply one of the exceptions set out in <b>Rule 16.1</b> to be signed and kept by the relevant Director

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



<b>ITT</b>	means an Invitation to Tender
<b>Key Decision</b>	means a decision made in connection with the discharge of a function which is the responsibility of the Executive set out in Article 13.03(b) of the Constitution [ <a href="http://democracy.northyorks.gov.uk/">http://democracy.northyorks.gov.uk/</a> ]
<b>Leasing Agreement</b>	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
<b>LDSO</b>	means a Legal and Democratic Services Officer
<b>MEAT</b>	means the Most Economically Advantageous Tender
<b>Member</b>	means a member of the Council or co-opted member on a Council committee
<b>Officer</b>	means a Council employee or other authorised agent
<b>OJEU</b>	means the Official Journal of the European Union
<b>OJEU Tender</b>	means the procurement process to be followed where the estimated whole life value of a Contract exceeds the relevant EU Threshold
<b>PAB</b>	means the Procurement Assurance Board, chaired by the HoP
<b>Participant</b>	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
<b>PSBO</b>	means Public Sector Buying Organisation
<b>PCR</b>	means the Public Contracts Regulations 2015
<b>Person</b>	means any individual, partnership, company, trust, other local authority, Government department or agency
<b>Procurement Manual</b>	means the manual to accompany these Rules which provides detailed guidance on procurement techniques and the effect of the Rules
<b>Procurement and Contract Management Strategy</b>	means the Council's approved Procurement and Contract Management Strategy as agreed from time to time
<b>Property Contract</b>	means a Contract which creates an estate or interest in land or buildings
<b>Responsible Officer</b>	means the Officer who is responsible for the procurement and/or management of a Contract

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

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

1.3 References in these Rules to:-

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

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

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

## **2 GENERAL**

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

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

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

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

**Table 2: Works**

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

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

**Table 3: Social & Other Specific Services**

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

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

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

### **3 COMPLIANCE WITH LEGISLATION AND STANDARDS**

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

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

#### **4 POWERS AND KEY DECISIONS**

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

#### **5 FORM OF CONTRACT**

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

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

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

(a) "If the Contractor:-

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

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

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

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

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

## **6 SIGNATURE/SEALING OF CONTRACTS**

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

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

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

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

(b) the Contract is either:-

- (i) in a nationally recognised form; or



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

## **7 BONDS AND LIQUIDATED DAMAGES**

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

## 8 QUOTES

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

## 9 BIDS

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

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

## **10 POST BID NEGOTIATION AND CLARIFICATION**

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

## **11 OJEU TENDERS**

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

### **General Requirements**

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

## **12 OPTIONS FOR OJEU TENDER**

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

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

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

### **13 RECEIPT AND OPENING OF OJEU TENDERS**

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

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

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

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

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

## **14 OJEU TENDER EVALUATION AND ACCEPTANCE**

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

## **15 CERTIFICATION OF CONTRACTS**

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

## **16 EXCEPTIONS TO PROCUREMENT AND CONTRACT PROCEDURE RULES**

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

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

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

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

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

(b) where:-

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

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

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

#### **Waivers**

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

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

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

### **17 COMPLIANCE, CONTRACT REGISTER AND FORWARD PROCUREMENT PLANS**

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

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

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

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

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



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

#### **Contracts Finder**

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

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

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

**Table 5: Gateway Process - Authorisation to Approve**

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

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

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

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

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

## 19 CONTRACT MANAGEMENT

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

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

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

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

#### **Contract Variation**

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

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

#### **Contract Termination**

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

## **20 TRAINING FOR PROCUREMENT**

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

## **21 DECLARATION OF INTERESTS**

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

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

## **22 GRANTS**

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

## **23 HIRING AND ENGAGING STAFF**

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

Appendix 3NORTH YORKSHIRE COUNTY COUNCIL CONSTITUTIONSUGGESTED AMENDMENTS

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

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

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

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



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

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

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

**NORTH YORKSHIRE COUNTY COUNCIL****15 May 2019****Response by the Corporate and Partnerships Overview and Scrutiny Committee to the Notice of Motion on North Yorkshire County Council's current level of compliance with the Charter against Modern Slavery****Purpose of the Report**

This report details the recommendation from the Corporate and Partnerships Overview and Scrutiny Committee, which was supported by Executive, to County Council regarding the response to the Notice of Motion on North Yorkshire County Council's current level of compliance with the Charter against Modern Slavery.

**Background**

A Notice of Motion was put to County Council on 14 November 2018 by County Councillor Liz Colling, seconded by County Councillor Eric Broadbent, regarding the Council's level of compliance with the Charter Against Modern Slavery. The Chairman determined that the Motion should not be debated on the day, and instead referred it to the Corporate and Partnerships Overview and Scrutiny Committee for consideration before coming back to Council.

**Corporate and Partnerships Overview and Scrutiny Committee**

The Notice of Motion was considered by the Committee and recommendations made to Executive at their meeting on 26 March 2019, which would enable full compliance with the Charter against Modern Slavery. The Executive supported these recommendations.

The Corporate and Partnerships Overview and Scrutiny Committee report that was presented to the Executive on 26 March 2019 is in Appendix 1.

**Recommendation**

That County Council agrees the recommendation in para 4.5 in the appended report that:

- i) The actions outlined in paragraph 4.2a be completed to achieve full compliance
- ii) Having achieved full compliance, the additional actions outlined in paragraph 4.2b be explored further and reported back to the Corporate and Partnerships Overview and Scrutiny Committee.

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## North Yorkshire County Council

### Executive

26 March 2019

#### Response by the Corporate & Partnerships Overview & Scrutiny Committee to the Notice of Motion to County Council on 14 November 2018 on North Yorkshire County Council's current level of compliance with the Charter against Modern Slavery

#### 1.0 Purpose of Report

- 1.1 This report provides Executive with the Corporate & Partnerships Overview & Scrutiny Committee response to the Notice of Motion, which was put to County Council on 14 November 2018 by County Councillors Liz Colling and Eric Broadbent, regarding the County Council's compliance with the Charter against Modern Slavery.
- 1.2 Executive is asked to review and recommend the response by the Corporate & Partnerships Overview & Scrutiny Committee to the County Council meeting on 15 May 2019.

#### 2.0 Motion

- 2.1 The following Motion was put to County Council on 14 November 2018 by County Councillor Liz Colling and this was seconded by County Councillor Eric Broadbent:

*'North Yorkshire County Council will:*

- *Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.*
- *Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.*
- *Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.*
- *Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.*
- *Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.*
- *Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.*
- *Review its contractual spending regularly to identify any potential issues with modern slavery.*

- *Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.*
- *Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.*
- *Report publicly on the implementation of this policy annually.'*

2.3 The Chairman determined that the Motion should not be debated on the day, and instead referred it to the Corporate and Partnerships Overview and Scrutiny Committee for consideration before coming back to Council.

### **3.0 Background to Modern Slavery Act**

3.1 In March 2015, the UK Parliament passed the Modern Slavery Act ('the Act') requiring all commercial organisations that turnover more than £36m per annum to produce an annual statement disclosing what they have done in the year to address risks to human rights in their supply chains. The Act also strengthened enforcement powers, increased punitive measures and provided more protection and support for victims. To date, 56.3% of organisations in the UK required to publish a statement have done so.

3.2 While considered relatively low risk, the UK is not immune to the effects of modern slavery. In 2014 the Home Office estimated that there were approximately 10 – 13,000 potential victims of modern slavery in the UK, however, the National Crime Agency believe this to be the tip of the iceberg and the Global Slavery Index estimate the true figure to be ten times this number. Globally, it is estimated that just over 40 million people are victims of modern slavery.

### **4.0 Response to the Motion**

4.1 The Corporate and Partnerships Overview and Scrutiny Committee were pleased to note the number of proactive steps that had already been taken:

- Voluntarily publishing a modern slavery statement on our website, demonstrating ethical leadership.
- Acting in full accordance with the Public Contract Regulations 2015 in relation to undertaking appropriate due diligence on suppliers; incorporating these principles into the Council's Constitution as the Contract Procedure Rules.
- Requiring contractors in tender and bid documentation to declare (where applicable) that they comply fully with the Act.
- Challenging abnormally low-cost tenders; seeking explanation from suppliers to justify cost and rejecting those where the evidence supplied does not satisfactorily account for the low level of cost proposed.
- Creating and then publicising its whistleblowing policy to staff.
- Reviewing contractual spend regularly and identifying those suppliers who represent the greatest risk to the organisation.
- Acknowledging our responsibility to notify the Secretary of State of suspected victims of slavery or human trafficking and to refer contractors suspected of modern slavery to the National Crime Agency.

4.2 In considering overall compliance, the Corporate and Partnerships Overview and Scrutiny Committee were made aware of a number of simple practical actions that would ensure full compliance with the Motion, and some additional measures that

would take the Council beyond the commitments laid out in the motion, as outlined below:

a) To ensure full compliance:

- The Council's Procurement and Contract Management Service to undertake the Chartered Institute of Procurement and Supply's online course: Ethical Procurement and Supply.
- Include non-compliance with the Act as a ground for contract termination in contract documentation.
- Ensure that modern slavery is a line of inquiry when challenging abnormally low tenders.
- To include a statement in bid and tender documentation highlighting to suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
- To further promote the Council's whistleblowing policy among staff, drawing particular attention to blowing the whistle on suspected examples of modern slavery, both within the organisation and among its contractors.
- To work with Legal Services, creating a new contract condition requiring tendered contractors to adopt a whistleblowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
- To include modern slavery risk, for both suppliers and spend, in annual Category Sourcing Plans.
- To include progress against the Motion in future updates of the Council's modern slavery statement.

b) Additional measures:

- Greatly increasing the number of 'meet the buyer' events. Suppliers are invited to meet representatives of the Council to facilitate shared learning, promote business, and to understand expectations, in this case regarding modern slavery. It should be noted that the Council intends to increase the number of meet the buyer events each year as part of its Procurement and Contract Management Strategy.
- Adapt existing procurement process documentation to build a cognisance of modern slavery among procurement and service area staff at the earliest possible stage when developing an opportunity for market.
- Roll out training on modern slavery to more staff, particularly those who regularly come into contact with external suppliers i.e. contract managers.

4.3 The Corporate & Partnerships Overview & Scrutiny Committee recognised the greatest risk to the council was one of reputational risk. They were therefore pleased to note that there were no areas of County Council business considered to be at high risk of slavery or human trafficking, and no evidence to date of modern slavery in the County Council's supply chain. They were pleased the Council was able to say with confidence that its contractors were compliant, but accepted it was more difficult to be fully assured of the compliance of tiers 2 & 3, i.e. subcontractors etc.

4.4 In order for the County Council to lead the way and be an exemplar Local Authority, the Corporate & Partnerships Overview & Scrutiny Committee agreed the County Council should strive to achieve all of the actions listed at paragraphs 4.2a & 4.2b

above. However they recognised there might be HR and financial implications associated with the additional measures listed at paragraph 4.2b which would require detailed examination.

4.5 With this in mind, they agreed to recommend to County Council that:

- i) The actions outlined in paragraph 4.2a be completed to achieve full compliance
- ii) Having achieved full compliance, the additional actions outlined in paragraph 4.2b be explored further and reported back to the Corporate and Partnerships Overview and Scrutiny Committee.

**5.0 Recommendation**

5.1 That the Executive:

Review and recommend the response by the Corporate and Partnerships Overview and Scrutiny Committee, to the Notice of Motion, to the County Council meeting on 15 May 2019.

Melanie Carr  
Principal Democratic Services and Scrutiny Officer  
North Yorkshire County Council  
12 March 2019



# Overview and Scrutiny Annual Report

A review of the work of overview and  
scrutiny in 2018/19 and looking ahead to  
work that will be done in 2019/20

**Cllr Jim Clark, Chairman of the NYCC Scrutiny  
Board and Daniel Harry, Democratic Services and  
Scrutiny Manager**



**2018/19**

# Overview and Scrutiny Annual Report 2018/19

## Foreword by Cllr Jim Clark - Chairman of Scrutiny Board

As Chairman of the Scrutiny Board, I am pleased to introduce the 2018/19 Overview and Scrutiny Annual Report. This report provides a summary of and insight into the work that has been done over the past year and what work will be done over the next 12 months. It also offers an opportunity to reflect on overview and scrutiny practice and ensure that the highest standards are maintained.



I reported last year that the findings of the Communities and Local Government (CLG) Committee's inquiry into whether overview and scrutiny arrangements are working effectively, and an independent inspection report into concerns of financial mismanagement at Northamptonshire County Council, gave us cause to reflect upon our own arrangements. Attention on this remains valid: the taxpaying public must have confidence that North Yorkshire County Council has the right culture, governance and processes to make robust decisions.

When I look back over the past year I believe the Members of the overview and scrutiny committees and officers supporting them have worked hard to create a culture where transparency, involvement and accountability are welcomed and where challenge is seen as a vital and positive part of improving outcomes.

The report shows the broad range of issues affecting the Council, its services and local people that have been reviewed. Whilst the bulk of this work has been planned for some time, a significant amount has, quite rightly, continued to be reactive as services in the county undergo a period of change and uncertainty. The differing approaches described demonstrate just how nimble we can be and how varied our methods are.

I am pleased that committees have been vigilant in their focus on budgetary pressures that create overspends. In so doing, the attention was, quite rightly, not just on the management action taken in response to the pressures, but on the underlying causes and demographic trends – be they local, regional or national.

We have worked hard to create the conditions to ensure collaboration on critical areas so that decision makers see the value of scrutiny. In an Executive based system of decision making, scrutiny's independence is paramount. Scrutiny has to be more than a just a useful sounding board. It has to hold the Executive to account, providing that essential check and balance. Without it, the voice of the rest of the members of the council is diminished. Committees must be active in harnessing scrutiny member's expertise *throughout the whole process*.

To finish, I would like to thank all those Members, co-opted committee members, officers and partners that have engaged in and contributed to Overview and Scrutiny over the past 12 months.

I commend the report to Council.

## **What is Overview and Scrutiny?**

The Local Government Act 2000 first introduced the requirement for every local authority to include provision for at least one overview and scrutiny committee.

The overview and scrutiny function is a key element of the County Council's governance arrangements and decision making process.

Although not a decision-making body, overview and scrutiny is at its most effective when it grasps the potential to influence and inform decisions made by both the Council and partner bodies affecting the County.

## **What does it aim to do?**

Scrutiny aims to contribute to the Council's corporate outcomes in many ways, including:

- Enabling Councillors to become directly involved in the development of: policy and strategy; consultation and public engagement planning; and the performance management of the Council.
- Keeping Councillors and the public informed of key issues, priorities and initiatives.
- Enabling direct engagement with the people of North Yorkshire.
- Acting as a critical friend and providing Executive Members and senior officers with a non-partisan forum in which to test out ideas, approaches and gain feedback and suggestions.
- Providing a structure, through the call-in process, for scrutinising specific decisions of the Executive.
- Scrutinising issues of public concern beyond the remit of the Council.

## **What does it done over the past year?**

The five thematic overview and scrutiny committees have looked at and responded to a wide range of issues. The key ones are outlined below:

### **Corporate and Partnerships Overview and Scrutiny Committee**

Focusing in the last 12 months on:

- Scrutiny of the Brierley Group of companies and the development of a range of arms-length and traded services which can help generate income for the Council.
- The first 12 months of operation of the reconfigured library service.
- An in-depth review of access to over the counter banking services in the county and the role that branch banks and Post Offices have to play in rural communities.
- The work of the North Yorkshire Community Safety Partnership and how partners are working together to deliver the Community Safety Plan priorities.
- The implementation of the plans for collaboration between North Yorkshire Police and North Yorkshire Fire and Rescue Service and the ongoing work to carry out a full service review.
- The Council's alternative investment framework.
- The Corporate Risk Register and received an update on Insurance claims, risk exposure and risk management.
- The Council's current level of compliance with the Charter against Modern Slavery.

## **Care and Independence Overview and Scrutiny Committee**

Focusing in the last 12 months on:

- Withdrawal of Financial Assistance for People receiving Housing Support – including release of resources to develop the Assistive Technology offer.
- Funding for Supported Housing, the response to consultation alongside broader understanding of supported housing strategy which would set out the needs for supported housing and how they will be addressed.
- Wellbeing and Prevention Services Review and a new commissioning model for Health and Adult Services investment into delivery of Wellbeing and Prevention support.
- Community Support Mental Health, consideration of development proposals for future investment into voluntary and community sector organisations to deliver mental health support on its behalf.
- Client Contributions and proposals for charging for community-based services.
- HAS Financial Pressures, including a detailed explanation of the cause and possible implications of the projected overspend, the risks to social care services and the council as a whole.
- Delayed transfers of Care and performance against the national target for Adult Social Care days.
- Annual Report of the North Yorkshire Safeguarding Adults Board (NYSAB) for the financial year 2017/18, outlining the future areas for development by the Board.
- Older Peoples Champion Report and a detailed account of what she had done over the last year.
- Annual Report of the Director of Public Health – A review of progress made in improving population health in North Yorkshire since 2013, viewed data and engaged with partners to jointly develop priorities for population health until 2025.
- Local Account.
- NYCC Use of Resources Peer Challenge June 2018.
- Overview of the Care Market, NYCC responsibilities, and Business Continuity Planning.

## **Young Peoples Overview and Scrutiny Committee**

Focusing in the last 12 months on:

- North Yorkshire Strategic Plan for SEND Provision 0-25.
- Early Years Provision and an overview of: the service profile, recent Statutory Guidance and our delivery against place sufficiency and other duties; and an outline of the challenges and opportunities of service delivery across North Yorkshire.
- The North Yorkshire Safeguarding Children Board Annual report, update on activity and discussion of concerns.
- North Yorkshire Coast Opportunity Area: progress to date on the Area Programme.
- Young Peoples Champion Annual Update, focussing particularly on Youth Voice.

- A review of the Looked After Children Strategy, prior to Executive consideration, of how NYCC will support and care for looked after children and care leavers and how we will know how well we are doing.
- Children's Services OFSTED Report August 2018 and consideration of findings and implications
- Elective Home Education: A review of what the Children and Young Peoples Services Directorate knows about the prevalence and experience of North Yorkshire children of compulsory school age whose parents opt, as is their right in law, to educate their child at home instead of sending them to school.
- Children and Young Peoples Services Financial Pressures - the areas presenting with the most significant financial pressures as at October 2018 and the management action that has been taken in response to the pressures.
- School Attainment.
- Support for underperforming primary, secondary, special and PRUs according to the school improvement strategy prioritisation categories – including the current position in April 2019, and a North Yorkshire area profile.
- School Governance and the extent to which North Yorkshire schools are transparent and open about their decision making, focussing on (the changing) Roles and Responsibilities of Parent Governors

### **Transport, Economy and Environment Overview and Scrutiny Committee**

Focusing in the last 12 months on:

- York, North Yorkshire and East Riding Local Enterprise Partnership – review of annual report and progress against key milestones and performance measures.
- Review of the Highways Maintenance Contract and strategic options proposals for the new Highways Maintenance Contract.
- Review of Highways England's plans for the road network in North Yorkshire
- Adult Learning and Skills Service post inspection action plan.
- 20 mph speed limit policy.
- SEND Home to School Transport – proposed changes and the impact of those changes one year on.
- Rural bus services and community transport in North Yorkshire
- Electric charge points for electric/hybrid vehicles.
- Vehicle Activated Speed Signs.
- Mobile phone coverage project.
- Resources and Waste Strategy - consultation response to the government's consultation.

### **Scrutiny of Health Committee**

Focusing in the last 12 months on:

- The transfer of hyper acute stroke services from Harrogate District Hospital, after April 2019, to Leeds Teaching Hospital Trust and York Teaching Hospital NHS Foundation Trust.
- Changes by made by Clinical Commissioning Groups to the way in which the eligibility criteria for the Patient Transport Service, which they commission from the Yorkshire Ambulance Service (YAS), are applied.

- The services that have been put in place as part of the delivery of the integrated prevention, community care and support contract in Scarborough and Ryedale that was won by NHS Humber Foundation Trust.
- Workforce pressures at the Friarage Hospital, Northallerton and the changes to critical care services that came into effect as of 27 March 2019.
- Mental health in-patient facilities in Harrogate and the decision not to go ahead with the proposed building of a new mental health in-patient unit at Cardale Park, Harrogate.
- The provision of mental health services in the county and the gaps in investment and services that have arisen over the past 20 years in the county, when compared to neighbouring local authorities.
- The closure of enhanced minor injury treatment services that had been commissioned from GP surgeries.
- The NHS East Coast Review, which takes in services provided at and from Scarborough Hospital.

**Overview and scrutiny functions are also supported through the following bodies:**

- Scrutiny Board – this is made up of the Chairs of the five thematic overview and scrutiny committees and enables co-ordination across all five thematic overview and scrutiny committees.
- Police, Fire and Crime Panel - which scrutinises the Police, Fire and Crime Commissioner. There is also a Complaints Sub-Committee which meets on an ad-hoc basis.
- Looked After Children’s Members Group – this is not a formal committee but acts as an informal advisory group to the Executive Portfolio Holder for Children's and Young Peoples Services. The group performs a role consistent with statutory guidance for local authorities to promote the health and well-being of looked-after children.

In addition, the North Yorkshire Scrutiny Network, an informal partnership group for overview and scrutiny leads across the county, is supported by the team.

**In-depth reviews**

Extended pieces of overview and scrutiny can be undertaken, where a more in-depth analysis of the issues is required. Over the past 12 months, a number of these have been undertaken. Examples include:

**Health and Social Care Integration: Joint Scrutiny Evaluating the success of Integration**

After a comprehensive review of Workforce issues within health and social care - reported in last year’s Annual Report - the task group turned its attention to the wider issues regarding integration of health, social care and related services. Whilst there is a general acceptance at a national and local level that the integration of services is a good thing which will lead to improvements in service delivery, many aspects of what integration means remain unclear, often with little detail about what should be integrated and why.

The group aimed to:

- Understand what services are being delivered, what is planned, and what the impact of these services has or will be upon patient/service user outcomes.
- Establish whether the potential benefits are being realised in the integrated services are currently delivered.
- Assess whether the current approaches to integrated health and social care services being developed, trailed and implemented are the most appropriate.

With so many different health partners operating to complex boundaries in North Yorkshire, co-ordination on a wide scale will remain an ever-present challenge. So for scrutiny, undertaking an assessment of such an expansive and complex picture was always going to be demanding.

The group compiled a comprehensive call for evidence which was then sent to major stakeholders and partners. This established a baseline of information on activity across the county, yielding invaluable information on current thinking, best practice and how the progress of integration might be assessed. These returns led members to wonder whether whilst there is a common interest in integration, there are different interpretations of what it means in practice. This was one of many lines of enquiry which the group pursued, in informal sessions, with selected strategic leaders from partner organisations and bodies responsible for health and social care.

The group will present its findings to the June meetings of the two parent committees - Care and Independence and Scrutiny of Health.

### **Over the counter banking services**

In 2018/19, the Corporate and Partnerships Overview and Scrutiny Committee reviewed access to over the counter banking services in the county and the role that branch banks and Post Offices have to play in rural communities. The outcome of the review was taken to the meeting of the Executive on 26 March 2019

### **User Participation**

The Care and Independence Overview and Scrutiny Committee wanted to be confident that our social care services are person centred and are locally appropriate. Rather than adopt a full task group method, members attended and participated in user-led meetings of service users - North Yorkshire Learning Disability Partnership Board, the North Yorkshire Disability Forum, and the Scarborough Dementia alliance.

As a piece of scrutiny work, this gave members a good opportunity to draw their own – largely positive - conclusions about how well the directorate follows best practice by planning with individuals and service users to put them and their carers in control.

### **Other Approaches**

#### **Work with Area Constituency Committees**

The Council's six Area Constituency Committees have started to work more closely with the five thematic Overview and Scrutiny Committees. To date, the areas of common interest have mainly been in health. The Skipton and Ripon Area Constituency Committee has taken the lead on the scrutiny of changes to the provision of health services at the Castleberg Hospital at Giggleswick. The

Scarborough and Whitby and the Thirsk and Malton Area Constituency Committees have taken the lead on the scrutiny of the NHS East Coast Review.

### **Government guidance on overview and scrutiny**

In January 2017, the Communities and Local Government (CLG) Committee launched an inquiry into overview and scrutiny in local government. The Committee considered whether overview and scrutiny arrangements are working effectively.

Recommendations were made and in response the Department for Housing, Communities and Local Government stated that new guidance on overview and scrutiny in local government would be published later in 2018. The original deadline was October 2018. The deadline was moved to December 2018 and the guidance is still awaited.

The guidance will be statutory guidance, issued under section 9Q(1) of the Local Government Act 2000. This means that councils will have to 'have regard to' the guidance in the way that they work and the decisions they make.

### **Joint Scrutiny**

Joint Health Overview and Scrutiny arrangements are in place for the Integrated Care Systems for the North East and Cumbria and West Yorkshire and Harrogate. Nothing is yet in place for the Humber Coast and Vale system.

A one-off meeting of a discretionary Joint Health Overview and Scrutiny Committee to look at changes to mental health services in the greater Harrogate area met on 15 February 2019. North Yorkshire County Council, City of York Council and Leeds City Council all participated. This followed on from scrutiny of proposals at the Council's Scrutiny of Health committee meeting on 14 December 2018.

### **Notice of Motion**

In 2018/19 a number of different Notices of Motion were reviewed by Overview and Scrutiny, with more to be similarly reviewed in 2019/20. This included:

- The long term sustainability of small and community hospitals in the county
- Changes to the way in which the eligibility criteria for the Patient Transport Service are applied
- Phasing out of single use plastics and the support for plastic free initiatives within North Yorkshire
- The adoption of the Charter against Modern Slavery.

### **Priorities for 2019/20**

Each overview and scrutiny committee has a work programme in place that looks 12 months ahead. This work programme is built upon a range of data, information and analysis, including: performance data; inspection reports; national research and policy; consultations and public engagement events; the County Council Plan; and local issues raised by elected members, members of the public or highlighted in the media.

Some of the themes for overview and scrutiny in 2019/20 are summarised below:

- 20mph speed policy (task group review commencing May 2019).



- Re-organisation of the Local Enterprise Partnership to create a merged Leeds City Region with York and North Yorkshire LEP.
- Review of the Highways Maintenance Contract and review of Highways England's plans.
- Minimising the use of single use plastic – the County Council, other local authorities, businesses and the public (task group to be formed from Autumn 2019 onwards).
- Annual review at the Scrutiny of Health Committee of NHS commissioner and provider finances, budgetary pressures and financial recovery plans.
- The Scrutiny of Health Committee and the Skipton and Ripon Area Constituency Committee working together on the scrutiny of the development of the Castleberg Hospital in Giggleswick.
- The changes to critical care services at the Friarage Hospital in Northallerton and the impact this has upon patient care and outcomes.
- Scrutiny of the arms-length and traded services.
- The ongoing review of the reconfigured library service, the role of volunteers and the work of the Stronger Communities Team.
- The implementation of plans for collaboration between North Yorkshire Police and North Yorkshire Fire and Rescue Service.
- The Council's investment strategy
- How NYCC uses Assistive Technology to enable people to live more independent lives for longer.
- Take up of Direct Payments as a part of personal budgets. How NYCC is ensuring that Direct Payments enable more choice and control over the support people receive.
- Review of Respite and Short Breaks Proposals.
- Learning Disabilities: Progress against the Health and Well Being Board Strategy; and Understanding Co-production.
- The support provided to adult carers of adults in North Yorkshire - specifically to provide an objective view of these services and whether they provide value for money.
- Disabled Children Service.
- Young people and Sex Education; Managing Risk and Safeguarding.
- Teacher recruitment: the Rural Challenge.
- Young Carers - especially those who support adults with mental health issues
- Supporting children in and out of education who have medical condition, especially as chronic (life threatening) illness.
- Additional session on Elective Home Education.

## **How to find out more about Overview and Scrutiny**

Further information on Overview and Scrutiny is available on the North Yorkshire County Council website - <http://www.northyorks.gov.uk/article/23665/Scrutiny>

Or contact the Democratic Services and Scrutiny Manager, Daniel Harry  
E: [daniel.harry@northyorks.gov.uk](mailto:daniel.harry@northyorks.gov.uk) or T: 01609 533531.

Members of the public are welcome to attend any meeting of the Overview and Scrutiny Committees.

Committee papers are available from the North Yorkshire County Council website as follows - <http://democracy.northyorks.gov.uk/>

## NORTH YORKSHIRE COUNTY COUNCIL

15 May 2019

## STATEMENT OF THE HEALTH AND ADULT SERVICES PORTFOLIO HOLDER

## COUNCILLOR MICHAEL HARRISON

**Extra Care**

Our Extra Care strategy continues to progress well. In April, a 64 unit facility in Helmsley opened, and the funding for a 58 unit scheme in Skipton was approved. This will contain 4 units specifically for people living with dementia and is expected to be operational in 2021. The scheme in Harrogate that opened last year is full and reports a healthy waiting list.

**Harrogate and Rural Alliance**

A ground-breaking scheme to join up Health and Social Care is to be launched in Harrogate in September. The Harrogate and Rural Alliance will bring together teams from NYCC and Harrogate District Foundation Trust to work closely with Primary Care colleagues to provide timely support to people requiring health or social care interventions under a single management structure. There will be a focus on prevention, including admission avoidance. I believe this model will transform how we work and I am very excited about its launch.

***My Health, My Technology***

Engagement events have completed in Scarborough, Harrogate and Northallerton to gain the public's views on the draft Health and Wellbeing Board Digital Strategy, with further events being planned for the Vale of York area and Craven. This is a strategy called *My Health, My Technology* which is being led through the Health & Wellbeing Board. A digital challenge process is underway for technology companies to present innovative solutions to social isolation and rurality to the Board. An anticipated £50k funding has been allocated for innovation bids. Further information is available on [www.northyorks.gov.uk/digitalchallenge](http://www.northyorks.gov.uk/digitalchallenge)

**Clinical Commissioning Group Mergers**

Three North Yorkshire Clinical Commissioning Groups (CCGs) have agreed to merge - Hambleton, Richmondshire and Whitby CCG, Harrogate and Rural District CCG and Scarborough and Ryedale CCG. A detailed formal proposal will be submitted to NHS England by 30 September and should it be approved, the three CCGs will begin operating as a single, statutory organisation from 1 April next year. The proposed merger represents an opportunity to improve healthcare with less duplication and bureaucracy.

**Winter Pressures**

A review of how agencies managed to provide services through the winter has taken place through the Accident & Emergency Boards with NHS partners. The learning from these reviews will be used in preparing plans for this winter. Generally services coped quite well and this was possibly assisted by a relatively mild winter. The performance in relation to delayed transfers of care (DTC) attributed to social care continues to be better than in previous years with what appears to be a downward trend. We continue to support our health partners to reduce the number of people

attending an acute healthcare setting who don't need to do so, and working in partnership to discharge quickly and safely those who do not need to be there. This will continue to be a long term priority for Health & Adult Services.

## NORTH YORKSHIRE COUNTY COUNCIL

15 May 2019

**STATEMENT OF THE PUBLIC HEALTH, PREVENTION & SUPPORTED HOUSING  
PORTFOLIO HOLDER COUNTY COUNCILLOR CAROLINE DICKINSON****Smoking**

Since 2013, we have seen development of a range of public health services supported by strategies to improve the health of residents and reduce inequalities in outcomes across the county. Several service contracts are now up for review and as we move forward we need to consider how we continue to support people to live healthy and long lives against the backdrop of reducing funding for services.

The Council opted to directly provide smoking cessation services working in an integrated way with GPs and pharmacies. From the 1st April, the new stop smoking service 'Living Well Smokefree' has been established. The service will work closely with GPs, pharmacists, NHS trusts and other partners to support people across the County to stop smoking. Smoking is a serious public health concern and this is a much needed service.

**NY Horizons**

The Council awarded the contract for the next phase of the North Yorkshire Horizons service in March. The existing service was originally commissioned in 2014 and has demonstrated [improved outcomes and value for money](#). The contract is for an initial 5 year term, with the facility to extend for an additional period of up to 5 years, and will commence on 1st October 2019. The Council and our co-commissioner the Police, Fire and Crime Commissioner for North Yorkshire are committed to continuing to work in partnership with the providers of North Yorkshire Horizons, and the broader systems in which the service operates, to give individuals the best chance of achieving and maintaining recovery from drug and alcohol misuse, and promoting harm reduction. The clinical aspect of the service was recently one of the first community substance misuse services to be inspected by the CQC under the new 'rated review' process, and we're delighted that they received an 'outstanding' rating across all key lines of enquiry. I was honoured to attend their celebration event in Northallerton in March.

Provision of high quality services is only part of our approach to addressing substance misuse. The North Yorkshire Drug and Alcohol Partnership Group is a multi-agency group chaired by the Director of Public Health that brings together the relevant organisations that play a role in preventing or managing substance misuse in children and adults, such as the Police, Probation Service, Job Centre, North Yorkshire Horizons and Compass REACH drug and alcohol Services, Healthy Child Teams, Safeguarding Board representatives etc. The group focuses on a key theme at each meeting (supply and enforcement, prevention and services and interventions), and is in the process of developing a partnership plan. The group heard from a range of partners in November, including North Yorkshire Police's Director of Intelligence and Head of Organised Crime, who discussed the emergence of ['County Lines'](#) (drug dealing networks targeting rural shires led by serious organised crime gangs) and how agencies can work with the police to reduce the risk and safeguard vulnerable children and adults. The February meeting included discussion on the opportunities presented by the sport and physical activity offer across North Yorkshire to build resilience for people at risk of, or recovering from substance misuse issues. The next meeting will raise the profile of the range of services and interventions that are commissioned and in place to support individuals with drug and alcohol misuse, and will focus on reducing harm and maximising opportunities for achieving and maintaining recovery from addiction.

## Sexual Health

It is the Council's intention to re-procure an Integrated Sexual Health Service for North Yorkshire. The current service contract commenced on 1 July 2015 and is due to end on 31 March 2020. The provider is York Teaching Hospital NHS Foundation Trust who deliver the service under the 'YorSexual Health' (YSH) brand.

An integrated model aims to improve sexual health by providing non-judgemental and confidential services through open access, where the majority of sexual health and contraceptive needs can be met at one site, often by one health professional, in services with extended opening hours and locations which are accessible by public transport.

In addition to YorSexual Health, we also contract with GP surgeries and pharmacies to ensure access to comprehensive contraceptive services to reduce unwanted pregnancies and maintain the fall in teenage conceptions.

## Healthy Weight Healthy Lives 2<sup>nd</sup> annual report

November 2016 saw the launch of the Healthy Weight, Healthy Lives: Tackling overweight and obesity in North Yorkshire 2016-2026 strategy. The Strategy details the issues of obesity in North Yorkshire, describes why and where action is needed and explores how different stakeholders can contribute to tackling this agenda.

Since the publication of the first annual report in January 2017 a multi-agency Healthy Weight, Healthy Lives Steering Group has been established, which monitors the development against key actions within the Strategy. Two years on since the launch of the Strategy tackling overweight and obesity continues to be complex and prevalence rates nationally and locally remain concerning. However, the formation of the Steering Group has highlighted that a large number of programmes, interventions, and policy development is taking place to address this challenge, locally. The Steering Group has encouraged better cross-sector working and demonstration of a whole-system approach to addressing obesity.

The second annual progress report has now been published and provides an update on the patterns and trends of obesity, nationally and locally, and reports activity within each priority area of the Strategy. The report also provides information on planned action moving forward into year three of the Strategy implementation. The report can be accessed on the North Yorkshire Partnership website <http://www.nypartnerships.org.uk/healthyweight>

## Healthy Child Programme

The Healthy Child Programme (HCP) is a universal preventative child and family health promotion programme delivered by Health Visitors and School Nurses. It is available to all children aged 0-19 and aims to ensure that every child gets the good start they need to lay the foundations of a healthy life. It is a local authority mandated programme.

The Programme continues to perform above national averages. Child Health Outcomes in North Yorkshire (NY) are good overall in comparison with other areas and NY is a regional leader. However, we are looking for other ways of measuring success that can add greater value than the current national metrics. A number of targeted services (e.g. Healthy Lifestyle Service, Young People Drug and Alcohol Service, Healthy Schools Award and School Zone Project) are helping to measure success in different ways.

The current HCP contract ends in March 2020, and work is underway to change the focus of the current programme and service specification, to create a single 0-19 service across the health and care system. The aim, through the *Childhood Futures Programme* is to integrate children and young people (CYP) preventative services across the County. The proposal presents the opportunity to transform services and for service providers to maximise the resources available within an integrated service. To use the universal touch points to build an in-depth understanding of the strengths and needs of CYP and their families and to promote universal health, wellbeing and safe and secure development particularly in the early years.

This will be supported by collaborative and more joined up commissioning and delivery of services. The initial key development areas include School Readiness, Emotional and Mental Wellbeing and Adolescent Risky Behaviour.

### **Age Friendly Communities**

North Yorkshire County Council has been successful in our bid to become a member of the UK network for Age-friendly communities. The UK network is part of a global initiative led by the World Health Organisation. The aim of the Age-friendly communities network is to foster healthy and active ageing, making it possible for people to continue to stay in their homes, participate in the activities that they value, and contribute to their communities, for as long as possible.

To become a member of the network, the Council had to demonstrate that we are committed to working towards becoming a full member of the Global Network for Age Friendly Cities and Communities by implementing strategies and work programmes that support older people through community initiatives.

Becoming an accredited member of the Age-friendly communities network complements the Council and our partners - the North Yorkshire Forum for Older People, Age UK, Community First Yorkshire and the District and Borough Councils – in what they are doing to support older people to age well and continue to enjoy life in their local community. The next steps will be to engage with stakeholders and produce an action plan based on priorities identified.

### **Supported Employment**

The Supported Employment service was reviewed as part of the 2020 transformation programme and a new structure and approach went live in April 2019.

The new structure introduces Care Act eligibility to the specialist Supported Employment service, with Supported Employment Coordinators supporting people to meet the outcomes identified in support plans. Following a review of case lists and action planning to signpost people to the most appropriate support, the team are currently supporting 110 working aged adults to seek and maintain employment – with the aim to increase numbers throughout the year. Training on the new supported employment pathway is being rolled out to Planned Care teams in April/May.

Living Well support people without eligible needs with employment outcomes as part of the Living Well Agreement.

### **Safe and Connected**

North Yorkshire County Council was delighted to take part in the Safe and Connected trial, which ran for 6 months up to the end of March 2019. This innovative scheme was part of the Government's Loneliness Strategy, and involved working closely with the government and Royal Mail. An independent evaluation of the trial will inform future decisions about the potential for the scheme to be rolled out further.

The trial saw Royal Mail postmen and postwomen call on people on their rounds. The responses to the questions they asked were passed back to North Yorkshire County Council's Living Well team to assist as necessary.

Customers are very satisfied with the experience, with many receiving advice, reassurance and help with GP appointments, practical tasks and connections to local voluntary services.

## NORTH YORKSHIRE COUNTY COUNCIL

15 MAY 2019

**STATEMENT OF THE OPEN TO BUSINESS PORTFOLIO HOLDER COUNTY COUNCILLOR ANDREW LEE (INCLUDING GROWTH, ECONOMIC DEVELOPMENT, PLANNING, WASTE MANAGEMENT, TRADING STANDARDS AND BUSINESS RELATIONS)****Resources and Waste Strategy – consultation documents**

In February the government published the first four consultation documents that will help to implement the recently published Resources and Waste Strategy. The consultations outline proposals for consistent waste collection arrangements; extended producer responsibility for packaging; a deposit return scheme for drinks containers; and a plastic packaging tax.

The consultation documents signal major changes in the way we deal with waste and resources in England, including significant changes to the services provided by local authorities. Broadly speaking we welcome the proposals and support Government's ambitions but have taken the opportunity to respond to the consultations to advise Government of our concerns and potential impacts for North Yorkshire.

The consultation on consistent collections proposes that a standard core set of dry recyclable materials is collected from every household, and that every household has a separate weekly food waste collection. It also proposes that councils provide a free garden waste collection service, and considers minimum standards for waste and recycling services as well as non-binding performance indicators. The Government recognises that many of these obligations will represent new burdens for local authorities and therefore a commitment is given that additional costs will be met centrally.

We must welcome any commitment to additional funding but the formulae for distributing funding is unknown at this stage so we are lobbying to ensure that the outcome is transparent and fair. We do not support proposals to legislate for free garden waste collections as this is contrary to the principle that the polluter pays, increases the amount of waste we have to deal with and increases costs on the public purse. Similarly, we have advised Government that mandatory collection of food waste within North Yorkshire is not cost effective.

The consultation on reforms to the ways packaging waste is managed will extend the responsibility of producers so that they become liable for the full costs of dealing with packaging from cradle to grave. This includes proposals to make producers responsible for local authority costs incurred in collecting packaging waste for recycling, as well as disposal of packaging waste not recycled, and the costs of dealing with packaging waste included in litter or fly tipping. These proposals are welcome with further detail to follow on how local authorities will be incentivised to collect recyclables, and how funding will flow to local authorities, including any conditions that may be attached.

It is proposed that a deposit return scheme (DRS) would see consumers pay an up-front deposit on a drinks container at point of purchase, which is redeemed on its return. A DRS is proposed as a way to change the behaviour of consumers to improve recycling and to reduce litter. Two options are proposed based on either an 'all-in' model applicable to all drinks containers, or one targeted more at smaller containers.



We have significant concerns about how a DRS will operate in rural areas, and that the economic case for a DRS is not convincing. We are recommending to Government that a DRS be postponed pending the implementation of the extended producer responsibility proposals in order to better understand its potential effectiveness and costs, and how it will operate in rural areas. However, if a DRS is introduced we have recommended that it be limited to smaller containers only, with larger containers left for more cost effective kerbside collection by local authorities.

Finally, the packaging tax consultation proposes to tax plastic packaging that has less than a 30% recycled content. It is proposed that this will provide a clear economic incentive for businesses to use recycled material in the production of their plastic packaging, which will create a greater demand for recycled plastic and then stimulate increased levels of collection and recycling of plastic waste. This tax complements the proposed reforms to the producer responsibility regulations and is supported.

Further consultations are expected later in the year and we will continue to engage formally and informally fully in the process to ensure our views and concerns are put across and the interests of residents in North Yorkshire protected as far as we are able.

## **Trading Standards**

### **Food Farming and Health - Developments on the use of Drones**

Officers have recently been working with our Highways & Transportation colleagues to provide video footage of the land areas for the potential route of the Harrogate relief road. The specialist officer trained to fly the drone took video footage of the area after engaging with the local landowners. The film footage has then been edited in the NYtech lab to provide a very professional video which can be used as part of the consultation process for the relief road.

The next phase for the development of the drone usage is for the TS officers to look at areas such as inspecting poor roofing work by a rogue trader, flying over open land looking for livestock carcasses following a complaint or inspecting sites in relation to breaches of planning controls that the county council enforces.

The county council currently owns one drone which was bought in December last year at a cost of £1,958. The drone is licensed by the Civil Aviation Authority.

## **Planning Services**

Following the Examination Hearing Sessions into the Minerals and Waste Joint Plan in February-April 2018, the Inspector decided that two additional Hearing Sessions should happen to discuss further matters relating to fracking and potash safeguarding. These took place on 24 and 25 January 2019 and the Inspector requested further information be provided by the Authorities and Industry. Having provided the Inspector with additional information an updated Schedule of Main Modifications is being produced; however, after a recent judgment handed down in the High Court in March, consultation on those Main Modifications may well take place later towards the summer.

ANDREW LEE



## NORTH YORKSHIRE COUNTY COUNCIL

15<sup>th</sup> May 2019STATEMENT OF THE PORTFOLIO HOLDER -  
LIBRARY, CUSTOMER AND COMMUNITY SERVICES

COUNTY COUNCILLOR GREG WHITE

**Library and Information Service****May is History Month**

Stories of the long, fascinating history of North Yorkshire's places, people and events will be brought to life in the county's libraries during Local and Community History Month in May.

Talks, discussions and exhibitions will feature topics from the soldiers remembered on the memorial at St Wilfrid's Church, Harrogate, to the historic gardens of Hambleton, Northallerton prison through the ages, the archaeological work in Captain Cook's Memorial Garden in Great Ayton and fishy tales from Whitby.

The Whitby Fish and Ships Festival, May 18 / 19 sees a programme of displays, events and talks at the library celebrating the rich heritage of the town.

**Skipton Library improvements**

Work on much-needed improvements of Skipton library is to begin next month to provide a more up-to-date and flexible space, giving a better service to local people. The library will close at 1.30pm on Saturday, 4 May, and is scheduled to reopen in early July.

The new ground floor space will increase opportunities for the library to host drop-in services and activities at a safe, easily accessible venue in the town centre. These will include a new children's space, new books and space for community events and activities, including learning activities delivered by the County Council's Adult Learning and Skills Service.

**Well-being bags**

Members may remember my talking about the launch of the pilot scheme 'Wellbeing Bags' in November 2018. I am pleased to announce that the bags have been so successful a further 40 have been purchased to meet demand. The bags are being used by local health partners as well as individuals, and are available to reserve, free of charge, for collection at any library across North Yorkshire.

Wellbeing Bags are an easily portable collection of items, books and activities for individuals or groups to share at home, in the library, or out in the community, to promote and encourage people to practice self-care and enhance mental wellbeing. The bags will include resources and information such as colouring, recipes, puzzles, books from the Reading Well collections, and health information and advice from local services.

Work is starting to develop a similar bag for young people.

## **Volunteer celebration events**

I am pleased to say that the Chairman of the County Council will be hosting thank you events for our library volunteers during Volunteers Week in June. This provides an opportunity to not only say thank you but also recognise the time, effort and energy that volunteers give to enable our libraries to continue providing an excellent service within communities.

## **Community Library Update**

This should be our Award winning community library update.

As some of you may have already seen on ITV Calendar News, Newby and Scalby Community Library were voted a winner in the National Lottery People's Projects. Their prize is the £18,900 to enable the patch of scrub land behind the library to be transformed into a community garden with access for all. The vision is that it will be a calm, healing space to promote well-being, where people can connect with nature, recharge their batteries, or fire their imagination.

I am also proud to follow up on my previous statement with the news that the 3-D Printing Club held at The Globe @ Stokesley won the international "Meet and Code" Award. They were the only UK group to reach the finals.

Bedale Community Library has been honoured with the Community Award that is presented annually by Bedale Town Council. The award is presented for an outstanding contribution made to the local community, and will be presented at the next Town Council meeting

Grassington Hub have won a Duke of York's Community Initiative Award

## **Virtual Reality**

Both myself and Cllr Robert Windass, enjoyed attending North Yorkshire's first pop-up "Digital Makey" at Harrogate Library. VIRTUAL reality and digital arts were all available to try out - including musical bananas! Visits for the day were up by 17% at 846, with the Virtual Reality fully booked.

## **Blue Badge applications**

January saw the roll out of the new on-line application procedure for Blue Badges. For those requiring assistance our main libraries are offering appointments - 497 appointments have been attended in the first three months of this year.

## **Archives**

The Record Office has been awarded a grant of £75,700 under the National Lottery Heritage Fund's Resilient Heritage scheme. The project, *Resilient Records; building a sustainable future for the County Record Office*, will help to define the future direction of the service. It will explore opportunities for maximising income; broaden and grow the user base of the service; strengthen its links with stakeholders and inform strategic planning for the audiences of the future. The grant will fund extra staff capacity whilst ensuring that existing staff acquire the skills necessary to take the service forward.

May is Local History month and the Record Office pop-up archive will once again be out and about around the county. This year, pop-up archives will be held in partnership with local heritage groups in Thornton Dale, Ripon & Coxwold and at Northallerton Library. These events help to promote the work of the office and are an opportunity for people to access advice from archive staff and to view a range of records relating to the local area. The Record Office will also be hosting its popular Archives at Dusk open evening. This year's theme is crime and the law giving visitors a rare opportunity to see behind the scenes and to discover stories of North Yorkshire's criminal past.

### **Registrars**

As the uncertainty of Brexit continues it is important that all EU citizens currently working for the County Council and other employers in North Yorkshire are given clear assurances about their ability to continue to work for us now and into the future. They are an important part of our workforce and will continue to be so post-Brexit. EU citizens and their families are now able to apply to the EU Settlement Scheme, for free, to enable them to continue living and working in the UK after 30 June 2021. The deadline for applying is 30 June 2021, or 31 December 2020 if the UK leaves the EU without a deal. Further information is available at [www.gov.uk/settled-status-eu-citizens-families](https://www.gov.uk/settled-status-eu-citizens-families)

The application process requires the use of a compatible Android phone or tablet to scan identity documents and take photographs. The County Council's Registration Service has launched a scanning service which will allow anyone who doesn't have access to a compatible device to scan and verify their documents as part of their application. This is available by appointment, initially at the Harrogate, Northallerton and Scarborough and Harrogate registration offices.

**NORTH YORKSHIRE COUNTY COUNCIL****15 May 2019****COUNTY COUNCILLOR GARETH DADD**Spending Review

The MHCLG Select Committee have recently launched an inquiry into Local Government Finance. The inquiry is designed to consider how effective the existing funding set-up is in providing resources to meet need and demand for local services both now and in the future.

The Committee invited evidence and NYCC sent a written submission emphasising in particular the need for:-

- i) A review of the overall quantum of funding for local government
- ii) A robust evidence-based approach to allocating resources between authorities
- iii) Recognition of the higher costs of rural service delivery
- iv) Certainty in longer term resourcing and less use of short term funding 'fixes'
- v) Recognition of the financial impact of government departments other than MHCLG on the financial sustainability of councils.

At this stage government are still considering the Spending Review which is expected in Autumn. We can only speculate at this stage as to whether a Spending Review will be for one or multiple years.

Gender Pay Gap

NYCC has just published its gender pay gap figures for the 2<sup>nd</sup> year, which report a reduced gap for March 2018 pay from 12.1% to 10.9%. The proportion of women in the top pay quartile has increased from 65% to 68.1%. This pay gap is lower than the national average of 17.1%, the public sector average of 17.5% and the Yorkshire and Humber regional average of 15.8%.

The gender pay gap should not be confused with equal pay. If two people are doing the same job, or a job rated the same in terms of value, they will be paid at the same pay rate. The county council has a robustly applied job evaluation scheme to ensure that jobs which have the same levels of complexity and responsibility have the same value and so are paid the same.

The reason the council has a gender pay gap is because a significant proportion of its workforce is in care roles and school support roles which are lower graded jobs such as cleaning and catering and these are historically taken up by women. However occupational gender stereotypes are challenged with more female applicants encouraged into traditionally male-dominated sectors and conversely more men into carer posts. Gender pay gaps also reflect lost employment, when women take maternity leave often returning to lower graded part-time roles.

There is no quick fix to reducing the gender pay gap, but a systematic approach to promoting equality and inclusion will result in a steady narrowing of the gap and women achieving their full potential within the county council.

## Property

Preparation is well underway on the works to County Hall. There has already been some low level disruption on the campus and I am grateful to staff and Members for their cooperation. It is important that communications are good as more substantial works are expected to start in the Summer of this year.

Work is also coming to an end on a procurement exercise for a range of property services including maintenance and specialist services (e.g. detailed equipment and asbestos treatment). We hope that the new arrangements will help deliver better value for money.

GARETH DADD

## NORTH YORKSHIRE COUNTY COUNCIL

15 MAY 2019

## STATEMENT OF CHILDREN'S SERVICES PORTFOLIO HOLDER

**Strengthening Families, Protection Children (SFPC) Programme**

The government announced a budget commitment in October 2018 of £84 million to a programme called Strengthening Families Protecting Children (SFPC). This programme will run over five years and support 20 Local Authorities who are inspected as Requiring Improvement and have increasing numbers of Looked After Children. This innovative programme will be delivered in partnership with the Department for Education and three Local Authority Innovation models; North Yorkshire (No Wrong Door), Leeds (Family Valued) and Hertfordshire (Family Safeguarding).

North Yorkshire are now working closely with the DFE to develop a suitable delivery model that supports innovation in other Local Authorities whilst increasing capacity in North Yorkshire. The programme will generate an appropriate income over the course of five years and will seek to develop a sustainable improvement model for other Local Authorities.

There are a considerable number of children placed in North Yorkshire from other Local authority areas, increasing demand on universal services such as schools and health. This programme will support an evolving commitment from other LAs to support their children locally, as has been achieved in North Yorkshire.

**North Yorkshire Youth Voice Conference**

This year's successful conference was aimed at all age groups with 150 children and young people from 15 secondary, 9 primary, 4 special and 1 pupil referral schools attending and taking part in a series of workshops and debates around improving mental health, refugee voices and understating how parliament works. Those attending also heard from North Yorkshire Police who spoke to them about Hate Crime, its effects and ways of dealing with and reporting it.

Students were also able to attend a Question and Answer session with senior leaders and managers from North Yorkshire including Richard Flinton, and Dr Maggie Atkinson (Independent Chair of the NYSCB).

Members of the Youth Voice Executive held a debate with the whole audience to discuss its campaign for the coming year, those attending were asked to choose between issues around bullying and stigma. Bullying was chosen as the priority for this year.

**Medium Term Financial Strategy & 2020 North Yorkshire – May 2019**

High Needs financial pressures have continued to present a financial challenge to the Directorate and the local authority has provided significant investment to top-up the shortfall in funding for SEN. There are a number of key projects planned to address cost pressures including the transformation of the PRS service and a review of home to school transport arrangements. Proposals will also be developed to review the way in which the local authority provides support to raising standards in schools.

These plans have been developed with a clear intention to ensure that cash savings are achieved over the period of the refreshed savings plan (2019-22).

The Local Authority is also at the forefront of innovation in Children's Social Care and is developing proposals, in conjunction with the DfE, to roll out the successful No Wrong Door model to other local authorities under the SFPC Programme.

Although this information appears in my Statement to Council it should be noted that both Executive Members for the Children and Young People's Service have joint responsibility for all relevant resources.

### **Children & Families Performance**

North Yorkshire's Children & Families Service has seen a reduction in demand over the last Quarter, with the lowest quarterly number of referrals to Children's Social Care in more than two years. This reduction in the final Quarter of the year brings the overall total number of referrals for 2018/19 to 4,180. Whilst this is 6.9% (n=312) lower than in 2017/18, the total annual referrals for 2018/19 was 13% higher than in 2016/17.

In line with the changes we have seen in the number of referrals over the past Quarter, the number of children receiving statutory support through a Child Protection Plan has continued to reduce. We have now witnessed three successive Quarters in which the number Child Protection Plans have fallen. At the end of Quarter 4, 369 children were subject to a Child Protection Plan, a reduction of 12% on Quarter 3 2018/19 and a reduction of 32% compared to the peak of 539 at the end of Quarter 1 2018/19. This reduction follows work by the service to improve its response to families earlier and in doing so reduce manage and reduce risk.

Having seen increasing demand for Looked After Children's Services over the past two Quarters, Quarter 4 has seen a reduction in the number of children in our care. At the end of Quarter 3 there were 454 children in our care, including 24 Unaccompanied Asylum Seeking Children. By the end of Quarter 4, the number of children in our care had reduced to 435, including 22 Unaccompanied Asylum Seeking Children.

The number of First Time Entrants to the Youth Justice system in North Yorkshire continues to reduce. Between the last official figures prior to the introduction of the Youth Outcomes Panel (March 2017) and the most recent official figures (September 2018), we have seen a reduction of 57% in the number of First Time Entrants.

### **North Yorkshire Safeguarding Children Board Update**

Following The Wood Review (2015) and the subsequent government guidance 'Working Together to Safeguard Children (2018)' there is a requirement for all local areas to review their multi agency safeguarding arrangements (MASA) and publish their arrangements by June 2019 and implemented by September 2019.

Proposals to establish a new North Yorkshire Children's Safeguarding Partnership, which it is proposed will also incorporate the role of the Children's Trust, is currently the subject of consultation with partner agencies and the Health & Wellbeing Board. A report making final recommendations and seeking approval to establish the new proposed structures will be considered by The Executive in June.

**Janet Sanderson**

**Executive Member for Children's Services and Special Educational Needs**

## NORTH YORKSHIRE COUNTY COUNCIL

15 MAY 2019

## STATEMENT OF EDUCATION &amp; SKILLS PORTFOLIO HOLDER

**School funding**

Concerns remain over funding for small, rural schools – secondary schools, in particular - and we continue to lobby central government to ensure that schools in North Yorkshire receive a fair funding deal; that the Spending Review 2019 will deliver more funding for schools but also ensure that additional funding is directed towards low-funded, rural authorities like North Yorkshire.

We continue to work with schools who are in, or are projecting to be in, a financial deficit position. Work will continue with individual schools to ensure that they are able to deploy their resources efficiently and we will support schools to identify ways to collaborate or innovate to continue to deliver a good or outstanding education for children and young people in North Yorkshire.

**School Ofsted inspections – overall performance**

From the start of the school year in September 2019, there were 40 school inspections. These were across all schools: 33 primary schools, 4 secondary schools, 2 special schools and 1 pupil referral unit. The outcomes were: 27 judged good, 10 require improvement and 3 judged inadequate. The three inadequate schools are primaries and all have secured academy sponsors through the Regional Schools Commissioner. The Council continues to support Local Authority maintained schools to implement the necessary improvements. The Regional Schools Commissioner is responsible for taking action where academies are underperforming.

The percentage of pupils attending a good or outstanding school continues to be high and is above national at secondary (89.1 North Yorkshire as compared to 79.4 national), but below national at primary (83.4 as compared to 86.9 nationally).

There are currently 39 schools judged requires improvement and 17 judged inadequate. At primary 33.3% of these schools are either academy status or are due to convert in the near future, whilst at secondary this figure is 80%.

**Strategic Plan for SEND Education Provision 0-25**

I am pleased to report the approval by the Secretary of State for North Yorkshire's bid for a special free school in the Selby area to move to the trust competition stage. Engagement events for proposers interested in the free school are being held in April and May 2019. Work is also progressing to implement the Strategic Plan. This includes:

- Finalisation of the ladder of intervention approach to supporting pupils with social, emotional and mental health needs
- Delivery of SENCO networks
- Development of new targeted provision model linked to mainstream schools including discussion with new schools interested in delivering the model
- Four out of five localities have preferenced a future model for pupil referral service/AP provision and this work has now moved to the curriculum development stage.
- Approval of the development of the Mowbray satellite provision on the Moorside infant school site and associated capital funding from the special provision capital fund (SPCF). This provision will be delivered from January 2020.
- Approval of capital funding for work at Brooklands Community Special School.



## **School organisation**

The proposals for the amalgamation of Moorside Infant and Junior Schools in Ripon, and the establishment of satellite provision for Mowbray School on the Moorside Infant site, were both approved by the Executive Member for Schools on 12 March 2019. The amalgamation took effect from 29 April 2019 and the Mowbray satellite operation is scheduled to commence in January 2020.

The proposal to close Arkengarthdale School at the end of the current academic year is currently at the statutory notice stage. The Executive are scheduled to determine the proposal on 25 June 2019.

The consultation on a proposal to close Clapham School at the end of the current academic year closed on 4 April. The Executive at its meeting on 30 April 2019 received a report outlining the response to the consultation and agreed to halt the closure process after considering a recovery plan put forward by Governors and the local community. A formal review of the position will take place for end of the spring term 2020. This will be a joint review between the Governing Body (supported by Clapham School Action Group as they feel appropriate), the LA Officers and the Diocese.

A proposal to lower the age range at Thornton-in-Craven CP School is scheduled to be determined by Executive on 21 May 2019.

There have been two secondary and one primary academy conversions in Quarter 4. There are currently 20 schools that have either been issued with an Academy Order, or an Academy Order is pending, and that are in the pipeline to convert during 2019.

Beyond the expected conversions (forced and voluntary) during 2019, the pipeline appears to be slowing. It is thought that the increased number of schools forecasting financial deficits contributes to fewer conversions given the need to pass financial due diligence. It is a reasonable assumption, based on current knowledge, that there will be fewer conversions from 2020.

### **School Capital projects:**

Significant capital projects are either underway or recently completed at a number of North Yorkshire schools and delivered from the School's Capital Programme and the Basic Need Programme. Examples are:

- Barwic Parade CP School, Selby – hall extension and related improvements
- Graham School, Scarborough - new two storey teaching block
- King James's School, Knaresborough – new sixth form centre including demolition of existing provision.
- Selby Community Primary School – provision of a new foundation stage unit
- St Mary's RC Primary School, Malton – expansion to provide additional places

**Cllr Patrick Mulligan**  
**Executive Member for Education and Skills**

## NORTH YORKSHIRE COUNTY COUNCIL

15 MAY 2019

**STATEMENT OF THE ACCESS PORTFOLIO HOLDER COUNTY COUNCILLOR  
DON MACKENZIE (INCLUDING HIGHWAYS, ROAD AND RAIL TRANSPORT,  
BROADBAND, MOBILE TELEPHONY)****Highways Budget**

For 2019/20, a record sum of over £55m has been allocated to highways-related schemes throughout the county. The total is made up of £27m of needs-based grant, the maximum £5.3m of incentives-based additional funding given for top-performing councils, £3.7m from reserves and parking surpluses, and the remaining £19m received from various targeted grants from the Department for Transport.

Almost £10m will be invested in surface dressing of more than 600 streets county-wide. This is a preventative process which protects road surfaces from damage by snow, ice and rain, restores skid resistance and provides a clean, uniform appearance.

Footpaths are also targeted for repair and sealing, with £2.5m budgeted to be spent.

**Highways Maintenance Contract**

On 16 April members of the Executive voted unanimously to approve the recommendation to establish a Teckal company, wholly owned by the County Council, and to make preparations for this company to take on the Highways Maintenance Contract when the current arrangement with Ringway comes to an end in March 2021.

This new company would be limited by shares, with a board of directors responsible for strategic decision making and policy setting, and for the appointment of a managing director.

The creation of this company will allow the County Council to award contracts directly to it by making use of the so-called 'Teckal'\* exemption from the Public Contract Regulations 2015. This new company would join seven other existing NYCC-owned companies currently trading and bringing dividends, which are being used to support county council services. It would ensure a totally local focus, and would give the County Council greater direct control of, and flexibility with, operational matters on our highways. It would also have the commercial freedom to bid for work beyond the county's boundaries. Current operational staff members, who are very familiar with local circumstances, and have a personal commitment to the county, will have the right to transfer to the new company under TUPE.

\*A Teckal company must fulfil three strict criteria: it is subject to the same controls as other internal departments of the council; at least 80% of the company's turnover derives from the contracting authority (in this case NYCC); there is no direct private capital participation in the company.

**Temporary Vehicle Activated Signs (VAS) Protocol**

I am pleased to say the amended Temporary VAS Protocol, which was approved unanimously by the Executive in March, has been in operation since the beginning of last month.

Parish councils may now, following agreement with the County Council, purchase from recommended suppliers and install VAS equipment at approved locations on their local highways network. We await the first request to install equipment.

The existing temporary VAS lease scheme, which has been operating for the last four years, will continue to run alongside the new third-party purchase arrangements for as long as there is demand and whilst the equipment leased out to parishes remains serviceable.

### **Harrogate and Knaresborough Congestion Study**

A wide public engagement, seeking the views of the towns' residents and businesses on congestion and the options to address it, started on 15 April and will run for 12 weeks until 8 July. Two packages of options for managing congestion have been presented: one contains diverse measures to boost sustainable travel and public transport and to encourage behaviour change; the other comprises similar proposals and includes also investment in the highways network in the shape of a relief road between the two towns.

Early indications suggest that there will be a very substantial response.

### **A59 diversion at Kex Gill**

The Outline Business Case for the diversion of the A59 to a new, more stable alignment north of the gill was submitted to the Department for Transport in January. Work continues on the Full Business Case due to be ready for submission in November. Our highways officers remain confident that the bid for funding will be viewed positively. At the same time, a planning application is being drawn up to be determined later this year. The estimated cost of the scheme is £40m.

If all goes to plan, construction could start in spring 2020 with completion in summer 2021.

The A59 is due to be closed this week for the road to be resurfaced after the latest period of repair work following the discovery of instability below the highway.

### **Tour de Yorkshire**

North Yorkshire is yet again the focus for a major cycling event.

The fifth edition of the Tour de Yorkshire is about to take place as this statement is submitted for inclusion in today's agenda papers. More than half of this four-day event takes place on the County Council's highways. Three North Yorkshire towns stage race finishes – Bedale, Selby and Scarborough – and the race circuit around Harrogate, which will be in use for the UCI World Championships in September, is being trialled on Day 2.

### **Broadband and Mobile Telephony**

A significant milestone in the County Council's Superfast North Yorkshire project was attained last month: the 100,000<sup>th</sup> subscriber was connected up to SFNY-enabled superfast broadband provision. This brought total take-up from Phases One and Two to over 60%, the highest of any rural authority in the country. Phase Three is currently underway and will connect up 14,239 domestic and business properties, most using Fibre to the Premise technology giving download speeds of up to 330Mbps.

DON MACKENZIE

**NORTH YORKSHIRE COUNTY COUNCIL**15<sup>th</sup> May 2019**STATEMENT FROM PORTFOLIO HOLDER FOR STRONGER COMMUNITIES,  
LEGAL AND DEMOCRATIC SERVICES, CORPORATE DEVELOPMENT,  
SCRUTINY, AREA COMMITTEES, PERFORMANCE MONITORING AND  
LOCALITY BUDGETS****COUNTY COUNCILLOR DAVID CHANCE****STRONGER COMMUNITIES****Area Constituency Committee Showcase**

This year, to build on the success of the Community Showcase in 2018, and to coincide with the new Area Constituency Committees, I asked the Stronger Communities Team to invite a local group or project they had supported, to attend each meeting and share their story with Members. The groups valued the opportunity to speak to Members and it is right that we continue to recognise and celebrate the important work local community groups undertake to help others and add to the richness of local life.

**Suicide Prevention Grants Programme**

The Stronger Communities Programme were asked to manage a grants budget on behalf of both Darlington; and Hambleton, Richmondshire and Whitby Clinical Commissioning Groups for projects that support suicide prevention. 15 grants, totalling just over £70,000 were awarded to projects across the two areas. This follows on from the success of the North Yorkshire Coast Opportunity Area - Essential Life Skills Fund in 2018, and the increasing reputation of Stronger Communities in managing voluntary sector investment programmes.

**Supported Volunteering Event**

Encouraging and enabling a diverse range of people to be able to give and connect through supported volunteering, is an important part of community life. In May, the Stronger Communities Team hosted a Supported Volunteering Event, to understand and learn from those organisations promoting inclusive practice about how, and in what circumstances, it would be achievable to replicate this throughout the County. More than 20 organisations attended and fed back at the event, and it is hoped that a supported volunteering framework will be published later this year.

## **Co-investment Model for Prevention**

National policy is placing an increasing emphasis throughout the Health Service on prevention, and particularly, community centred social prescribing models. North Yorkshire has a well-established prevention approach, and is in a strong position to capitalise on this national change. In order to prevent duplication and to make best use of resources, the Stronger Communities Programme are working with Living Well and Public Health to package the existing prevention approach into a coherent offer, one in which Health commissioners locally can co-invest.

## **North Yorkshire in 2030 – Support for Refugees**

I was invited to attend a workshop organised by the Stronger Communities Team in March, in which a range of partners came together to start to plan how best communities and organisations can support refugees in North Yorkshire over the coming years; helping them to develop a sense of belonging and provide an opportunity to contribute to community life. The depth of commitment demonstrated at the workshop provided reassurance that North Yorkshire will continue to be a welcoming place for those refugee families who have settled in the County.

The refugee families that have been resettled in North Yorkshire continue to work hard to adapt and integrate, despite their traumatic pasts and the culture shock they are inevitably experiencing. Six of the 50 families resettled in North Yorkshire have left, with the most common reason for leaving being due to the family wanting to move closer to relatives resettled elsewhere in the UK rather than because they do not like living in a rural area.

All of the families resettled have now been here for more than 24 months and so the focus is on getting more of the adults of working age into employment and continuing to improve their understanding of the English language. To date 14 adults are in employment. Jobs include amongst factory work, cleaners, car mechanics, barbering, school caretaker's assistant and working at a horse racing stables. One man has set up his own business. A number of the adults have construction experience and so work placements are being explored to this end with a range of employers. Many more adults are volunteering to gain useful experience before entering the world of work. Through the Home Office grant, the County Council has employed an Employability Advisor to work with the refugee adults to get them into employment. The Advisor is assisting with CV writing, securing work placements and providing briefing sessions on the world of work in the UK. Wheels to Work is being used to provide clients with transport for up to three months until they can afford to get their own transport in those parts of the county where public transport is limited but where there are job-ready adults and work placements have been identified. Driving Theory test sessions have also been provided to enable the adults to start driving again once they can afford to buy a car.

The Home Office is expected to be writing out to local authorities by early summer to seek local authority support to resettle refugee families beyond May 2020 (when the current Syrian Vulnerable Persons Resettlement Scheme and Vulnerable Children's Resettlement Programme comes to an end). This would be part of an ongoing programme though likely to be smaller scale in nature.

### **Performance Management**

As previously reported, we have continued to develop our performance management processes and reporting. The quarterly performance report received by Executive is now clearly aligned to the Political priorities set out in the Council Plan.

Indeed the Council Plan now contains specific performance indicators aligned to the Ambitions and Priorities set within it. These will form the basis of our performance monitoring from quarter one 2019/20 and will be reviewed annually.

Performance continues to be closely monitored by Executive and Scrutiny. Each ambition will continue to be reported to Members Seminars once per year on a rolling basis.

We believe this degree of transparency and rigour is important, even in an organisation with such an enviable track record of delivery as ours.

### **LEGAL AND DEMOCRATIC SERVICES**

The County Council has created and has been operating a separate legal company called First North Law. The initial business plan for the Company seeks to expand the success of the Council's in house legal team in providing advice to educational establishments within North Yorkshire to providing legal advice across the Country. The Company has therefore sought to sell its legal helpline across the Country and has currently been successful in attracting new clients in York, Teesside, Wakefield, Lancashire, Cumbria and Leeds. The Company will therefore look at marketing this service further and also look at breaking into new legal markets.

### **Area Constituency Committees**

The committees are now established and have in place work programmes that: respond to local issues of strategic importance to the Council; and enable closer and complementary working with the Council's five thematic overview and scrutiny committees. North Yorkshire's MPs have been invited to the September round of committee meetings. This will help deepen the relationship with our MPs, enabling key issues to be flagged at Westminster.

## **School Admission Appeals**

The appeals team in Democratic Services will shortly be entering the 'bulk appeals' season. This relates to applications for September admissions and not the ongoing in-year moves between schools. Early indications are that the number of secondary school admissions appeals is higher than last year. The number of primary school admissions appeals will be known in June.

## **Overview and scrutiny**

We still await new statutory guidance on overview and scrutiny in local government. In the interim, we are taking the opportunity to look at how we work and whether there are any opportunities for improvement. Scrutiny Board continues to play a key role in this.

## **Democratic Services**

A round of 'political awareness' training for key officers in the Council was undertaken in February and March. This training was delivered as part of a broader programme of work being done by Democratic Services to ensure that officers involved in major change projects: are fully versed in the decision making processes of the Council; know when to engage with County Councillors, particularly on issues of local concern; and aware of the role and value of overview and scrutiny, especially pre-decision scrutiny.

## **COUNTY COUNCILLOR LOCALITY BUDGETS**

Members have been notified that the first date on which they can submit recommendations this year is Monday 13 May 2019, and the last date is 31 January 2020.

I'm particularly keen to encourage members to use their recommendations to lever in additional funding and volunteers to local projects in the county.

A report on the expenditure and operation of Locality Budgets in the 2018/19 financial year will be presented to Corporate and Partnerships Overview and Scrutiny Committee on 17 June 2019.

## **North Yorkshire Local Assistance Fund (NYLAF)**

Following a procurement exercise, a new provider (Family Fund Business Services, based in York) took responsibility for day to day management of the service from the start of April. The transition has been successfully completed. Recent research by the Children's Society show that NYLAF is one of the top performing schemes in the country.

DAVID CHANCE

**NORTH YORKSHIRE COUNTY COUNCIL**  
**15 May 2019**  
**SCRUTINY BOARD – STATEMENT BY THE CHAIRMAN**

Members will be aware that Scrutiny Board brings together the Chairs of the five thematic overview and scrutiny committees at the Council and the Older Peoples' and Young People's Champions. It provides an opportunity for a whole council view of scrutiny activity, which avoids gaps and overlaps and helps establish a lead committee for areas of joint interest. It also provides a forum in which the key performance issues for the Council can be reviewed and items for further scrutiny identified.

The last meeting of Scrutiny Board was on 14 February 2019. At that meeting the following matters relating to the delivery of overview and scrutiny at the Council were discussed:

- The long awaited Department for Housing, Communities and Local Government statutory guidance on overview and scrutiny in local government and what the Centre for Public Scrutiny believes the focus will be.
- An update on the work of the Council's six Area Constituency Committees and how the geographically focussed work of these committees complements the thematically focussed work of the Council's five thematic overview and scrutiny committees.
- A review of Mid Cycle Briefings and the role that they play in supporting the development of the overview and scrutiny committee work programmes.
- A discussion on how to co-ordinate the scrutiny of the annual Council budget across overview and scrutiny committees, Area Constituency Committees and Member Seminars.

Members of Scrutiny Board attended the Executive Performance Monitoring meeting on 19 February 2019, to raise questions regarding key areas of the Council's performance, including determining what work was being done by Children and Young People's Services to:

- Reduce the number of exclusions from mainstream school
- Promote non-academic routes and training options for young people and young adults
- Reduce the repeat referral rate to Children's Social Care
- Manage the number of Looked After Children, ensuring that the current programme of work is targeting the right pressure points in the system
- Promote health and wellbeing for children and young people, particularly to reduce the number of children who are overweight and obese in the county.

The meeting of Scrutiny Board on 14 February 2019 was my last as Chairman. I have enjoyed working with my fellow scrutiny committee chairs and the Council's Older People's and Young People's Champions over the past 2 years as we have looked to make scrutiny more co-ordinated, targeted and outcome driven.

Chairman  
County Councillor Jim Clark  
23 April 2019.



**NORTH YORKSHIRE COUNTY COUNCIL  
15 May 2019**

**SCRUTINY OF HEALTH COMMITTEE – STATEMENT BY THE CHAIRMAN**

Since my last statement to Council, the Scrutiny of Health Committee formally met on 15 March 2019 and held a Mid Cycle Briefing on 26 April 2019.

**North Yorkshire Clinical Commissioning Groups**

The three North Yorkshire Clinical Commissioning Groups (Hambleton, Richmondshire and Whitby; Harrogate and Rural District; and Scarborough and Ryedale) have decided, at a recent meeting of their Governing Bodies, to formally merge. This will formalise and advance the current informal, shared working arrangements that have been in place since the appointment of a single Accountable Officer in December 2018. It will take time to go through the merger process and the hope is that a single statutory Clinical Commissioning Group will be in place from 1 April 2020.

The closer working between Clinical Commissioning Groups will make the planning, commissioning and delivery of services on a North Yorkshire footprint easier. It will also enable closer working with the Council and may act as a catalyst for further integrated health and social care service delivery. There is a concern, however, that this merger takes in only 3 of the 6 Clinical Commissioning Groups that commission services for the people of North Yorkshire. The populations in Craven, Selby, a large part of Ryedale and Bentham will not be served by the new, merged Clinical Commissioning Group.

The recent meetings of the committee have been dominated by changes to NHS services locally that have been driven by workforce shortages and financial pressures. Whilst the committee fully appreciates the difficulties faced by the NHS nationally, regionally and locally, members are concerned about the move of local, specialist services to large hospitals out of county.

**The Friarage Hospital, Northallerton**

As of 27 March 2019, changes to critical care services provided at the Friarage Hospital in Northallerton came into effect. These changes were triggered by concerns about patient safety as a result of shortages in senior clinical and consultant cover, particularly in anaesthesia. This means that patients needing specialty care, critical care and complex critical care dependent surgery will receive that care at the James Cook Hospital in Middlesbrough.

The Scrutiny of Health Committee was alerted to the staffing issues back in the summer of 2017 but no solution to the workforce shortages has been found, despite the efforts of the South Tees Hospitals NHS Foundation Trust that runs the Friarage. The situation had been managed through rota changes, locums and short term contracts but this was determined not to be sustainable.

The committee will keep the operation of the new clinical model under close scrutiny and will be hearing, at its next meeting, what the long term plan is for critical care services at the Friarage. As with other changes in the NHS locally, the concern is that temporary changes triggered by patient safety can soon become permanent changes.

### **Countywide changes**

In addition to the changes to critical care at the Friarage, there have been a number of other NHS services that have recently been centralised or decommissioned. This includes: the move of hyper acute stroke services to Leeds and York from Harrogate; the closure of the two mental health wards at the Friarage Hospital in Northallerton; the move of breast oncology outpatient services at Scarborough Hospital to York and Hull; and the decommissioning of enhanced minor injury services from GP practices in Hambleton Richmondshire and Whitby Clinical Commissioning Group area.

The rationale for many of these changes is understood and the centralised services often provide an improved level of care and better patient outcomes. There is a balance to be struck in a sparsely populated rural area like North Yorkshire, however, between centralisation and access.

In outlining all of the above, I am aware that the Scrutiny of Health Committee may appear to be only focussing upon the negatives and what is lost. Let me reassure you, however, that this is not the case. The committee is keen to learn more about new ways of working and assets-based approaches that will help ensure that sustainable models of health and social care are put in place that draw upon best practice from around the world, such as Canterbury in New Zealand.

Finally, I would like to thank all those people in the Council and the NHS locally, regionally and nationally who have supported the work of the committee under my Chairmanship over the past 9 years and enabled us to do our job.

County Councillor Jim Clark  
Chairman, Scrutiny of Health Committee  
24 April 2019

**NORTH YORKSHIRE COUNTY COUNCIL****15 May 2019****YOUNG PEOPLES OVERVIEW AND SCRUTINY COMMITTEE****CHAIRMAN'S STATEMENT****Attainment 2018**

1. Every year we review the attainment results of North Yorkshire Pupils. This year in particular, members devoted considerable attention to the report, adopting strong and probing lines of questioning around the key aspects.
2. The 2018 Attainment results demonstrate that North Yorkshire children are on the whole achieving well in reading, writing and maths. We have much to be proud of. Results in Key Stage 4 in particular stand out as a success story.
3. Despite the identifiable improvement over the previous year, some areas – all of them familiar to the committee because of our previous work - are manifestly a challenge. Results in Key Stage 2, although improved, show levels of attainment in maths stubbornly resistant to the levels of improvement we all want to see. School standards in the coast remain an issue for the committee (and for me personally of course), although it is reassuring that the Coastal Opportunity Area should help to redress the imbalance.
4. Long standing performance challenges around children eligible for free school meals remain, with this cohort above national benchmarks for school absence and over-represented in terms of exclusions.
5. These are all areas which have consistently featured prominently in our work programme and, in the light of the report, will do so over the next year.
6. The strong improvement in attainment for children receiving SEN support at primary school is welcome. Performance for children with Education, Health and Care Plans is broadly in line with benchmarks at early years and primary, and above benchmarks at Key Stage 4. In the light of the known, significant budget pressures associated with these areas (both are significant contributors to the previously reported overspend), the committee had already decided to look at how the directorate is working to ensure these pupils, and other disadvantaged students, are receiving the appropriate support.

## **Supporting Underperforming Schools**

7. We reviewed how we support underperforming primary, secondary, special schools and Pupil Referral Units.
8. The School Improvement Strategy 2019-21 recognises that it is the responsibility of school leaders to secure improvement in their schools. As part of the working partnership with schools, the local authority will act as champions of educational excellence for children and young people, working with early years settings, maintained schools, academies, free and independent schools to forge strong professional relationships through school networks and teaching school alliances.
9. We liked the way the quality assurance role was being exercised, effectively monitored and challenged across all schools regardless of whether they were LA maintained or academies. We found the four prioritisation categories adopted to judge and assess the risk in the quality of education being provided and where necessary respond to these risks, to be transparent, practical and effective. This clearly assists the directorate to reach an agreement about the intervention required, enabling the local authority to deliver its statutory functions, manage risks, target appropriate interventions and help those schools and institutions who are causing concern.
10. Without being in any sense complacent, we acknowledged that the numbers of schools deemed to be in a position where intervention is necessary (priorities 3 and 4) is relatively small. We were, however, still reassured that there is a well-established process for identifying schools causing concern and clear arrangements for focussed and timely interventions in those schools with a range of options being used and/or available .

## **School Governance**

11. The committee has long recognised that the traditional role of school governors changes significantly when a school becomes an Academy. We received a comprehensive report on governance at all schools, focussing especially on the extent to which schools must be transparent in their decision making.
12. Inevitably, the changing roles and responsibilities of Parent Governors featured strongly in what was, in truth, very much an awareness raising item rather than directed scrutiny. But for members this report highlighted yet again an important discussion the committee has not yet had: the relationship between Multi Academy Trusts and the local communities served by schools under Trust management. Members were of a mind to take this further, but believe more thought is needed on how we should best approach such a complex topic.

## **Looking ahead**

13. In the pipeline for consideration over the next two or three meetings are:

- Disabled Children Service - Current challenges, priorities activity, covering how we are meeting needs in more inclusive and enabling ways.
- Young People with additional needs Transitioning to Adulthood - How NYCC supports and offers guidance to a young person aged 14 to 25 with special educational needs or a disability. Including access to education, training and employment, and to live as independently as possible. This may be best tackled in a joint informal session with Care and Independence Scrutiny Committee.
- School deficits and overspend programme of action: progress.
- Annual Report/Update on Children Safeguarding Board.
- Supporting children in and out of education who have medical condition, especially a chronic (life threatening) illness.

14. I reported last time on the committee's review of the prevalence and experience of North Yorkshire children of compulsory school age whose parents opt, as is their right in law, to educate their child at home instead of sending them to school - referred to as Elective Home Education (EHE). In the light of guidance published last month which reflects legal advice received by the Government indicating that local authorities' powers in relation to home education often go further than was previously thought, I am minded to hold another more detailed session to examine the topic further.

### **JANET JEFFERSON**

Chairman, Young Peoples Overview and Scrutiny Committee

County Hall,  
NORTHALLERTON  
29 April 2019

Background Documents - Nil.

**NORTH YORKSHIRE COUNTY COUNCIL**

**15 May 2019**

**CARE AND INDEPENDENCE OVERVIEW AND SCRUTINY COMMITTEE**

**CHAIRMAN'S STATEMENT**

**Respite and Short Breaks**

1. Caring for someone can be very rewarding, but it can also be physically and emotionally tiring. In the Carers UK State of Caring 2017 survey 40% of carers said they hadn't had a day off for more than a year and 25% of carers said they hadn't had a day off from caring for more than five years.
2. Our NYCC Carers Strategy emphasises the importance of carers being enabled to have a life outside of their caring role, but the current offer is quite traditional with NYCC offering in excess of 70% of respite services through their in house provision.
3. Members were pleased, therefore, to be informed of early directorate thinking on how to improve respite and short breaks. NYCC currently manages respite at 5 settings across the county, with the option of individual beds in our Elderly Persons Homes when they are available. Day services are provided at 7 locations.
4. In answer to the question: have we got our offer right? the intended review has some important issues to address:
  - Availability of appropriate respite can be an issue particularly for young people transitioning into adulthood
  - There is a lack of respite generally available from the market due in part to the high costs of delivery
  - Currently we offer a very traditional respite service, focussed mainly for people with a Learning Disability
  - There are gaps in the market particularly around people transitioning into adulthood and people with a dementia
  - We do have emergency respite available at our in-house services across the county – this will always be costly to provide
5. Even at this early stage, members had some clear ideas, borne out of both personal and professional experience, about what ought to be part of this exercise: the role of volunteers; the gap in dementia respite provision; and the advantages of a brokerage arrangement whereby the authority purchases guaranteed places in the private and voluntary sector.
6. The directorate's ambition is to engage fully with communities in order to identify a proposed model beyond 2020. The committee intends to be involved.

## User Engagement

7. The committee had previously agreed to look at service user participation. We wanted to know how confident we can be that our services are person centred, are locally appropriate and have been planned with individuals to put them and their carers in control. Rather than see this as a task group project, group spokespersons and other committee members attended and participated in user-led meetings of service users - North Yorkshire Learning Disability Partnership Board, the North Yorkshire Disability Forum, and the Scarborough Dementia alliance.
8. As a piece of scrutiny work, it gave members a good opportunity to see whether the engagement principles under which the directorate says it works appeared to operate in practice.
9. The conclusions of those members include:
  - **Value each person as an individual - treat with dignity and compassion.** Arrangements at meetings are designed to make them as accessible as possible. Sensitive and appropriate techniques were employed which work for people with different experiences, abilities and perspectives
  - **Support people to make choices in their own lives** – Members found there was a clear ambition to stretch up the ladder of participation as much as possible whilst respecting and understanding peoples abilities and choices. It was pleasing that the numbers of people with a learning disability who can self-advocate is growing.
  - **Be accountable to people, listening to what they have to say and involving them in decision about their health and social care** – At the North Yorkshire Disability Forum the recent - and contentious - issue of Care Charging was opened up in such a way that prompted a full, frank and open discussion with people feeling freed up, in a safe space, to offer their views. This was not the only example members saw of accessible, timely information is being made available to help individuals and groups make choices.
10. The message scrutiny members brought back was that the directorate is committed to involving people in the designing, monitoring and improvement of services.

## Joint Task Group on Health and Social Care Integration.

11. Having largely concluded its series of in-depth conversations with leaders of health and care services in the North Yorkshire area, the task group is now nearing the finish line. Carrying out an assessment of such a huge and complex topic was always going to be challenge. A significant body of information has been assembled to help us arrive at some strategic level concluding thoughts. Those will be presented

in full to the June meetings of the two parent committees - Care and Independence and Scrutiny of Health.

12. As a taster, I can advise that our overriding view was that whilst there is a common interest in integration, there are different interpretations of what it means in practice. There is a sense that health partners and providers have not reached a common understanding of what integration means. So despite efforts to integrate, and many examples of excellent practice, there is still a good deal of experimenting with ways to join up. With so many different health partners operating to complex boundaries in North Yorkshire, co-ordination on a wide scale will remain an ever-present challenge.

### **Looking ahead**

13. At the next meeting the committee will review:

- The support provided to adult carers of adults in North Yorkshire - specifically to provide an objective view of these services and whether they provide value for money.
- Learning disabilities: what has been the authority's contribution to the Live well, live longer – Learning Disabilities Strategy for North Yorkshire 2017-2022.. Essentially “Are we where we want to be?”
- How NYCC uses Assistive Technology to enable people to live more independent lives for longer. What is the current delivery model?

14. This will be my last Statement as Chairman of the Care and Independence Overview and Scrutiny Committee. I would like to thank Helen Grant who has been my Vice-Chairman on the committee throughout my tenure as its Chairman. She has been an immense source of support, advice and enthusiasm. Her passion for personalised, quality social care services has been invaluable. I am also grateful for the unstinting support I have received from the other group spokespersons and all the members of the committee, and to Ray Busby for his professionalism and dedication as committee secretary.

15. I wish my successor as Chairman the very best for the future.

### **JOHN ENNIS**

Chairman, Care and Independence Overview and Scrutiny Committee

County Hall,  
NORTHALLERTON  
30 April 2019

Background Documents - Nil



**NORTH YORKSHIRE COUNTY COUNCIL**  
**15 May 2019**  
**CORPORATE AND PARTNERSHIPS OVERVIEW AND SCRUTINY COMMITTEE**  
**STATEMENT BY THE CHAIRMAN**

Since my last statement to Council, the Corporate and Partnership Overview and Scrutiny Committee has held one formal meeting on 4 March 2019, and one Mid Cycle Briefing on 15 April 2019.

In March, we reviewed the role that volunteers play in the running of a range of Council services and how they are supported. The Corporate Volunteering Project, early thinking around a Volunteer Strategy and a set of standards that would be met by all parts of the Council, and the development of a marketing strategy were all scrutinised. Members welcomed the drive to ensure that there is a consistent approach to how we work with volunteers across the Council and recognised the crucial role that they play in delivery of key services, ranging from community libraries to school admission appeals panels.

At the March meeting, we also continued our scrutiny of work to promote community safety in the County, as we fulfil our key role as the Council's Crime and Disorder Committee. Representatives from the Community Rehabilitation Company (CRC) that works with adult offenders in the county provided an outline of the history of CRC and gave a presentation on: the work that they do with people in prison; support in the community; and how they assess and manage risk.

At our Mid Cycle Briefing in April, we continued our review of work being undertaken to reduce adult reoffending rates in the county. We had a presentation by the National Probation Service, who are responsible for high risk offenders, on how they run their integrated offender management programme.

At the next meeting of the committee on 17 June 2019, we will be scrutinising:

- The delivery of the county's Community Safety Plan
- Community libraries and how they are working, 18 months on from the transfer
- The Locality Budgets scheme
- The annual report of Brierley Group and the performance of the Council's traded services.

Cllr Derek Bastiman  
Chairman - Corporate and Partnerships Overview and Scrutiny Committee  
26 April 2019

**North Yorkshire County Council**

**15 May 2019**

**Transport, Economy and Environment  
Overview and Scrutiny Committee**

**Chairman's Statement**

1. Since the previous statement the Committee met on 17 April 2019.

**Committee – 17 April 2019**

SEND Home to School Transport 2018 Policy Change

2. The Committee received an update report and feedback from the Area Constituency Committees on the implementation and impacts of the Home to School Transport Policy adopted May 2018. This included the impact of the removal of the free transport statement for SEND Post-16 to 18 year old students; recognising SEND Post-19 students as adults in education and identifying unmet transport need in line with HAS social care assessment; and promoting the parental transport allowance to SEND sole-occupancy provision with a realistic enhancement to reflect the young person transport need.
3. A positive aspect of the removal of the free transport statement for SEND post 16 to 18 year olds has been that a number of young people who are capable of doing so now travel to their place of education on mainstream college/public transport. This is helping them to build up their independence. We were keen to establish though if the policy changes had impacted upon education attendance levels; we were informed that the changes had not. Additionally, families have been put in touch with the welfare benefits assessment department to check that they are getting the full range of benefits that they are entitled to and are also making use of any bursaries in colleges.
4. Existing transport users have been reluctant to take up the parental transport offer although new applicants have done so. We were interested to establish the extent to which the scheme has been promoted to existing parents and were informed that parents have been contacted to take up the offer. It will be interesting to see if there remains a steady take-up of the parental transport offer as more new parents come on board.

Scarborough Park and Ride

5. The Committee considered the range of options relating to changing the level of service provision of Park and Ride in Scarborough at the Filey Road and Seamer Road sites. As Members will be aware, the consultation is in response to the continuing fall in customers using either site especially outside of the peak-season. The Committee recommended to the Executive that option 3 should be adopted (ceasing the park and ride out of season) rather than closing the sites completely. The Committee recommended that rather than stipulating that the park and ride sites and services be closed from the second Sunday in November until the second Sunday before Easter, a specific opening date of 1 April should

operate unless Easter occurs earlier than 1 April within a given year. This is in view of the timing of Easter varying from year to year.

DEFRA/HM Treasury Consultations on Elements of the Resources and Waste Strategy

6. The Committee was invited to comment on the draft response on behalf of the County Council to be sent to DEFRA and the HM Treasury.
7. The government's Resources and Waste Strategy is a game-changer in the way that we will deal with disposing of and recycling waste not just from a local government perspective but also for society as a whole. The consultation focuses on four areas: consistency in household and business recycling collections in England; reforming the UK packaging producer responsibility system; introducing a Deposit Return Scheme in England, Wales and Northern Ireland; and plastic tax consultation.
8. The Committee agreed that in theory, in respect of consistency in household and business recycling collections in England, the proposal nationally to collect a core set of materials in household and business recycling collections makes sense. However clarity is needed as to how government will ensure additional resource is given to meet any new costs resulting from collecting and reprocessing of the core dry recycling materials including financial costs to the County Council's long term contracts. Separate collection and treatment of food waste would have a significant impact upon the compositional make-up and amount of waste recovered by our long term waste contract for Allerton Waste Recovery Park. The introduction of free garden waste collections to all households would not be practicable and would also discourage home composting. The introduction or not of minimum fortnightly refuse collection frequency should be determined by local councils rather than by national government.
9. The idea of reforming the UK packaging producer responsibility is to put the full net costs of managing packaging waste on those businesses who use packaging and who are best placed to influence better design. The principle of Extended Producer Responsibility is to be welcomed including the producer pays principle and the commitment to covering local authority costs and how it will incentivise producers to design better (i.e. more recyclable) products. We agreed though that the proposal needs more clarity in a number of areas. This includes whether local authorities have to meet the minimum service standards for the household waste collection service to access the producer funding; whether the definition of minimum service standards either includes or excludes garden and food waste collection standards; and the minimum frequencies of refuse collection for household waste collection.
10. The Committee noted that the Deposit Return Scheme (DRS) duplicates elements of the separate proposals to reform the packaging producer responsibility scheme, which should have much greater impact than DRS. We agreed with the officer's draft response that DRS should only be introduced if the Extended Producer Responsibility fails to deliver the anticipated outcomes for these materials. If DRS is introduced it should be focussed on tackling litter and be a UK wide 'on-the-go' scheme rather than an all in approach. There is also

concern about the infrastructure that is needed to operate a DRS system, especially in a rural area.

11. The government is planning to tax plastic packaging that contains less than 30% recycled material to stimulate end markets for plastic and promote better design of packaging. Most of the questions in this part of the consultation are of a technical nature but we agreed that the County Council should support the principle of the plastic packaging tax but is not best placed to respond to many of the questions which are largely matters for industry.

**Committee – 15 July 2019**

12. The following items are planned to be brought to the next committee meeting on 15 July 2019:

Highways Maintenance Contract	To receive the annual report on actions being put in place by the highways maintenance & highways improvement contractor (Ringway) to improve performance and communications
Highways England	Annual update
Local Flood Risk Management Strategy	Update on the implementation of the Local Flood Risk Management Strategy including flood risk/coastal erosion alleviation measures put in place/scheduled to be put in place.
Home to School transport policy for statutory aged pupils	To discuss the results of the current consultation on home to school transport policy for statutory aged children and agree recommendations to the Executive thereof.
North Yorkshire and York Local Nature Partnership	Update report

**Other future planned work: 20 mph speed limit task group review**

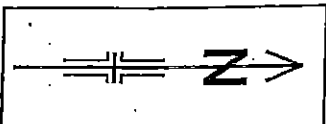
20 mph speed limits

13. Further to the publication of the long-awaited national research project commissioned by the DfT examining 20 mph speed limits, the Committee approved the scope of its review and appointed Members to the task group, at its meeting on 17 April 2019. The task group will meet later this month to look at the County Council’s current policy regarding the introduction of 20 mph speed limits and the existing DfT guidance on the same. The subsequent meetings will involve external stakeholders including 95 Alive, North Yorkshire Police and the ‘20s Plenty’ campaign group. The Committee hopes to report its findings and recommendations to the Executive in the autumn.

**County Councillor Stanley Lumley**  
**Chairman**

Transport, Economy and Environment Overview and Scrutiny Committee  
County Hall  
Northallerton

1 May 2019



Members  
Car Parking

Visitors  
Car Parking

Pond

Pond

**SOUTH SIDE  
CAR PARK**

Fire Assembly  
Point

MAIN  
EVACUATION ROUTE

Council  
Chamber

Fire Assembly  
Point

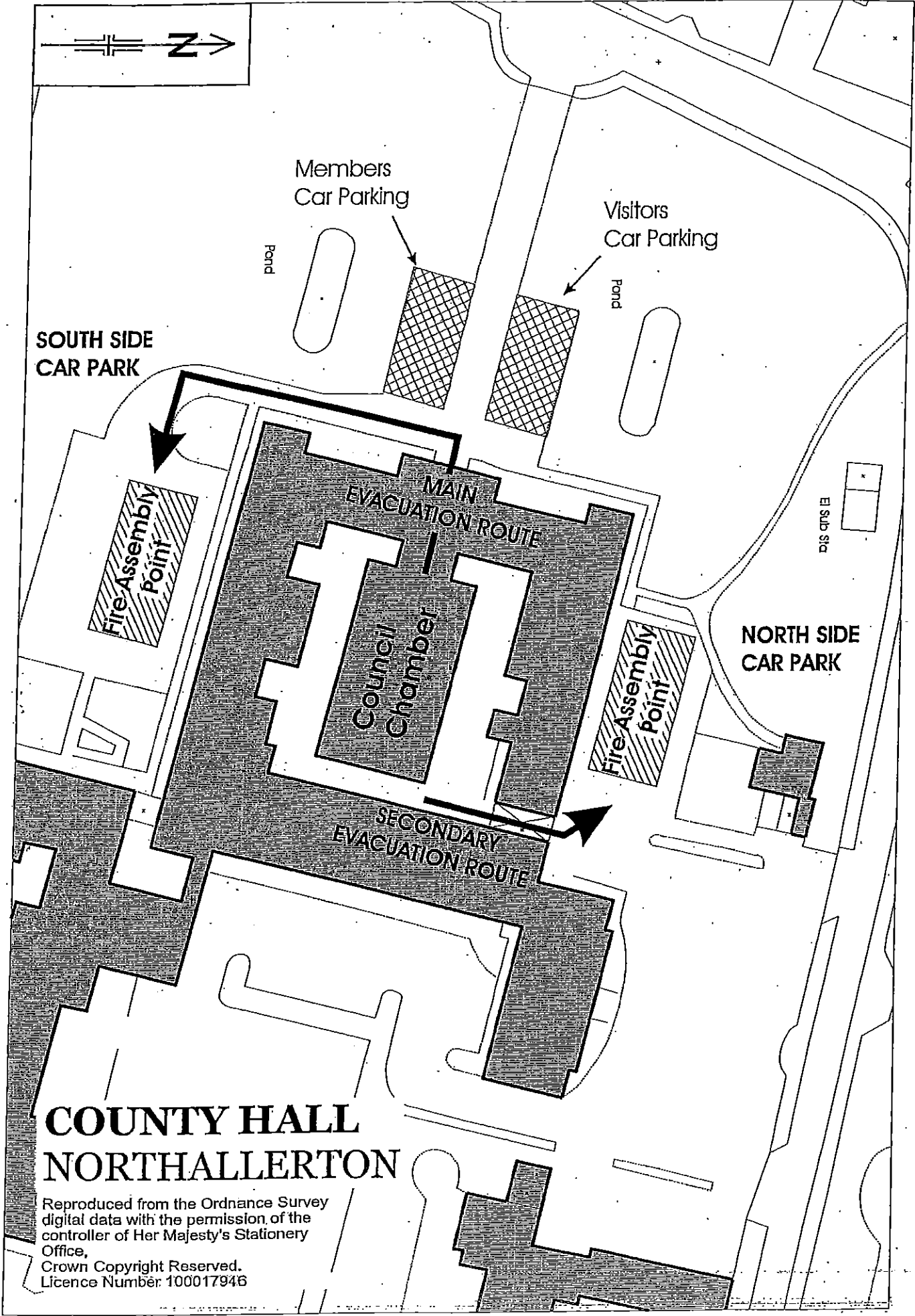
**NORTH SIDE  
CAR PARK**

SECONDARY  
EVACUATION ROUTE

El Sub Sid

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## 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).