

NORTH YORKSHIRE COUNTY COUNCIL



QUARTERLY MEETING

18 November 2020

**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.
- (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.



NORTH YORKSHIRE COUNTY COUNCIL

You are summoned to attend the Meeting of the County Council. This meeting is being held remotely using Teams on **Wednesday 18 November 2020 at 10.30 am**, at which the following business will be transacted.

This meeting is being held remotely using Skype and will be live broadcast to the Council's YouTube site. Further information on this is available on the committee pages on the Council website - <https://democracy.northyorks.gov.uk/> . Recordings of previous live broadcast meetings are available via the following link - www.northyorks.gov.uk/livemeetings

BUSINESS

1. To move that the **Minutes of the meeting of the County Council held on 22 July 2020 and Minutes of the extraordinary meeting of the County Council held on 4 November 2020** having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.
(Pages 6 to 13)
2. **Apologies for absence**
3. **Declarations of Interest**
4. **Chairman's Announcements** - Any correspondence, communication or other business brought forward by the direction of the Chairman of the Council.
5. **A Statement by the Leader of the Council**
(Pages 14 to 15)
6. **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 or in writing to Barry Khan, Assistant Chief Executive (Legal and Democratic Services), County Hall, Northallerton DL7 8AD by **midday on Friday, 13 November 2020**. Each speaker should limit themselves to 3 minutes on any item.

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

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

Executive Report only (Pages 16 to 19)

- **Appendix A - Proposed Amendments to the Council's Constitution.**
- **Appendix B - Report on Changes to the Constitution (Audit Committee Terms of Reference).**

(Appendices Pages 20 to 68)

8. To consider the **report and recommendations of the Standards Committee** and make decisions on them.

- Annual Report

(Pages 69 to 72)

9. To consider the **report and recommendations of the Audit Committee** and make recommendations on them.

- Annual Report

(Pages 73 to 79)

10. To consider the **report and recommendations of the Pension Board** and make recommendations on them.

- Annual Report

(Pages 80 to 117)

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

Executive Members:

(Pages 118 to 144)

- (a) Executive Member for Children's Services - County Councillor Janet Sanderson
- (b) Executive Member for Education and Skills - County Councillor Patrick Mulligan
- (c) Executive Member for Access - County Councillor Don Mackenzie
- (d) Executive Member for Stronger Communities - County Councillor David Chance
- (e) Executive Member for Health and Adult Services - County Councillor Michael Harrison
- (f) Executive Member for Public Health, Prevention and Supported Housing - County Councillor Caroline Dickinson
- (g) Executive Member for Open to Business - County Councillor Andrew Lee
- (h) Executive Member for Customer Engagement - County Councillor Greg White
- (i) Executive Member for Finance and Assets and Special Projects - County Councillor Gareth Dadd

Overview and Scrutiny Committee Chairmen:

(Pages 145 to 160)

- (j) Scrutiny Board (Chairman: County Councillor Derek Bastiman)
- (k) Scrutiny of Health Committee (Chairman: County Councillor John Ennis)
- (l) Young People Overview and Scrutiny Committee (Chairman: County Councillor Janet Jefferson)
- (m) Care and Independence Overview and Scrutiny Committee (Chairman: County Councillor Karin Sedgwick)
- (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 17 November 2020**, the person to whom the question has been put may respond in writing, and this is then circulated to all Members.

12. The Report of the Transport, Economy and Environment Overview and Scrutiny Committee on the Notice of Motion on NHS Parking

(Pages 161 to 163)

13. Notice of Motion

Sky Lanterns

"This Council resolves to ban the release of all types of sky lanterns* on property and land owned by North Yorkshire County Council. This Council resolves to ask all Parish and Town Councils within North Yorkshire to pass a similar motion, to ban the release of sky lanterns on Parish or Town Council land.

This Council resolves to engage with business communities, landowners, schools, and individuals in North Yorkshire, to encourage them to sign up to this initiative.

*Sky Lantern, (in this motion), is a small hot air balloon made of paper with an opening at the bottom, where a small fire is suspended."

Proposed by County Councillor Bryn Griffiths
Seconded by County Councillor Philip Broadbank

14. Council Procedure Rule 10 Questions

RICHARD FLINTON
Chief Executive Officer

BARRY KHAN
Assistant Chief Executive
(Legal and Democratic Services)

County Hall,
NORTHALLERTON

9 November 2020

North Yorkshire County Council

County Council

Minutes of the meeting of the County Council held at remotely on 22 July 2020 commencing at 10.30 am.

This was a live broadcast remote meeting held using Skype.

PRESENT:-

County Councillor Jim Clark in the Chair.

County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Bob Baker, Philip Barrett, Derek Bastiman, David Blades, Eric Broadbent, Lindsay Burr MBE, Michael Chambers MBE, David Chance, 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 Mackenzie, John Mann, Stuart Martin MBE, John McCartney, Zoe Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Andy Paraskos, Stuart Parsons, Caroline Patmore, Yvonne Peacock, Clive Pearson, Joe Plant, Gillian Quinn, Tony Randerson, Janet Sanderson, Karin Sedgwick, Andy Solloway, Peter Sowray MBE, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, Geoff Webber, John Weighell OBE, Greg White and Annabel Wilkinson.

APOLOGIES:-

County Councillors: Andrew Backhouse, Mel Hobson, Don Mackay, Chris Pearson, Callam Walsh, Richard Welch and Robert Windass.

ATTENDING:-

This was a live broadcast remote meeting held using Skype. As such, the meeting was available to be viewed on the Council YouTube channel.

133. Election of Chairman

It was moved and seconded that County Councillor Jim Clark is re-elected as Chairman of the County Council to serve until the Annual Meeting of the County Council in 2021.

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

Resolved -

That County Councillor Jim Clark continue as Chairman of the County Council, to serve until the Annual Meeting of the County Council in 2021.

County Councillor Jim Clark then made his declaration of acceptance of the office of Chairman of the County Council.

County Councillor Jim Clark in the Chair

The Chairman thanked the Council for his re-election.

134. Apologies for Absence

Apologies for absence were noted.

135. Minutes

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday 19 February 2020, having been printed and circulated, are confirmed and signed by the Chairman as a correct record.

The vote was taken and 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 19 February 2020, having been printed and circulated, are confirmed and signed by the Chairman as a correct record.

136. Appointment of Vice-Chairman

It was moved and seconded that County Councillor Stuart Martin MBE be appointed as Vice-Chairman of the County Council, to serve until the Annual Meeting of the County Council in 2021.

The vote was taken and the motion was declared carried, with 58 in favour, 5 against and 2 abstentions.

Resolved -

That County Councillor Stuart Martin MBE is appointed as Vice-Chairman of the County Council, to serve until the Annual Meeting of the County Council in 2021.

County Councillor Stuart Martin MBE then made his declaration of acceptance of the office of Vice-Chairman of the County Council and thanked the Council for his appointment.

137. Declarations of Interest

County Councillor Philip Broadbank declared an interest in relation to Item 12 (Notice of Motion). His wife works for Harrogate NHS Trust but does not use the on-site parking at the hospital.

County Councillor Karl Arthur declared an interest in relation to Item 11(d) (Statement by County Councillor Don Mackenzie) as his employer is Network Rail.

138. Chairman's Announcements

The Chairman welcomed the Honorary Aldermen and members of the public who were watching the live broadcast of the meeting on the Council's YouTube site.

The Chairman acknowledged the death of former County Councillor Vivienne Knaggs who died in May 2020. Vivienne was a Liberal Democrat County Councillor from 1993 to 1997.

The Chairman also acknowledged the death of former County Councillor Shirley Taylor who died in May 2020. Shirley represented the Harrogate Wedderburn division between 1989 and 1997 as a Liberal Democrat. She also served as a Borough Councillor for seven years.

The Chairman informed Members of the usual arrangements for the meeting.

The Chairman made a number of announcements relating to work that he will continue to do in his role as Chairman, building upon the work that he had previously done in the 9 months prior to the national lockdown. He thanked the NHS, care workers and key workers for all that they had done during the pandemic.

139. Statement by the Leader

County Councillor Carl Les made a statement and answered questions, under Contract Procedure Rule 2.3, as Leader of the County Council, a summary of the key points of which had previously been circulated and which appear in the Minute Book (pages 12032 to 12033).

County Councillor Carl Les announced that County Councillor Mike Jordan has joined the Conservative Party.

140. Public Questions or Statements

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

141. Report of the Executive

Revised Library Strategy

The recommendation at paragraph 3.1 of the report (page 12038 of the Minute Book) was moved and seconded.

The vote was taken and the motion was declared carried, with none against and no abstentions.

Resolved -

That the revised Library Strategy be approved.

142. Overview and Scrutiny Annual Report 2019/2020

The Overview and Scrutiny Annual Report was considered and the recommendation at paragraph 3.0 (page 12096 of the Minute Book) was moved and seconded.

The vote was taken and the motion was declared carried, with none against and no abstentions.

Resolved -

That the Annual Report be noted.

143. Statements of Executive Members and Chairmen of Overview and Scrutiny Committees

County Councillor Gareth Dadd, Executive Member for Finance and Assets and Special Projects, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 12116 to 12118).

County Councillor Janet Sanderson, Executive Member for Children's Services, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 12120 to 12121).

County Councillor Patrick Mulligan, Executive Member for Education and Skills, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 12122 to 12124).

County Councillor Don Mackenzie, Executive Member for Access, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 12126 to 12127), and responded to questions.

County Councillor David Chance, Executive Member for Stronger Communities, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 12128 to 12131), and responded to questions.

County Councillor Michael Harrison, Executive Member for Health and Adult Services, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (page 12132).

County Councillor Caroline Dickinson, Executive Member for Public Health, Prevention and Supported Housing, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 12134 to 12137).

County Councillor Andrew Lee, Executive Member for Open to Business, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 12138 to 12139).

County Councillor Greg White, Executive Member for Library, Customer and Community Services, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 12140 to 12143).

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees having previously been circulated, and which appear in the Minute Book (pages 12144 to 12155) were noted.

County Councillor Helen Grant left the meeting at 11:47am.

144. Notice of Motion

NHS Parking

“That this council makes known to all NHS Hospital Trusts in North Yorkshire that this council supports and encourages free on-site parking for NHS staff at their workplaces.”

County Councillor Geoff Webber proposed this motion and County Councillor David Goode seconded the motion.

An amendment to the motion, as below, was proposed by County Councillor Richard Cooper and seconded by County Councillor Zoe Metcalfe.

“That this council makes known to all NHS Hospital Trusts in North Yorkshire that this council supports and encourages measures which enable their staff to travel to and from work sustainably in accordance with carbon reduction and sustainable travel commitments. The council invites them to consider how parking policy and grants for using sustainable travel options for NHS staff at their workplaces can best achieve this alongside the understandable wish for NHS staff to be recognised for the work they do.”

An amendment to the motion, as below, was proposed by County Councillor Liz Colling and seconded by County Councillor Eric Broadbent.

“That this council makes known to all NHS Hospital Trusts in North Yorkshire that this council supports and encourages free on-site parking for NHS staff at their work place. We invite them to consider how parking policy and grants for using sustainable travel options for NHS staff can best achieve a long-term aim for carbon reduction and sustainable travel across our County.”

Resolved -

The Chairman determined that the Motion and subsequent amendments be referred to the Transport, Economy and Environment Overview and Scrutiny Committee for consideration before coming back to a future meeting of the Council.

145. Council Procedure Rule 10 Questions

There were no Council Procedure Rule 10 questions.

The meeting closed at 12:15.

North Yorkshire County Council

County Council

Minutes of the extraordinary meeting of the County Council held at remotely on 4 November 2020 commencing at 10.30 am.

This was a live broadcast remote meeting held using MS Teams.

PRESENT:-

County Councillor Jim Clark in the Chair.

County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Andrew Backhouse, Bob Baker, Derek Bastiman, David Blades, Philip Broadbank, Eric Broadbent, Lindsay Burr MBE, Michael Chambers MBE, David Chance, 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 Mackenzie, John Mann, Stuart Martin MBE, John McCartney, Zoe Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Andy Paraskos, Stuart Parsons, Caroline Patmore, Yvonne Peacock, Chris Pearson, Clive Pearson, Joe Plant, Gillian Quinn, Tony Randerson, Janet Sanderson, Karin Sedgwick, Andy Solloway, Peter Sowray MBE, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, Callam Walsh, Geoff Webber, John Weighell OBE, Richard Welch, Greg White, Annabel Wilkinson and Robert Windass.

ATTENDING:-

This was a live broadcast remote meeting held using Skype. As such, the meeting was available to be viewed on the Council YouTube channel - <https://www.northyorks.gov.uk/live-meetings>

146. Chairman's Announcements

The Chairman welcomed everyone to this Extraordinary Meeting of the County Council.

The Chairman welcomed the Honorary Aldermen and members of the public who were watching this live broadcast meeting on the Council's YouTube site.

The Chairman acknowledged the death of former County Councillor Bill Miller. County Councillor T W (Bill) Miller, husband of Alderman Jane Kenyon-Miller, was a member of this Council for the Esk Valley Division between 2001-2005. He also served on the North York Moors National Park Authority and Scarborough Borough Council.

The Chairman informed Members of the usual arrangements for the meeting.

147. Apologies for Absence

No apologies for absence were received.

County Councillors Philip Barrett, Mel Hobson and Don MacKay were not in attendance.

148. Declarations of Interest

Barry Khan, Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer updated the meeting in relation to dispensations, pre-determinations and disclosable pecuniary interests.

County Councillor Harrison declared an interest. A family member works for the Council's Health and Adult Services.

149. Public Questions or Statements

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

150. To consider the endorsement of the submission of a Unitary Bid for North Yorkshire to the Secretary of State for Housing, Communities and Local Government

Considered -

The report of the Chief Executive Officer seeking Council's endorsement for the submission of a proposal for a single unitary Council in North Yorkshire ("the Case for Change" attached at Appendix 1 on pages 16 to 88 of the Council report), following the invitation sent by the Secretary of State for Housing, Communities and Local Government. Any proposals submitted by the principal authorities within North Yorkshire and York will then be considered by Government through a process that involves public engagement and consideration of the merits of any proposals submitted; and the delegation to the Chief Executive Officer, in consultation with the Leader, the power to make any amendments considered necessary in advance of submission to the Government to the Case for Change and to submit any additional information that is considered appropriate prior to the deadline of 9 December 2020.

Moved by the Leader of the Council and seconded by the Deputy Leader of the Council.

County Councillor Derek Bastiman, Chairman of Scrutiny Board, relayed to the members present the outcome of discussions at a meeting of the Council's Scrutiny Board on 28 October 2020 at which a detailed presentation on the unitary proposal was given.

County Councillor Stuart Parsons, Leader of NY Independents, County Councillor Geoff Webber, Leader of Liberal Democrat Group, and County Councillor Eric Broadbent, Leader of Labour Group all spoke on the matter.

County Councillor David Chance, Executive Member for Stronger Communities spoke on the matter.

There followed a discussion by County Councillors present.

County Councillor Gareth Dadd responded to the issues that had been raised by previous speakers.

County Councillor Carl Les summed up.

County Councillor John McCartney left the meeting at 11:50am, due to technical issues, before the vote was taken.

The vote was taken and, on a roll call, the motion was declared carried, with 57 for, 11 against and no abstentions.

For: County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Andrew Backhouse, Bob Baker, Derek Bastiman, David Blades, Michael Chambers MBE, David Chance, Jim Clark, Gareth Dadd, Caroline Dickinson, John Ennis, David Goode, Caroline Goodrick, Bryn Griffiths, 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, Andy Paraskos, Caroline Patmore, Yvonne Peacock, Chris Pearson, Clive Pearson, Joe Plant, Gillian Quinn, Janet Sanderson, Karin Sedgwick, Andy Solloway, Peter Sowray MBE, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, Callam Walsh, Geoff Webber, John Weighell OBE, Richard Welch, Greg White, Annabel Wilkinson and Robert Windass.

Against: County Councillors Philip Broadbank, Eric Broadbent, Lindsay Burr MBE, Liz Colling, Richard Cooper, Stephanie Duckett, Keane Duncan, Helen Grant, Janet Jefferson, Stuart Parsons, Tony Randerson

Abstentions: There were none.

Resolved -

- (a) That the County Council endorsed the submission of a proposal for a single unitary Council in North Yorkshire (“the Case for Change” attached at Appendix 1 on pages 16 to 88 of the Council papers), following the invitation sent by the Secretary of State for Housing, Communities and Local Government.
- (b) That the County Council endorsed the Executive’s delegation to the Chief Executive Officer, in consultation with the Leader, the power to make any amendments considered necessary in advance of submission to the Government to the Case for Change and to submit any additional information that is considered appropriate prior to the deadline of 9 December 2020.

The meeting closed at 12:30.

NORTH YORKSHIRE COUNTY COUNCIL**18 November 2020****THE LEADER, COUNTY COUNCILLOR CARL LES****Covid**

As infection rates rise within the county and especially in areas on our borders, we are faced once again with a lockdown situation. Working alongside our partners we worked well in the first phase of the crisis. I'm confident that we will do so again, armed and strengthened by the experience we gained at that time.

Other colleagues will be picking up on this.

We must communicate with and exhort our communities to do what they can to reduce contacts in this month of lockdown so that we can keep the infection to a minimum. In the Birthday Honours Awards it was good to see 4 of our officers recognised for roles they played in the first lockdown – Rachel Bowes MBE (HAS), Marie-Ann Jackson MBE (Stronger Communities), Denny Levine BEM (HAS) and Nigel Smith BEM (BES). Speaking to each of them afterwards, all said they shared the award with the teams around them.

EU Exit Transition

The County Council is working with local partners to ensure, as far as possible, that our services, the lives of local people and local businesses will not be adversely impacted by the end of the EU Exit Transition period on 31 December 2020.

We are taking steps to ensure that our supply chains are not disrupted, businesses are aware of that they need to be prepared As the uncertainty continues, and that people are aware of the rules about travelling and working in the UK and in Europe. Advice for people and businesses can be found on our website at www.northyorks.gov.uk/brexit.

I want to reassure EU, EEA and Swiss citizens and their families living in North Yorkshire that they are very welcome in North Yorkshire and an important part of the cultural and economic vitality of our county. As valued members of our communities and workforce I would encourage any who have already done so, to apply to the EU Settlement Scheme at www.gov.uk/staying-uk-eu-citizen.

Climate Change

Officers have established a carbon baseline for the Council and developed a pathway tool, which can be used to predict our likely future carbon emissions based on current information. This is helping the council to plan further reductions. The reductions in emissions from the Council's property and fleet during the Covid-19 pandemic can be clearly seen and we are committed to retaining behaviours learnt during the crisis, such as increased use of virtual meetings and home working, where these are appropriate.

A draft carbon reduction plan for the Council is being developed and it is anticipated that the next stage will be the development of more detailed business cases for defined projects. A climate change impact assessment tool has been piloted and rolled out across the Council. The tool aims to raise awareness of climate change impacts, inform the decision making process, encourage mitigation actions and, where possible, capture specific impacts on the carbon footprint of the Council.

The post of Local Authorities Climate Action Co-ordinator has been created within the Local Enterprise Partnership. The post holder took up the position in August and is co-ordinating the development of carbon literacy training across the seven districts and the County Council. Co-ordinated communications campaigns for the public are also being planned.

Greg may wish to add to this summary.

Local Government Reorganisation

I can confirm that our initial submission was made by the due date. I repeat the offer to all Members to consider amendments and additions to the final document before submission in early December.

And finally

Christmas is a special time for all, singles, the lonely, and families, especially children. The December meeting was always a more appropriate time to do this, but can I wish all Members and staff, our Team North Yorkshire, and also all our residents, of whatever age, a peaceful Christmas time, and a Happy but especially a Safe and Healthy New Year.

CARL LES

North Yorkshire County Council

18 November 2020

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 since the last meeting of the County Council on 22 July 2020.

2.0 Details of meetings

- 2.1 The following sections provide details of decisions made and recommendations to County Council by the Executive since the last meeting of the County Council on 22 July 2020. The meetings were held on the following dates: 28 July 2020; 25 August 2020; 13 October 2020 and 3 November 2020.

The meeting of the Executive that was scheduled on 22 September 2020 was cancelled due to a lack of business.

All of the meetings were live broadcast and the recordings of the meetings are available via the following link - <https://www.northyorks.gov.uk/live-meetings>

2.2 28 July 2020 Executive (Performance Monitoring) Meeting

The Executive met on Tuesday 28 July 2020. It was a live broadcast meeting using Skype and OBS software. County Councillor Carl Les in the Chair, plus County Councillors David Chance, Gareth Dadd, Caroline Dickinson, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Other Councillors Present: County Councillors Derek Bastiman, John Ennis, Stanley Lumley, Janet Jefferson, Karin Sedgwick, Annabel Wilkinson, David Goode and David Blades.

Apology received from County Councillor Michael Harrison.

Substantive agenda items were:

- Quarter 4 Performance and Budget Monitoring
- Quarter 1 Performance Report
- Devolution Deal for North Yorkshire and York
- Northallerton High Street Parking
- Healthy Choices - This report considered in private session.

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

<https://democracy.northyorks.gov.uk/committees.aspx?commid=18&meetid=4419>

2.3 25 August 2020 Executive (Performance Monitoring) Meeting

The Executive met on Tuesday 25 August 2020. It was a live broadcast meeting using Skype and OBS software. County Councillor Carl Les in the Chair, plus County Councillors David Chance, Gareth Dadd, Caroline Dickinson, Michael Harrison,

Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Other Councillors Present: County Councillors Paul Haslam.

Substantive agenda items were:

- Quarter 1 Budget Monitoring Report
- Consideration of Proposed Amendments to the Council's Constitution
- Recommissioning of the Targeted Healthy Child Programme
- Appointments to Committees and Other Bodies
- Transfer of a Contracted Support Living Service to NYCC Social Care Provider Services - This item considered in private session.

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

<https://democracy.northyorks.gov.uk/committees.aspx?commid=18&meetid=4301>

2.4 **13 October 2020 Executive Meeting**

The Executive met on Tuesday 13 October 2020. It was a live broadcast meeting using MS Teams and OBS software. County Councillor Carl Les in the Chair, plus County Councillors David Chance, Gareth Dadd, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Other Councillors Present: County Councillors Paul Haslam

Substantive agenda items were:

- The Future of the Healthy Child Programme
- Superfast North Yorkshire Phase 4
- Appointments to Committees and Other Bodies
- Report on Changes to Constitution
- Feedback from meetings of the Area Constituency Committees.

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

<https://democracy.northyorks.gov.uk/committees.aspx?commid=18&meetid=4293>

2.5 **3 November 2020 Executive Meeting**

The Executive met on Tuesday 3 November 2020. It was a live broadcast meeting using MS Teams and OBS software. County Councillor Carl Les in the Chair, plus County Councillors David Chance, Gareth Dadd, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Other Councillors Present: County Councillors Derek Bastiman, Jim Clark, Caroline Goodrick, Paul Haslam, Janet Jefferson, Mike Jordan, Geoff Webber and Annabel Wilkinson.

Substantive agenda items was:

- To approve the submission of a unitary proposal for North Yorkshire to the Secretary of State for Housing, Communities and Local Government

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

<https://democracy.northyorks.gov.uk/committees.aspx?commid=18&meetid=4459>

3.0 Recommendations by Executive for approval/information at County Council

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

3.1 Consideration of Proposed Amendments to the Council's Constitution

This item was considered at Executive on 25 August 2020. Executive was asked to recommend to County Council for approval proposed changes to the Constitution.

A copy of the report on Proposed Amendments to the Council's Constitution is available at Appendix A, pages 20 to 62.

The Executive RECOMMENDS:

That:

- (a) the proposed changes to the Constitution set out in the Amendments Chart at Appendix 1; and
- (b) the proposed changes to the Procurement and Contract Procedure Rules, set out in Appendices 2 and 3

be proposed to full Council for approval.

3.2 Consideration of Proposed Amendments to the Council's Constitution

This item was considered at Executive on 13 October 2020. Executive was asked to recommend to County Council for approval proposed changes to the Constitution.

A copy of the report on Proposed Amendments to the Council's Constitution is available at Appendix B, pages 65 to 68.

The Executive RECOMMENDS:

That the proposed changes to the Constitution, as set out in Appendix 1, be recommended to full Council for approval.

3.3 Appointment to Committees and Other Bodies

The following appointments to the North Yorkshire Health and Wellbeing Board are for County Council to note:

The Executive met on 25 August 2020 and approved the appointment of Andrew Brodie, Chief Fire Officer, North Yorkshire Fire and Rescue Service, as the Emergency Services representative and Dr Sally Tyrer, Chair of the North Yorkshire Local Medical Committee, as the representative of Primary Care.

The Executive met on 13 October 2020 and approved the appointment of Brent Kilmurray,

Chief Executive of Tees, Esk and Wear Valleys NHS Foundation Trust, as the representative of Mental Health Trusts and Michelle Waugh, Locality Manager, as the nominated deputy representative for the NHS England and NHS Improvement (North East and Yorkshire).

The Executive RECOMMENDS:

That County Council notes the appointments to the North Yorkshire Health and Wellbeing Board.

CARL LES
Leader
County Hall
Northallerton

10 November 2020

Appendix A to Item 7

North Yorkshire County Council

EXECUTIVE

25 August 2020

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. Other proposed miscellaneous changes to the Constitution are set out in the table of proposed amendments set out at **Appendix 1**.

4.0 **PROCUREMENT AND CONTRACT PROCEDURE RULES**

- 4.1 The substantive changes to the Procurement and Contract Procedure Rules (PCPR) are summarised below and as set out in the table of proposed amendments at **Appendix 2**. The annotated version of the Procurement and Contract Procedure Rules is at **Appendix 3**.

4.2 **Transparency and Decision Making**

The Council believes in public access to information in order to ensure that citizens can exercise their rights to have a say about decisions, and can understand what decisions have been taken and why. Tables 1-4 within PCPR 2 have been updated to align procurement process to the Access to Information Procedure Rules. The intention of this addition is to provide clarity and promote the responsibilities of Council Officers in relation to decision making in a procurement context.

4.3 **Bonds and Liquidated Damages**

Due to the additional resource pressures on senior management, and to ensure the continued efficient operating of decision making, it is proposed that:

- a) PCPR 7.1 is amended to remove the requirement for Directors, in consultation with the CD-SR, to consider whether to include provision for the payment of liquidated damages by a Contractor for breach of Contract.

- b) PCPR 7.2 is amended to remove the requirement for Directors, in consultation with the CD-SR, to consider whether to include provision of a performance bond to secure the performance of the Contract.

Operationally the responsibility for consideration of these requirements will transfer to Legal Services.

4.4 Evaluation procedure

PCPR 9.10 has been added to provide clarity and ensure a robust procedure is undertaken in relation to the evaluation of bids and tenders. This PCPR outlines the responsibility of the commissioning service, specifically around the suitability and appropriateness of panel members to be involved in the evaluation. This is a key requirement for ensuring an open, fair and transparent process and mitigating risk of legal challenge.

4.5 Certification of Contracts

The Local Government (Contracts) Act (LGCA) 1997 clarified the power of local authorities to enter into certain contracts, including Private Finance Initiative Contracts. PCPR 15.1 has been amended to remove the requirement for any contracts which require certifying under the 1997 Act to be approved by the Executive. It is proposed that those Officers authorised to certify under the LGCA, do so in consultation with the relevant Executive Member.

4.6 EU Procurement thresholds

The EU Procurement thresholds have changed and the revised thresholds needed to be reflected in the Council's Constitution. The Assistant Chief Executive (Legal and Democratic Services) made these amendments and the administrative correction of a paragraph number under his delegated powers to amend the Constitution to ensure that the Constitution and the Council's procedures meet all legal requirements and to correct administrative issues, under Article 15.02(c) of the Constitution and is reporting back to Council about these changes via this report.

5.0 **PROVISIONS REGARDING REGIONAL ADOPTION ARRANGEMENTS**

- 5.1 The Executive has previously been informed of the full Regional Adoption Agency arrangements and developments in relation to the Regional Adoption services programme. Amendments are therefore proposed to the Constitution, as set out in the table of proposed amendments at **Appendix 1**, to reflect those arrangements which are currently in place.

6.0 **OTHER PROPOSED AMENDMENTS**

- 6.1 Other proposed changes to the Constitution are set out in the table of proposed amendments set out at **Appendix 1** to this report, including:
 - (a) Updates to the Appointments to Outside Bodies in Schedule 5
 - (b) Miscellaneous proposed changes in order to keep the Constitution up to date and correct administrative type amendments.

7.0 **FINANCIAL IMPLICATIONS**

- 7.1 There are no specific financial implications arising from this report.

8.0 **LEGAL IMPLICATIONS**

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

9.0 **CONSULTATION**

9.1 Relevant Officers and Members have been consulted on the proposed changes set out in this report and its appendices. The papers were considered at the Members' Working Group on the Constitution on 12 August 2020.

10.0 **REASONS FOR RECOMMENDATIONS**

10.1 For the reasons set out in the Constitution Amendments Chart at **Appendix 1**, the Procurement and Contract Procedure Rules Amendments Chart at **Appendix 2**, the annotated copy of the Procurement and Contract Procedure Rules 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 proposed to the County Council for approval.

11.0 **RECOMMENDATIONS**

11.1 That, subject to any comments Members may have:

- (a) the proposed changes to the Constitution set out in the Amendments Chart at **Appendix 1**; and
- (b) the proposed changes to the Procurement and Contract Procedure Rules, set out in **Appendices 2 and 3**

be proposed to full Council for approval.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

GARY FIELDING
Corporate Director, Strategic Resources

Author of Report –

Kevin Draisey
Head of Procurement and Contract Management

Background Document:

- The Council's Constitution

Appendices:

Appendix 1 – Amendments to the Constitution

Appendix 2 – Summary of amendments to the Procurement and Contract Procedure Rules

Appendix 3 – Annotated copy of the Procurement and Contract Procedure Rules.

APPENDIX 1

Proposed Amendments to Constitution – 2020

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

<u>PART A: ITEMS FOR DECISION</u>			
Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Part 3 Responsibility for Functions Schedule 2 The Executive Delegation of Executive Functions by the	... 8. Adoption Panels 8.1 The Executive will appoint one or more panels to discharge the functions of adoption panels under the Adoption Agencies Regulations 2005. Each such panel must include at least one member of the Executive (being an Executive member for Children's Services) or of the Young People Overview and Scrutiny Committee. <i>Note: There are currently two such Panels:</i> <ul style="list-style-type: none"> ◆ <i>The Harrogate Child Placement Panel</i> ◆ <i>The Northallerton Child Placement Panel</i> 	... 8. Adoption Panels 8.1 <u>The Executive delegates its statutory functions in relation to adoption panels pursuant to the Adoption Agencies Regulations 2005 to City of York Council as the host local authority for the Regional Adoption Agency "One Adoption North and Humber" in accordance with the terms of the "One Adoption North and Humber Partnership Agreement".</u>	To ensure that the Constitution reflects current arrangements. The Executive has previously been informed of the full Regional Adoption Agency arrangements and developments in relation to the Regional Adoption services programme. The proposed amendments update the Constitution to reflect those arrangements.
Part 3 Responsibility for Functions Schedule 4 – Officers' Delegation Scheme	... (o) To progress the more detailed implementation work required to establish the Regional Adoption Agency be delegated to the Corporate Director - Children and Young People's Service in consultation with the Executive Member for Children Services.	... (o) <u>To exercise or to delegate to a nominated officer(s), the specified functions of the council as set out in the Regional Adoption Agency "One Adoption North and Humber" partnership agreement and associated documents attached to/referenced within the agreement.</u>	To ensure that the Constitution reflects current arrangements. The Executive has previously been informed of the full Regional Adoption Agency arrangements and developments in relation to the Regional Adoption services

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Deleted: The Executive will appoint one or more panels to discharge the functions of adoption panels under the Adoption Agencies Regulations 2005. Each such panel must include at least one member of the Executive (being an Executive member for Children's Services) or of the Young People Overview and Scrutiny Committee. ¶
 ¶
Note: There are currently two such Panels: ¶
 ¶
 <#>The Harrogate Child Placement Panel ¶
 <#>The Northallerton Child Placement Panel/¶

<p>4.0 Specific Delegations</p> <p>4.2 To the Corporate Director – Children and Young People’s Service</p>			<p>programme. The proposed amendments update the Constitution to reflect those arrangements.</p>
<p>Part 3 Responsibility for Functions Schedule 5 Appointments to Outside Bodies 1. PARTNER BODIES</p>		<p><i>Amend the schedule in section 1. PARTNER BODIES to include reference to:</i></p> <p>Border to Coast Pensions Partnership 1 seat Appointment by the Executive Appointed - CC Mulligan Appointment until May 2021</p>	<p>To reflect appointments which have been made and to keep the Constitution up to date.</p>
<p><u>PART B: ITEMS FOR INFORMATION</u></p>			
		<p><i>Certain typographical/formatting/administrative changes have been made 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>

Deleted: To progress the more detailed implementation work required to establish the Regional Adoption Agency be delegated to the Corporate Director - Children and Young People’s Service in consultation with the Executive Member for Children Services



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CONTRACT PROCEDURE RULES**PROPOSED AMENDMENTS**

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
		Not currently included.	Please note that any reference within these Rules to the Public Contract Regulations 2015 and any requirement arising from them, and the European Union, remain in force in accordance with the Withdrawal Agreement 2019 until the end of the transition period which is currently due to end 31 December 2020. From the 1st January 2021, any subsequent amendments by Government are to supersede the references within these Rules. Further guidance will be issued by the Procurement and Contract Management Service in due course.	To provide clarity around the implications of Brexit.
1.1		CM means the Contract Manager.	CM means the Contract Manager who is responsible for the contract management role on behalf of the Council.	To provide clarity around the responsibility of the Contract Manager.
1.1		Not currently included.	Concession means as defined in Regulation 3(4) of the Concession Contracts Regulations 2016.	Defined term added.
1.1		Contracts Finder means the web-based portal as described in the PCRs.	Contracts Finder means the web-based portal as described in Chapters 7 & 8 of the Public Contracts Regulations 2015PCRs.	Definition amended to provide clarity.

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
1.1		Contract Management Practitioners Group means the Council's practitioner group responsible for improving contract management standards, chaired by the Contracts Manager.	Contract Management Practitioners Group means the Council's practitioner group responsible for improving contract management standards.	The Contract Management Practitioners Group is chaired by the HoP.
1.1		Not currently included.	Decision Record means a record of a decision produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.	Defined term added.
1.1		Directors Recommendation means a written record of the decision and justification to apply one of the exceptions set out in Rule 16.1 to be signed and kept by the relevant Director.	Directors Recommendation means a written record of the decision and justification to apply one of the exceptions set out in Rule 16.1 to be signed by the relevant Director.	Reference to the written record being kept by the relevant Director removed. In practice, Directors Recommendations are held by the Procurement and Contract Management Service.
1.1		Framework Agreement means an agreement with one or more contracting authorities and one or more economic operator which establishes an arrangement for: (i) multiple orders to be placed with one Contractor (a single supplier framework), or (ii) a	Framework Agreement means an agreement with one or more contracting authorities and one or more economic operator which establishes an arrangement for:	Definition amended to provide clarity.

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
		framework of multiple Contractors to engage in further competitions (a multiple supplier framework)	(i) multiple orders to be placed with one Contractor (a single supplier framework), or (ii) a framework of multiple Contractors to engage in further competitions or direct award (a multiple supplier framework)	
1.1		HoP means the Head of Procurement.	HoP means the Head of Procurement and Contract Management.	Definition amended to provide clarity.
1.1		Procurement and Contract Management Strategy means the Council's approved Procurement and Contract Management Strategy as agreed from time to time.	Procurement and Contract Management Strategy means the Council's approved Procurement and Contract Management Strategy.	Definition amended to provide clarity.
1.2		These Procurement and Contract Management Rules form part of the overall control framework within which North Yorkshire County Council operates.	These Rules form part of the overall control framework within which the Council operates.	Amended to reflect correct usage of defined terms.
2.9		Wherever appropriate procurement shall be undertaken using the standard precedent documents contained in the Procurement Manual applying to Selection Questionnaires, Invitation to Tenders or Invitation to Bids. Wherever alternative documents are to be used they must be approved by the HoP and, where appropriate, the ACE(LDS).	Wherever appropriate procurement shall be undertaken using the standard documents contained in the Procurement Manual applying to Selection Questionnaires, Invitation to Tenders or Invitation to Bids. Wherever alternative documents are to be used they must be approved by the HoP and, where appropriate, the ACE(LDS).	Amended to provide clarity.
2.11		Where the Council is procuring in partnership with another Authority who are the lead procurer,	Where the Council is procuring in partnership with another contracting authority who are the lead	

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
		subject to agreement from the HoP, the Council will follow the lead procurers Procurement and Contract Procedure Rules or equivalent.	procurer, subject to agreement from the HoP, the Council will follow the lead procurers Procurement and Contract Procedure Rules or equivalent.	
	2.13		Where a proposed procurement includes two or more types of provision (i.e. Goods, Services or Works) the value shall be based on the provision that characterises the main subject of the Contract in question.	Added to provide clarity on determining the total contract value.
2			For the purposes of the Transparency Procedures set out in Tables 1-4, below, the Responsible Officer must also consider the Key Decision criteria set out in Article 13.03(b)(i) of the Constitution when determining whether the procurement comprises a Key Decision.	Added to provide clarity around Officer responsibilities in relation to Key Decisions.
2		<p>Table 1: Goods and Services (excluding Social & Other Specific Services)</p> <p>Table 2: Works</p> <p>Table 3: Social & Other Specific Services</p> <p> Rule 2 Tables 1 - 3 Existing.docx</p>	<p>Table 1: Goods and Services (excluding Social & Other Specific Services)</p> <p>Table 2: Works & Concessions</p> <p>Table 3: Social & Other Specific Services</p> <p> Rule 2 Tables 1 - 3 Proposed.docx</p>	Tables 1-4 within PCPR 2 have been updated to align procurement process to the Access to Information Procedure Rules. The intention of this addition is to provide clarity and promote the responsibilities of Council Officers

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
				in relation to decision making in a procurement context.
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.	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.	Amended to reflect the requirement to include the standard clauses in all contracts.
6.6		Electronic Signatures may only be affixed using the Council's chosen electronic signature system or an approved alternative.	Electronic Signatures may only be affixed using the Council's chosen electronic signature system or an approved alternative, as agreed by the HoP.	Amended to reflect that the HoP must approve the use of any alternative.
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).	Where appropriate, the Council shall consider whether to include provision for the payment of liquidated damages by a Contractor for breach of Contract.	Amended to remove the requirement for Directors, in consultation with the CD-SR, to consider whether to include provision for the payment of liquidated damages by a Contractor for breach of Contract. Operationally the responsibility for

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
				consideration of this requirement will transfer to Legal Services.
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.	Where considered appropriate by the Council, 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.	Amended to remove the requirement for Directors, in consultation with the CD-SR, to consider whether the Contractor will be required to provide a performance bond to secure the performance of the Contract Operationally the responsibility for consideration of this requirement will transfer to Legal Services.
9.4		Before Bids with a value in excess of £25,000 are requested the evaluation criteria must be recorded in writing in the Invitation to Bid evaluation model. The evaluation criteria must be identified and the weighting between price and quality established	Before bids with a value in excess of £25,000 are requested the evaluation criteria must be recorded in writing in the Selection Questionnaire and / Invitation to Bid documents. The evaluation criteria must be identified and the weighting between price and quality	Amended to provide clarity.

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
		and stated in the request for Bids sent to Participants.	established and stated in the request for bids sent to participants.	
	9.10		The evaluation of bids shall be carried out by a panel of suitably qualified Officers who are considered appropriate having regard for the subject matter and value of the Contract.	Added to provide clarity and ensure a robust procedure is undertaken in relation to the evaluation of bids and tenders. This PCPR outlines the responsibility of the commissioning service, specifically around the suitability and appropriateness of panel members to be involved in the evaluation.
11.2		Before an Official Journal of the European Union Tender is requested the evaluation criteria to be applied to the Official Journal of the European Union Tender must be recorded in writing in the Invitation to Tender evaluation model. The evaluation criteria must be identified and the weighting between price and quality established and stated in the Invitation to Tender sent to Participants.	Before an Official Journal of the European Union Tender is requested the evaluation criteria to be applied to the Official Journal of the European Union Tender must be recorded in writing in the Selection Questionnaire and / or Invitation to Tender document. The evaluation criteria must be identified and the weighting between price and quality established and stated in the Selection Questionnaire and/or Invitation to Tender sent to Participants.	Amended to provide clarity.

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
11.3		Irrespective of the procurement process being undertaken an Official Journal of the European Union notice must be published through the E-Sourcing system.	Irrespective of the procurement process being undertaken an Official Journal of the European Union notice must be published, where possible this should be through the E-Sourcing system or an appropriate alternative system as agreed with the HoP.	Amended to confirm requirement for alternatives to be approved by HoP
12.1		<p>12.1 The Gateway Process shall identify which of the following Official Journal of the European Union Tender processes shall be used to invite tenders for Contracts with a value in excess of the relevant EU Threshold:</p> <ul style="list-style-type: none"> (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) 	<p>The Gateway Process shall identify which of the following Official Journal of the European Union Tender Procedures shall be used to invite tenders for Contracts with a value in excess of the relevant EU Threshold:</p> <ul style="list-style-type: none"> (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) use of the Negotiated Procedure without prior publication (as prescribed by Regulation 32) (vii) Social and Other Specific Services (Light Touch Regime) (as prescribed by Regulations 74-76) <p>and such identified process shall be used for the invitation of Official Journal of the European Union</p>	Amended to provide clarity.

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
		<p>(vii) Framework Agreement (as prescribed by Regulation 33)</p> <p>(viii) Dynamic Purchasing System (as prescribed by Regulation 34)</p> <p>(ix) Electronic auctions (as prescribed by Regulation 35)</p> <p>(x) Electronic catalogues (as prescribed by Regulation 36)</p> <p>(xi) Social and Other Specific Services Light Touch Regime (as prescribed by Regulations 74-76)</p> <p>and such identified process shall be used for the invitation of Official Journal of the European Union Tenders in accordance with the requirements of the PCR's.</p>	<p>Tenders in accordance with the requirements of the PCR's.</p>	

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
	12.2		<p>The Gateway Process shall also identify which of the following techniques and instruments which can be used for Electronic and Aggregated Procurements:</p> <ul style="list-style-type: none"> (i) Framework Agreement (as prescribed by Regulation 33) (ii) Dynamic Purchasing System (as prescribed by Regulation 34) (iii) Electronic auctions (as prescribed by Regulation 35) (iv) Electronic catalogues (as prescribed by Regulation 36) 	Amended to provide clarity.
13.3		<p>Official Journal of the European Union 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 Official Journal of the European Union 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 Official Journal of the European Union Tenders are returned in hard copy format a written record shall be maintained by the HoP, of the Official Journal of the European Union Tenders received. Such a</p>	<p>Electronically submitted Official Journal of the European Union Tenders must be opened at the same time, in an auditable way, through the E-Sourcing system by an independent Officer from the Procurement and Contract Management Service.</p>	Amended to provide clarity.

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
		record shall include the date and time of Official Journal of the European Union Tender opening, the identity of the Officer(s) present, the identities of Participants and the tendered sums (where readily ascertainable).		
	13.5		Official Journal of the European Union Tenders submitted in 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).	Amended to provide clarity.
14.1		The Responsible Officer shall evaluate Official Journal of the European Union Tenders using the evaluation model published in accordance with Rule 11.2.	The Responsible Officer shall evaluate Official Journal of the European Union Tenders using the evaluation criteria published in accordance with Rule 11.2.	Amended to provide clarity.
14.3		If, as a result of the Official Journal of the European Union 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.	If, as a result of the Official Journal of the European Union 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 through the E-Sourcing System.	Amended to reflect the requirement for the clarification to be recorded in writing through the E-Sourcing system.
15.1		The Local Government (Contracts) Act (LGCA) 1997 clarified the power of local authorities to enter into certain contracts, including Private Finance	The Local Government (Contracts) Act (LGCA) 1997 clarified the power of local authorities to enter into certain contracts, including Private Finance Initiative	Amended to remove the requirement for any contracts which

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON				
		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 the approval from the Council’s Executive.	Contracts. Where Contracts need to be certified under the 1997 Act, only the following Officers are authorised to do so, following consultation with the relevant Executive Member: 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.	require certifying under the 1997 Act to be approved by the Executive. It is proposed that those Officers authorised to certify under the LGCA, do so in consultation with the relevant Executive Member.				
16.1(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.	where 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 it must be applied in accordance with those terms.	Amended to provide clarity.				
17.10(a)		CM shall ensure that:- (a) all relevant Contracts (including those Contracts to which Rule 16 applies) are entered onto the Contract Register	The HoP shall ensure that:- (a) all relevant Contracts (including those Contracts to which Rule 16 applies) are entered onto the Contract Register	Amended to reflect that this responsibility sits with the HoP.				
18.1		<p>Table 5: Gateway Process - Authorisation to Approve</p> <table border="1" data-bbox="488 1321 1088 1385"> <tr> <td data-bbox="488 1321 748 1385">Gateway Process gate</td> <td data-bbox="748 1321 1088 1385">Approval process</td> </tr> </table>	Gateway Process gate	Approval process	<p>Table 5: Gateway Process - Authorisation to Approve</p> <table border="1" data-bbox="1126 1321 1753 1385"> <tr> <td data-bbox="1126 1321 1391 1385">Gateway Process gate</td> <td data-bbox="1391 1321 1753 1385">Approval process</td> </tr> </table>	Gateway Process gate	Approval process	Gate 2 Authorisation amended to include approval by an Officer from the
Gateway Process gate	Approval process							
Gateway Process gate	Approval process							

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING		PROPOSED AMENDMENT		REASON
		Gate 1 – Commissioning and Procurement Options Appraisal	PAB AND The relevant Director or delegated Assistant Director AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate</i> AND The ACE(LDS)	Gate 1 – Commissioning and Procurement Options Appraisal	PAB AND The relevant Director or delegated Assistant Director AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate</i> AND The ACE(LDS)	Procurement and Contract Management Service.
Gate 2 – Authorisation of Documents	SCM	Gate 2 – Authorisation of Documents	An Officer from the Procurement and Contract Management Service AND SCM			
Gate 3 – Contract Award	PAB AND The relevant Director or delegated Assistant Director AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate.</i>	Gate 3 – Contract Award	PAB AND The relevant Director or delegated Assistant Director AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate.</i>			
Gate 4(a) – Contract Extension/Variation	PAB AND The relevant Director or delegated Assistant Director	Gate 4(a) – Contract Extension/Variation	PAB AND			

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING		PROPOSED AMENDMENT		REASON
			<p>AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate.</i> AND, where appropriate ACE(LDS) – <i>only in cases where the extension is not part of the original Contract.</i></p>		<p>The relevant Director or delegated Assistant Director AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate.</i> AND, where appropriate ACE(LDS) – <i>only in cases where the extension is not part of the original Contract.</i></p>	
		<p>Stage 4(b) – Contract Termination (during the contract period)</p>	<p>PAB AND The relevant Director or delegated Assistant Director AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate.</i></p>	<p>Stage 4(b) – Contract Termination (during the contract period)</p>	<p>PAB AND The relevant Director or delegated Assistant Director AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate.</i></p>	
18.2		<p>18.2 The whole contract financial value thresholds for the purposes of Rule 18.1 are:</p> <p>(a) Works contracts - £1m</p>		<p>18.2 The whole contract financial value thresholds for the purposes of Rule 18.1 are:</p> <p>(a) Works & Concession Contracts - £1,000,000</p>		Amended to provide clarity.

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
		(b) Social and Other Specific Services Contracts - £663,540 (c) Goods and Services contracts - £189,330	(b) Social and Other Specific Services Contracts - £663,540 (b) Goods and Services contracts - £189,330	
21.1		<p>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 this project.</p>	<p>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 declaration must be completed by all members of the evaluation panel upon commencement of this project. A Confidentiality Agreement or Declaration form must also be completed by any members of the evaluation panel who are not directly employed by the Council, unless there are alternative appropriate confidentiality provisions within the persons appointment documents (such as a consultancy agreement).</p>	<p>To ensure an open, fair and transparent process and mitigating risk of legal challenge.</p>
Various			Miscellaneous corrections.	Ensuring correct use of defined terms.

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.

Please note that any reference within these Rules to the Public Contract Regulations 2015 and any requirement arising from them, and the European Union, remain in force in accordance with the Withdrawal Agreement 2019 until the end of the transition period which is currently due to end 31 December 2020. From the 1st January 2021, any subsequent amendments by Government are to supersede the references within these Rules. Further guidance will be issued by the Procurement and Contract Management Service in due course.

1. INTRODUCTION

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

ACE(LDS) means Assistant Chief Executive (Legal and Democratic Services)

Best Value Form means the form to be completed to capture the rationale for not seeking bids in accordance with **Rule 8.3**

CD-SR means the Corporate Director - Strategic Resources

CM means the Contract Manager who is responsible for the contract management role on behalf of the Council

Concession means as defined in Regulation 3(4) of the Concession Contracts Regulations 2016

Deleted: means the Contracts Manager

Constitution means the Council's Constitution of which these Rules form part.

Contract means any agreement made between the Council and any other person which is intended to be legally enforceable and involves the acceptance of an offer made by one party to commit itself to an action or series of actions and subject to the exceptions in **Rule 2.2**

Contracts Finder means the web-based portal as described in **Chapters 7 & 8** of the Public Contracts Regulations 2015.

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Contract Management Practitioners Group means the Council's practitioner group responsible for improving contract management standards.

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Contract Register means the register of Contracts maintained by the Council as set out in **Rule 17.8**

Contractor means a person or entity with whom the Council has a contract

Council means North Yorkshire County Council

Decision Record means a record of a decision produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

Director means the Chief Executive Officer; Corporate Director Business and Environmental Services; Corporate Director Health and Adult Services; Corporate Director Children and Young People's Service; Corporate Director - Strategic Resources as the context requires

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Directors Recommendation means a written record of the decision and justification to apply one of the exceptions set out in **Rule 16.1** to be signed by the relevant Director

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DMT means the Directorate Management Team

Electronic Signatures means an advanced electronic signature which is:

- (i) uniquely linked to the signatory; and
- (ii) capable of identifying the signatory; and
- (iii) created using means that the signatory can maintain under his/her sole control; and
- (iv) linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.

E-Sourcing system means the Council's chosen E-sourcing system (currently YORtender) or an approved alternative

EU means the European Union

EU Threshold means the current threshold above which the PCR's apply, currently £189,330 for services and supplies £663,540 for social and other specific services and £4,733,252 for works

FPP means the Forward Procurement Plan which outlines all future procurement requirements of the Council

Framework Agreement means an agreement with one or more contracting authorities and one or more economic operator which establishes an arrangement for:

- (i) multiple orders to be placed with one Contractor (a single supplier framework), or
- (ii) a framework of multiple Contractors to engage in further competitions or direct award (a multiple supplier framework)

Gateway Process means the Council's value based gateway commissioning and procurement process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points in the commissioning and procurement cycle

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

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Strategy

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

1.2 These Rules form part of the overall control framework within which the 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.

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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), 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 Finance 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 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).

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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 contracting 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.

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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.

2.13 Where a proposed procurement includes two or more types of provision (i.e. Goods, Services or Works) the value shall be based on the provision that characterises the main subject of the Contract in question.

2.14 For the purposes of the Transparency Procedures set out in Tables 1-4, below, the Responsible Officer must also consider the Key Decision criteria set out in Article 13.03(b)(i) of the Constitution when determining whether the procurement comprises a Key Decision.

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

<u>Total Contract Value</u>	<u>Award Procedure</u>	<u>Transparency Procedure</u>	<u>Signature/Sealing Contract</u>
Up to £25,000	Quotes should be invited <u>or the Best Value Form process followed</u> in accordance with Rule 8 . <u>Does</u> not need to be advertised using the E-Sourcing system or Contracts Finder.	<u>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded below £25,000.</u>	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).
£25,000 up to EU Threshold (currently £189,330)	Bids must be invited in accordance with Rule 9 . These must be advertised using the E-Sourcing system and published to Contracts Finder.	<u>The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 or above.</u> <u>Contracts must be published on the Contracts Register.</u>	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 £189,330)	Follow the appropriate EU Procedure as set out in Rules 11 and 12 . Approval must be sought through the Gateway Process.	<u>The Responsible Officer must complete the Decision Record process.</u> <u>The Responsible Officer must complete the Key Decision process for Contracts with a value of £500,000 or above.</u> <u>Contracts must be published on the Contracts Register.</u>	Two signatures: The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation). AND The ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation). Sealing (where appropriate) ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6 .

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If Quotes are not obtained, the Best Value Form must be completed.

Table 2: Works & Concessions

Total Contract Value	Award Procedure	<u>Transparency Procedure</u>	Signature/Sealing Contract
Up to £25,000	Quotes should be invited <u>or the Best Value Form process followed</u> in accordance with Rule 8 . <u>Does</u> not need to be advertised using the E-Sourcing system or Contracts Finder.	<u>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded below £25,000.</u>	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 <u>£1,000,000</u>	Bids must be invited in accordance with Rule 9 . These must be advertised using the E-Sourcing system and published to Contracts Finder.	<u>The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 or above.</u> <u>The Responsible Officer must complete the Key Decision process for Contracts with a value of £500,000 or above.</u> <u>Contracts must be published on the Contracts Register.</u>	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).
<u>£1,000,000 up to EU Threshold (currently £4,733,252 for Works)</u>	Bids must be invited in accordance with Rule 9 . These must be advertised using the E-Sourcing system and published to Contracts Finder. <u>For Contracts with a value of £1,000,000 or greater approval must be sought through the Gateway Process.</u>	<u>The Responsible Officer must complete the Key Decision process.</u> <u>Contracts must be published on the Contracts Register.</u>	<u>Contracts with a value in excess of £1,000,000 must be sealed by ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6.</u>

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If Quotes are not obtained, the Best Value Form must be completed.

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For Contracts with a value of £1m+, approval must be sought through the Gateway Process.

Deleted: Contracts with a value in excess of £1m must be sealed by ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with **Rule 6**.

Total Contract Value	Award Procedure	<u>Transparency Procedure</u>	Signature/Sealing Contract
Above EU Threshold (currently £4,733,252 for Works)	Follow the appropriate EU Procedure as set out in Rules 11 and 12 . Approval must be sought through the Gateway Process.	<u>The Responsible Officer must complete the Key Decision process.</u> <u>Contracts must be published on the Contracts Register.</u>	Contracts must be sealed by ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6 .

Table 3: Social & Other Specific Services

Total Contract Value	Award Procedure	<u>Transparency Procedure</u>	Signature/Sealing Contract
Up to £25,000	Quotes should be invited <u>or the Best Value Form process followed</u> in accordance with Rule 8 . <u>Does</u> not need to be advertised using the E-Sourcing system or Contracts Finder.	<u>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded below £25,000.</u>	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 £663,540)	Bids must be invited in accordance with Rule 9 . These must be advertised using the E-Sourcing system and published to Contracts Finder.	<u>The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 or above.</u> <u>The Responsible Officer must complete the Key Decision process for Contracts with a value of £500,000 or above.</u> <u>Contracts must be published on the Contracts Register.</u>	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 £663,540)	Follow the appropriate EU Procedure as set out in Rules 11 and 12 . Approval must be sought through the Gateway Process.	<u>The Responsible Officer must complete the Key Decision process.</u> <u>Contracts must be published on the Contracts Register.</u>	Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation). AND The ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation). Sealing (where appropriate) ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with Rule 6 .

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Table 4: Grants

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

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 17** 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.

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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, as agreed by the HoP.

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, the Council shall consider whether to include provision for the payment of liquidated damages by a Contractor for breach of Contract. ▼

Deleted: Directors (in consultation with the CD-SR)

Deleted: Such consideration shall be recorded in the Gateway Process (Stage 1).

7.2 Where considered appropriate by the Council, 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.

Deleted: a Director (in consultation with the CD-SR),

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 Officer's responsibility to keep a record of quotes sought for audit purposes and to demonstrate 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 Officer's responsibility to complete the Best Value Form. **9. BIDS**

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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 1-3**. 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

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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.

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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.

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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.

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9.4 Before bids with a value in excess of £25,000 are requested the evaluation criteria must be recorded in writing in the SQ and/ITB documents. The evaluation criteria must be identified and the weighting between price and quality established and stated in the request for bids sent to participants.

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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.

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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**.

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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.

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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 that this demonstrates Best Value and with agreement from the HoP in consultation with the appropriate SCM.

9.10 The evaluation of bids shall be carried out by a panel of suitably qualified Officers who are considered appropriate having regard for the subject matter and value of the Contract.

10. POST BID NEGOTIATION AND CLARIFICATION

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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**.

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- 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.

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- 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.

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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 **Rule 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 SQ and/or ITT document. The evaluation criteria must be identified and the weighting between price and quality established and stated in the SQ and/or ITT sent to Participants.

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- 11.3 Irrespective of the procurement process being undertaken an OJEU notice must be published, where possible this should be through the E-Sourcing system or an appropriate alternative system as agreed with the HoP.

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- 11.4 All Participants invited to submit OJEU Tenders shall be provided in all instances with identical instructions and information.

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- 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 from the HoP in consultation with the ACE(LDS) provided that this demonstrated 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 Procedures shall be used to invite tenders for Contracts with a value in excess of the relevant EU Threshold:

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- (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) use of the Negotiated Procedure without prior publication (as prescribed by Regulation 32)

(vii) Social and Other Specific Services (Light Touch Regime) (as prescribed by Regulations 74-76)

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

12.2 The Gateway Process shall also identify which of the following techniques and instruments which can be used for Electronic and Aggregated Procurements:

- (i) Framework Agreement (as prescribed by Regulation 33)
- (ii) Dynamic Purchasing System (as prescribed by Regulation 34)
- (iii) Electronic auctions (as prescribed by Regulation 35)
- (iv) Electronic catalogues (as prescribed by Regulation 36)

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Deleted: (xi) Social and Other Specific Services Light Touch Regime (as prescribed by Regulations 74-76)¶

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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 Electronically submitted OJEU Tenders, must be opened at the same time, in an auditable way, through the E-Sourcing system by an independent Officer from the Procurement and Contract Management Service.

13.4 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).

13.5 OJEU Tenders submitted in 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).

13.6 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 criteria 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 through the E-Sourcing System.

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

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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, following consultation with the relevant Executive Member: 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.

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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 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 it must be applied in accordance with those terms; 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

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- (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 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.

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 HoP shall ensure that:-

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(a) all relevant Contracts (including those Contracts to which **Rule 16** applies) are entered onto the Contract Register

(b) the Contract Register is maintained by entering new Contracts onto it and removing expired Contracts from it in line with the Council's Records Retention and Destruction Schedule.

Contracts Finder

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

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

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

Table 5: Gateway Process - Authorisation to Approve

Gateway Process gate	Approval process
Gate 1 – Commissioning and Procurement Options Appraisal	PAB AND The relevant Director or delegated Assistant Director AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate</i> AND The ACE(LDS)
Gate 2 – Authorisation of Documents	<u>An Officer from the Procurement and Contract Management Service</u> AND SCM
Gate 3 – Contract Award	PAB AND The relevant Director or delegated Assistant Director AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate.</i>
Gate 4(a) – Contract Extension/Variation	PAB AND The relevant Director or delegated Assistant Director AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate.</i> AND, where appropriate ACE(LDS) – <i>only in cases where the extension is not part of the original Contract.</i>
Stage 4(b) – Contract Termination (during the contract period)	PAB AND The relevant Director or delegated Assistant Director AND Finance - CD-SR or delegated Assistant Director <i>Procurement Assurance Board to decide as appropriate.</i>

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

- (a) Works & Concession Contracts - £1,000,000

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(b) Social and Other Specific Services Contracts - £663,540

(c) Goods and Services contracts - £189,330

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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 or as outlined in Regulation 72 of the PCRs. Approval must be sought in accordance with **Rule 18.1** (Table 5 - Gateway Process - Authorisation to Approve Gate 4b).

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 declaration must be completed by all

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members of the evaluation panel upon commencement of this project. A Confidentiality Agreement or Declaration form must also be completed by any members of the evaluation panel who are not directly employed by the Council, unless there are alternative appropriate confidentiality provisions within the persons appointment documents (such as a consultancy agreement).

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 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 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 Director shall complete the Gateway Process in accordance with **Rule 18**. A competitive process must be completed and the opportunity must be advertised on the council 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).

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Appendix B to Item 7

North Yorkshire County Council

EXECUTIVE

13 October 2020

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 Proposed changes to the Constitution are set out at Appendix 1. All relate to the terms of reference of the Audit Committee.

4.0 AUDIT COMMITTEE TERMS OF REFERENCE

- 4.1 In accordance with recognised best practice, Audit Committee reviews its terms of reference on a regular basis to seek to identify changes which may be required as a result of:- recent legislation; developments in recommended best practice; changes in the Council's governance arrangements; and Members' views on whether the current terms of reference enable the Committee to continue to discharge its responsibilities effectively.
- 4.2 Audit Committee, on 10 October 2018, was advised that the Chartered Institute of Public Finance and Accountancy (CIPFA) had published updated guidance on the operation of audit committees in local government and therefore some limited changes were considered appropriate to the Committee's terms of reference. The Committee agreed that the proposed changes should be made. However, due to an administrative oversight, the proposed changes were not submitted to full Council for approval at that time. To rectify the situation, the Executive is today asked to consider the proposed changes and to recommend them for approval by full Council.

- 4.3 The proposed changes are set out at Appendix 1.

- 4.4 The proposed changes are minor in nature and are considered to be not controversial.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are no specific financial implications arising from this report.

6.0 LEGAL IMPLICATIONS

- 6.1 There are no legal implications arising from this report.

7.0 **CONSULTATION**

- 7.1 Audit Committee has been consulted on the proposed changes, as described above.
- 7.2 Members of the Constitution Working Party have been consulted about the proposed changes by email of 2 October 2020. It is suggested that, if a Member of the Constitution Working Party has any objection to the proposed changes, the proposals should be submitted to a meeting of the Constitution Working Party before going to full Council.

8.0 **REASONS FOR RECOMMENDATIONS**

- 8.1 The proposed changes are recommended to reflect CIPFA guidance.

10.0 RECOMMENDATIONS

- 10.1 That, subject to any comments the Executive may have, and subject also to no objections being received from Members of the Constitution Working Party, the proposed changes to the Constitution, as set out in Appendix 1, be recommended to full Council for approval.**

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

County Hall
NORTHALLERTON

2 October 2020

Background Documents: The Council's Constitution

Appendices: Appendix 1

AUDIT COMMITTEE

TERMS OF REFERENCE

1. In respect of **Internal Audit**
 - ♦ to approve the Internal Audit Charter, Annual Audit Plan and performance criteria for the Internal Audit Service.
 - ♦ to review summary findings and the main issues arising from internal audit reports and seek assurance that management action has been taken where necessary.
 - ♦ to review the effectiveness of the anti-fraud and corruption arrangements throughout the County Council.
 - ♦ consider the annual report from the Head of Internal Audit.
 - ♦ to obtain assurance that the work of internal audit conforms to the Public Sector Internal Audit Standards.
2. In respect of External Audit
 - to ensure the independence of External Audit is maintained.
 - to review the annual audit plan and monitor its delivery.
3. To review, and recommend to the Executive, changes to Contract, Finance and Property Procedure Rules.
4. In respect of **financial statements**

For both the County Council and the North Yorkshire Pension Fund

 - ♦ to approve the respective annual Statements of Final Accounts.
 - ♦ to receive and review the Annual Audit Letters and associated documents issued by the External Auditor.
 - ♦ to review changes in accounting policy.
5. In respect of **Corporate Governance**
 - ♦ to assess the effectiveness of the County Council's Corporate Governance arrangements.
 - ♦ to review progress on the implementation of Corporate Governance arrangements throughout the County Council.
 - ♦ to approve Annual Governance Statements for both the County Council and the North Yorkshire Pension Fund.
 - ♦ to liaise, as necessary, with the Standards Committee on any matter(s) relating to the Codes of Conduct for both Members and Officers.
 - ♦ to work with the Standards Committee to promote good ethical standards within the County Council.
 - ♦ to review the arrangements in place for ensuring good governance in the County Council's key partnerships and owned companies.
6. In respect of **Risk Management**
 - ♦ to assess the effectiveness of the County Council's Risk Management arrangements.
 - ♦ to review progress on the implementation of Risk Management throughout the County Council.

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7. In respect of **Information Governance**
 - ♦ to review all corporate policies and procedures in relation to Information Governance.
 - ♦ to oversee the implementation of Information Governance policies and procedures throughout the County Council.
8. In respect of **Treasury Management**
 - ♦ to be responsible for ensuring effective scrutiny of the County Council's Treasury Management strategy and policies as required by the CIPFA Treasury Management Code of Practice.
 - ♦ to review these Treasury Management strategies, policies and arrangements and make appropriate recommendations to the Executive.
9. In respect of **Value for Money**
 - ♦ to have oversight of the arrangements across the County Council in securing Value for Money.
10. To consider any other relevant matter referred to it by the County Council, Executive or any other Committee. In addition any matter of concern can be raised by this Committee to the full County Council, Executive or any other Member body.
11. To exercise all functions in relation to the making and changing of policy relating to such audit and counter-fraud matters which fall within the remit of the Committee (save as may be delegated otherwise).
12. To periodically review the effectiveness of the Audit Committee itself.
13. To meet not less than four times a year on normal business and review its Terms of Reference on an annual basis.

North Yorkshire County Council**County Council****18 November 2020****The Report of the Standards Committee****1. Standards Committee**

- 1.1 The Standards Committee met remotely on 18 September 2020. Present:- County Councillor Caroline Patmore (Chairman); County Councillors Andy Paraskos, Stuart Parsons, Peter Sowray and Cliff Trotter, together with Louise Holroyd (Independent Person for Standards).

2. Annual Report

- 2.1 The Standards Committee considered, and approved, its Annual Report for the period 1 April 2019 to 31 March 2020. The Annual Report is appended.

3. Recommendation

- 3.1 That:

The Annual Report of the Standards Committee, as set out in Appendix 1, be noted.

CAROLINE PATMORE
Chairman

County Hall,
NORTHALLERTON.

19 October 2020

NORTH YORKSHIRE COUNTY COUNCIL

18 November 2020

Annual Report of the Standards Committee**1.0 PURPOSE OF REPORT**

- 1.1 To provide the Authority with an Annual Report on the work of the Standards Committee from 1 April 2019 to 31 March 2020.

2.0 BACKGROUND

- 2.1 The Standards Committee was established in 2012 as part of the ethical framework for local government introduced by the Localism Act 2011.
- 2.2 The Committee has previously agreed that it would be helpful to publish an Annual Report on its work to the Authority in order to raise the profile of the Committee and strengthen awareness of its work and ethical standards generally. An Annual Report also assists in discharging the Authority's statutory duty to promote and maintain high standards of conduct and also ensures that the Authority has an overview of work undertaken by the Committee in discharging the Authority's standards responsibilities.

3.0 THE ETHICAL FRAMEWORK

- 3.1 The ethical framework introduced under the 2011 Act includes:
- i. **The Standards Committee:** The Committee usually meets twice per annum. During the period in question, the Committee met on 20 September 2019 and 6 March 2020. The Committee is responsible for:
 - standards;
 - standards complaints handling issues;
 - the granting of dispensations; and
 - also has a role in relation to issues raised by or in relation to persistent and/or vexatious complainants.
 - ii. **Independent Persons for Standards:** Each relevant authority must appoint at least one "Independent Person". In 2012, the Authority approved the appointments of Mrs Hilary Gilbertson MBE and Mrs Louise Holroyd as Independent Persons for the Authority. The Independent Persons are invited to all meetings of the Standards Committee and are consulted on all key standards matters.
 - iii. **A statutory duty to promote and maintain high standards of conduct**
 - iv. **Members' Code of Conduct**
 - v. **Register of Members' Interests** (hard copy and online)
 - vi. **Complaint Handling**
 - vii. **Ethical Statements**
 - viii. **Standards Bulletin**

- 3.2 The **Monitoring Officer** supports the Committee in its work, including maintaining the Register of Members' Interests and dealing with any complaints made against Members under the local standards regime.

4.0 WORK UNDERTAKEN BY THE COMMITTEE

- 4.1 The work undertaken by the Standards Committee between the period 1 April 2019 to 31 March 2020 is set out below:

- (a) Review of ethical framework developments: the Committee has considered developments in the national standards regime and provided guidance to Members, for example in relation to:
- i. documents published by the Committee on Standards in Public Life, for example its Review on Artificial Intelligence and Public Standards, its Annual Report 2018-19, its Report re Intimidation in Public life, its open letter to public office holders re the importance of implementing the Nolan Principles;
 - ii. the LGA draft model Code of Conduct for Members;
 - iii. the LGA Guide for Councillors to handling intimidation; and
 - iv. the Cabinet Office Code of Conduct for Board Members of Public Bodies.
- (b) Members' attendance at Committees: the Committee considered and noted statistical information relating to Members' attendance at meetings of the County Council and its Committees.
- (c) Dispensations: the Committee considered and reviewed two dispensations granted by the Monitoring Officer under his delegated powers to grant dispensations (after consultation with the Independent Persons for Standards) where the timescales were such that a Standards Committee meeting could not be convened and the Monitoring Officer had consulted every available Member of the Standards Committee, all of whom consented to the granting of the dispensations.
- (d) Training: The Committee ensures that Members receive appropriate training to maintain their awareness of ethical standards. Training during 2019/20 included training for Members at a Member seminar session re the Members' Code of Conduct and the Ethical Framework and training for Members at a Member seminar session re Standards and Governance Update.
- (e) Register of Members' Interests: The Register of Members' Interests is also published on the Authority's website. The Committee monitors the operation of the Register.
- (f) Standards Bulletin: The Committee has issued two Standards Bulletins during the period covered by this Report, aimed at keeping Members and Officers apprised of developments in the ethical regime. Copies of the Bulletin have also been requested by, and circulated to, other authorities.
- (g) Complaints: The Committee receives a Complaints Update report at each meeting. During the period covered by this Report, there were ten complaints received that Members may have breached the Authority's Members' Code of Conduct, however four of the complaints were in relation to same subject Member and matter. None of the ten complaints was referred for investigation, however one complaint was dealt with by local settlement under informal resolution, namely that the subject Member should issue a formal apology, undergo suitable diversity

training as directed by the Monitoring Officer and that the assessment record should be published on the Council website.

- (h) Liaison with neighbouring authorities: The Monitoring Officer has continued to liaise with the neighbouring authority Heads of Legal/Monitoring Officers' Group and attend meetings of the Group.
- (i) Standards Committee Annual Report: an Annual Report of the Committee covering the period 1 April 2018 to 31 March 2019 was presented to full Council on 13 November 2019.

4.2 At the Standards Committee meeting on 20 September 2019, the Chair referred to the death of serving Standards Committee Member County Councillor John Blackie, who had passed away since the last meeting of the Committee. Members stood in silence in tribute to his service to the Committee

4.3 The Committee will continue its work in the promotion of high ethical standards and further involvement in training of officers and Members at an appropriate stage.

5.0 RECOMMENDATION

5.1 That the Authority receives and notes the Annual Report of the Standards Committee.

CAROLINE PATMORE
Chair of NYCC Standards Committee

Background Papers:
Minutes of and reports to the Standards Committee

18 September 2020

North Yorkshire County Council**County Council****18 November 2020****The Report of the Audit Committee****1. Standards Committee**

- 1.1 The Audit Committee met remotely on 26 October 2020. Present:- County Councillor Cliff Lunn (in the Chair); County Councillors Karl Arthur, Margaret Atkinson, Robert Baker, Jim Clark, David Hugill, Don Mackay and Geoff Webber. Also in attendance:- Mr David Marsh, Mr David Portlock and Mr Nick Grubb (Independent Members of the Committee).

2. Annual Report

- 2.1 The Audit Committee considered, and approved, its Annual Report for the period 1 October 2019 to 30 September 2020. The Annual Report is appended.

3. Recommendation

- 3.1 That:

The Annual Report of the Audit Committee, as set out in Appendix 1, be noted.

CLIFF LUNN
Chairman

County Hall,
NORTHALLERTON.

26 October 2020

PURPOSE OF THE REPORT

To provide Members of the County Council with details of the work carried out by the Audit Committee during the year ended 30 September 2020. The report also details how the Audit Committee has fulfilled its Terms of Reference during this period.

BACKGROUND

The Audit Committee is responsible for overseeing the County Council's corporate governance, audit and risk management arrangements. The Committee is also responsible for approving the Statement of Accounts and the Annual Governance Statement. The Committee's specific powers and duties are set out in Schedule 1 of the Constitution under the Terms of Reference of the Audit Committee. A copy of the Terms of Reference is attached at **Appendix A** for information.

Audit Committees are a key component of corporate governance and provide an important source of assurance about the organisation's arrangements for managing risk, maintaining an effective control environment, and reporting on financial and other performance.

The Chartered Institute of Public Finance and Accountancy (CIPFA) has issued guidance to local authorities to help ensure that Audit Committees are operating effectively¹. The guidance recommends that audit committees should report annually on how they have discharged their responsibilities.

WORK UNDERTAKEN AND OPINION

The Audit Committee held two meetings before the start of the Covid-19 pandemic. Whilst the planned meetings in March, June, July and September 2020 had to be cancelled as a result of the pandemic, the Committee has continued to hold informal meetings. This has enabled the Committee to be kept updated on the Council's response to the pandemic, and other emerging risks and issues.

Subject to the limitations caused by the pandemic, the Committee has continued to assess the adequacy and effectiveness of the County Council's risk management arrangements, control environment and associated counter fraud arrangements through reports from officers and the internal auditors, Veritau. The Committee has also received reports from the external auditors, Deloitte.

As would be expected, the Committee has focused attention on the impact of the pandemic on the Council's priorities and risks, and its framework of controls and governance. Despite the challenges, the Audit Committee is satisfied that the County Council has maintained an adequate and effective control framework through the period covered by this report.

The specific work undertaken by the Committee is set out below.

¹ CIPFA – Audit Committees Practical Guidance for Local Authorities and Police, 2018

The Committee:

External Audit

- 1 Received and considered the Deloitte's annual audit letter in respect of the 2018/19 audit year. The Committee was pleased to note that the external auditors had not raised any significant issues and had given unqualified audit opinions for both the County Council and the North Yorkshire Pension Fund. Deloitte had also issued an unqualified value for money conclusion and an unqualified opinion on the Whole of Government Accounts return;
- 2 Considered the external audit plan prepared by Deloitte for the audit of the 2019/20 financial statements and the review of the County Council's arrangements for securing value for money;
- 3 Held an informal private meeting with Deloitte to discuss their work;

Internal Audit

- 4 Continued to oversee the internal audit arrangements for the County Council and North Yorkshire Pension Fund. This included approving some changes to the Audit Charter to reflect updated guidance published by the Chartered Institute of Public Finance and Accountancy (CIPFA), and considering the implications of the revised Statement on the Role of the Head of Internal Audit. The updated Statement represents best practice and reflects some of the challenges now facing internal audit including changes in service delivery, resourcing pressures and new technology;
- 5 Received and considered the results of internal audit work performed in respect of each Directorate and across different thematic areas. Monitored the progress made by management during the period to address identified control weaknesses;
- 6 Received the Internal Audit Plan for 2020/21. The plan ensures that limited internal audit resources are prioritised towards those systems and areas which are considered to be the most risky or which contribute most to the achievement of the County Council's corporate objectives. The Committee recognised that the plan will need to be flexible to reflect changing priorities as the County Council continues to respond to the pandemic and Covid-19 recovery plans are implemented;
- 7 Monitored the delivery of the annual Internal Audit plans through regular update reports presented by the Head of Internal Audit. Reviewed variations to the Audit plans which were considered necessary to reflect new or changed County Council priorities. The Committee also noted that new internal audit opinions and definitions had been introduced for 2020/21 audits, as recommended by CIPFA;
- 8 Received and considered the Annual Report of the Head of Internal Audit which provided an overall opinion on the County Council's control environment. The Committee noted that the work of internal audit is primarily focused on those areas which represent the highest risk for the County Council. The Head of Internal Audit confirmed that the Council's framework of governance, risk management and control provided substantial assurance. In forming this opinion, the Head of Internal Audit had considered the progress made by management during the year to address identified control weaknesses. The Head of Internal Audit also highlighted information security as being an area which required continuing attention;

- 9 Considered the outcome of the internal audit quality assurance and improvement programme (QAIP). The Committee was pleased that internal audit practices continue to meet the required professional standards and therefore continued reliance could be placed on the arrangements operating within the County Council;
- 10 Held an informal private meeting with the Head of Internal Audit to discuss the work of the internal auditors;

Risk Management

- 11 Continued to oversee the County Council's risk management arrangements and strategy;
- 12 Reviewed the progress made by the County Council to identify and address corporate risks. This included consideration of the updated Corporate Risk Register and the relevant mitigating actions. At the time of the report (in December 2019) a number of the existing risks had been modified to reflect developments during the year but there had been no other significant changes in the Council's key risks. The Committee recognises that since this report the Covid-19 pandemic has resulted in a significant level of strain being placed on normal operating procedures and control arrangements. Work is therefore ongoing to identify and manage the resulting changes in risk, and to address any new or emerging risks;
- 13 Assessed the adequacy and effectiveness of each Directorate's risk management arrangements through consideration of the risks and mitigating actions identified in each Directorate Risk Register. The Committee also noted the outcomes of workshops which had helped to identify risks associated with a number of specific activities or projects (for example the UCI Cycling World Championships, the formation of the Highways Teckal company and the development of the Harrogate Care Village);
- 14 The Committee was pleased to note that the County Council had received an Operational Risk award as part of the ALARM International Risk Awards 2019. The award recognised how risks had been managed as part of the 2020 Transformation Programme;

Corporate Governance

- 15 Considered proposed changes to the Local Code of Corporate Governance and the draft Annual Governance Statement for 2019/20, prior to their approval;
- 16 Considered other changes made or planned to the County Council's governance arrangements, particularly those made in response to the Covid-19 pandemic;
- 17 Received a report outlining the County Council's current resilience and business continuity arrangements. The report provided details of the Business Continuity Policy and Plan and how the County Council had responded to a number of recent incidents.

Financial Statements

- 18 Considered the draft Statement of Accounts for 2019/20 of the County Council. The Committee noted that the accounts were still subject to audit by Deloitte and would be submitted for approval to the October 2020 meeting;

Other

- 19 Provided comments on a proposed fees and charges strategy. The strategy is intended to ensure fees and charges are set consistently and subject to regular review. The strategy will also help to ensure the actual costs of providing discretionary services are properly taken into account when setting fees and charges;
- 20 Received a briefing from officers on the Council's arrangements for mitigating the risks of fraud and corruption;
- 21 Reviewed the progress which had been made by officers to address other issues raised at meetings of the Committee;
- 22 During the year, the Committee benefitted from the attendance and participation of its three independent members, David Portlock, David Marsh and Nick Grubb. I would like to extend my thanks to them for their contribution to the work of the Committee and their ongoing diligence, enthusiasm and support;
- 23 No changes are considered necessary to the Committee's Terms of Reference

Councillor Clifford Lunn
Chairman of the Audit Committee

AUDIT COMMITTEE

TERMS OF REFERENCE

1. In respect of **Internal Audit**

- to approve the Internal Audit Charter, Annual Audit Plan and performance criteria for the Internal Audit Service.
- to review summary findings and the main issues arising from internal audit reports and seek assurance that management action has been taken where necessary.
- to review the effectiveness of the anti-fraud and corruption arrangements throughout the County Council.
- consider the annual report from the Head of Internal Audit.
- to obtain assurance that the work of internal audit conforms to the Public Sector Internal Audit Standards.

2. In respect of **External Audit**

- to ensure the independence of External Audit is maintained
- to review the annual audit plan and monitor its delivery

3. To review, and recommend to the Executive, changes to Contract, Finance and Property Procedure Rules.

4. In respect of **financial statements**

For both the County Council and the North Yorkshire Pension Fund

- to approve the respective annual Statements of Final Accounts
- to receive and review the Annual Audit Letters and associated documents issued by the External Auditor
- to review changes in accounting policy

5. In respect of **Corporate Governance**

- to assess the effectiveness of the County Council's Corporate Governance arrangements
- to review progress on the implementation of Corporate Governance arrangements throughout the County Council
- to approve Annual Governance Statements for both the County Council and the North Yorkshire Pension Fund
- to liaise, as necessary, with the Standards Committee on any matter(s) relating to the Codes of Conduct for both Members and Officers
- to work with the Standards Committee to promote good ethical standards within the County Council
- to review the arrangements in place for ensuring good governance in the County Council's key partnerships and owned companies

6. In respect of **Risk Management**

- to assess the effectiveness of the County Council's Risk Management arrangements.
 - to review progress on the implementation of Risk Management throughout the County Council.
7. In respect of **Information Governance**
- to review all corporate policies and procedures in relation to Information Governance.
 - to oversee the implementation of Information Governance policies and procedures throughout the County Council.
8. In respect of **Treasury Management**
- to be responsible for ensuring effective scrutiny of the County Council's Treasury Management strategy and policies as required by the CIPFA Treasury Management Code of Practice.
 - To review these Treasury Management strategies, policies and arrangements and make appropriate recommendations to the Executive.
9. In respect of **Value for Money**
- to have oversight of the arrangements across the County Council in securing Value for Money.
10. To consider any other relevant matter referred to it by the County Council, Executive or any other Committee. In addition any matter of concern can be raised by this Committee to the full County Council, Executive or any other Member body.
11. To exercise all functions in relation to the making and changing of policy relating to such audit and counter-fraud matters which fall within the remit of the Committee (save as may be delegated otherwise).
12. To periodically review the effectiveness of the Audit Committee itself.
13. To meet not less than four times a year on normal business and review its Terms of Reference on an annual basis.

**North Yorkshire County Council
County Council
18 November 2020
The Report of the Pension Board**

1. Pension Board

- 1.1 The Pension Board met on 29 October 2019. Present:- David Portlock (Independent Chair), County Councillor Bob Baker (Employer Representative), Emma Barbery (Employer Representative), Louise Branford-White (Employer Representative), Gordon Gresty (Scheme Member Representative), Councillor Anne Hook (Employer Representative) and David Houlgate (Scheme Member Representative).

Matters of Governance relating to the Pension Board require County Council approval as it is the Administering Authority to the North Yorkshire Pension Fund.

2. Terms of Reference

- 2.1 The Pension Board carried out a review of it's Terms of Reference and agreed to make the following amendments:-

"The Board undertake formal meetings remotely, through an appropriate media platform, and subject to the relevant live broadcast requirements, when circumstances arise that prevent physical meetings from taking place. The Meetings should be wholly remote or physical and should not be undertaken in a hybrid manner."

"Where a matter of serious concern arises regarding compliance or a potential breach of the regulations, the Pension Board must inform the Scheme Manager immediately, and may escalate reporting to the Monitoring Officer, to the National Scheme Advisory Board and the Pensions Regulator if considered necessary and appropriate."

A copy of the report highlighting the requirement for the changes is attached at Appendix 1.

3. Annual Report

- 3.1 The Pension Board considered, and approved, its Annual Report for the period 1 April 2019 to 31 March 2020. A copy of the Annual Report is attached at Appendix 2.

3. Recommendation

- 3.1 That:

(i) the additions to the Terms of Reference for the Pension Board, detailed below, be approved:-

"The Board undertake formal meetings remotely, through an appropriate media platform, and subject to the relevant live broadcast requirements, when circumstances arise that prevent physical meetings from taking place. The Meetings should be wholly remote or physical and should not be undertaken in a hybrid manner."

"Where a matter of serious concern arises regarding compliance or a potential breach of the regulations, the Pension Board must inform the Scheme Manager immediately, and may escalate reporting to the Monitoring Officer, to the National Scheme Advisory Board and the Pensions Regulator if considered necessary and appropriate."

(ii) That the Annual Report of the Pension Board be noted.

DAVID PORTLOCK
Independent Chairman

County Hall,
NORTHALLERTON.

November 2020

North Yorkshire County Council

Pension Board

29 October 2020

Review of Terms of Reference

1.0 Purpose of the Report

To provide Pension Board members with an opportunity to review the Board's Terms of Reference.

2.0 Background

2.1 At the inaugural Meeting of the Pension Board, held on 30th July 2015, Members adopted the Terms of Reference for the Board, as approved by County Council on 18th February 2015. The Terms of Reference were subsequently amended in July 2019 to take account of the arrangements put in place to pool the investments of several Funds within the LGPS, and the Board's consideration of those issues. The current Terms of Reference are detailed in **appendix 1**.

3.0 Remote Formal Meetings

3.1 As Members will be aware the Board has not met in a formal session since January 2020 due to the restrictions put in place in view of the COVID 19 outbreak..

3.2 Other Meetings of the County Council have begun to meet remotely, on a formal basis, in line with the Government's emergency legislation. However, legal advice from the County Council, obtained from the LGA, stated that Pension Boards were not covered by the recent government legislation which allowed virtual meetings and it was not a committee under section 101 of the LGA. The Board was a committee under regulation 106(2) of the Local Government Pension Scheme Regulations 2013 (the "LGPS Regulations"). The LGA also stated that virtual meetings of Pension Boards should be enabled.

3.3 Subsequently the Scheme Advisory Board had issue a statement in relation to this matter (**appendix 2**) and suggested that Boards should amend their Terms of Reference to ensure that meetings could take place remotely, on a formal basis, when this was deemed necessary.

3.4 It is suggested, therefore, that an additional condition be provided in Section 1 of the Terms of Reference, stating that:-

"The Board undertake formal meetings remotely, through an appropriate media platform, and subject to the relevant live broadcast requirements, when circumstances arise that prevent physical meetings from taking place. The Meetings should be wholly remote or physical and should not be undertaken in a hybrid manner."

4.0 Escalation of matters

4.1 The Chairman of the Board sought independent advice of how matters should, and could, be escalated when there was a fundamental disagreement between the Pension Board and the Pension Fund Committee and/or its officers, in terms of seeking a resolution to such matters. The advice was provided by Peter Scales, the

Independent Observer to the North Yorkshire Pension Fund, as follows - "The Pension Board is accountable to the Administering Authority. In addition the Pension Board is also required to report as required by regulations to the Pensions Regulator and the National Scheme Advisory Board. The National Scheme Advisory Board will advise the Responsible Authority (in the case of the LGPS the MHCLG) and the Scheme Manager (in this case North Yorkshire County Council). The Pensions Regulator will report to the Responsible Authority (again, MHCLG) but will also be a point of escalation for whistle blowing or similar issues (supplementary to the whistle blowing policy and anti-fraud and corruption policy operated by the Scheme Manager which operate to include all of the functions of the Council as Scheme Manager and its advisers).

- 4.2 Further to that advice it is suggested that the following be added to the Terms of Reference at Item 13, resulting the consequential renumbering of the subsequent items as 14 to 20:-

"Where a matter of serious concern arises regarding compliance or a potential breach of the regulations, the Pension Board must inform the Scheme Manager immediately, and may escalate reporting to the Monitoring Officer, to the National Scheme Advisory Board and the Pensions Regulator if considered necessary and appropriate."

5.0 Recommendation

- 5.1 That the following amendment to Section 1 of the Terms of Reference be submitted to the County Council, as Administering Authority, for approval;

"The Board undertake formal meetings remotely, through an appropriate media platform, and subject to the relevant live broadcast requirements, when circumstances arise that prevent physical meetings from taking place. The Meetings should be wholly remote or physical and should not be undertaken in a hybrid manner."

- 5.2 That the suggested amendment to the Terms of Reference outlined in 4.2 above, with the addition of this at Item 13 and the renumbering of the items within the Terms of Reference after that, be submitted to the County Council, as Administering Authority, for approval

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)
County Hall
Northallerton

Background Documents:

Nil

Pension Board of the North Yorkshire Pension Fund

Terms of Reference and Delegated Authorities

1) Role of the Local Pension Board

The role of the local Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is

- to assist North Yorkshire County Council (NYCC) as Administering Authority in its role as Scheme Manager
- to secure compliance with the Local Government Pension Scheme (LGPS) regulations and any other legislation relating to the governance and administration of the LGPS
- to secure compliance with the requirements imposed in relation to the LGPS by the Pensions Regulator
- to secure the effective and efficient governance and administration of the LGPS for the North Yorkshire Pension Fund (NYPF, or the Fund)
- in such other matters as the LGPS regulations may specify
- to provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest

The terms “Administering Authority” and “Scheme Manager” are used interchangeably in the Regulations but are separately defined in this document (see section 18). NYCC as the Administering Authority has ultimate responsibility for the Fund and has delegated powers to manage the Fund to the Pension Fund Committee (PFC).

These Regulations provide that the Pension Board has the general power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The Pension Board will ensure it effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

The Pension Board will also help ensure that the NYPF is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator, with due regard to guidance issued by Government, the Pensions Regulator and the National Scheme Advisory Board.

The Pension Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively, but not less than four times in any year.

The Pension Board will determine the precise timing of its own meetings, which will take place at suitable intervals between PFC meetings so that PFC activity relevant to the Board can be considered and responses to recommendations reviewed prior to the next meeting of the PFC.

2) Membership and Appointment Process

The Pension Board shall consist of 9 members and be constituted as follows:

- i) 4 scheme member representatives, of whom
 - a. 2 shall represent and be drawn from active members of the Fund
 - b. 1 shall represent and be drawn from pensioner and deferred pensioner members of the Fund

c. 1 shall represent and be drawn from either the active or deferred/pensioner members of the Fund
ii) 4 employer representatives, of whom

a. 1 shall be nominated by NYCC who shall meet the requirements of the relevant regulations in relation to avoidance of conflict with the County Council's role as Administering Authority

b. 1 shall be nominated by the City, Borough and District Councils, the Police and Fire bodies and the National Parks which are employers within the Fund

c. 1 shall be nominated by all other employers within the Fund

d. 1 shall be nominated by any employer other than NYCC

iii) 1 independent member, who shall be appointed as Chair of the Pension Board
Elected Members and officers involved in the management and administration of the Fund are not permitted to become Pension Board members.

The Administering Authority will contact employers and members of the Fund to inform them of the Pension Board arrangements and to canvass interest whenever appointments to the Pension Board are required. Active, pensioner and deferred pensioner members will be eligible to nominate themselves as "scheme member representatives". Individuals put forward by the Fund's employers, whether or not those individuals are members of the Fund, will be eligible to stand as "employer representatives".

The position of independent member will be advertised publically. The Administering Authority will seek an independently minded individual with a track record of dealing with governance issues. Following receipt of nominations/applications the Administering Authority will arrange an independent as possible appointment process. This process will include assessing information supplied by candidates in support of their nomination/application and may be supplemented by interviews as appropriate.

Members in all categories will only be appointed to the Pension Board by the Administering Authority if they either meet the knowledge and skills requirements set out in the relevant regulations and guidance (see Section 7) or commit to do so within 3 months of the appointment date.

Members of the Pension Board will serve for a term of 4 years following which they may either retire from the Board or seek nomination for an additional term. The term of office may otherwise come to an end

i. for scheme member representatives if they cease to be a member of the relevant group

ii. for employer representatives who are councillors if they cease to hold office as a councillor

iii. for employer representatives who are not councillors when they cease to be employed by their nominating employer

iv. for a councillor member who is appointed to the PFC

v. for a scheme member or employer representative who is appointed to a role with responsibility for the management or administration of the Fund

vi. where there is a conflict of interest which cannot be managed in accordance with the Pension Board's Conflicts of Interest Policy

vii. where a member fails to attend meetings, undertake training or otherwise comply with the requirements of being a Pension Board member

Each Pension Board member should endeavour to attend all Board meetings during the year and is expected to attend at least 3 meetings each year. The chair of the Board is also expected to attend the quarterly meetings of the PFC.

Given the nature of the Pension Board as a supervisory body and the need for appropriate knowledge and skills and the clear avoidance of conflicts of interest, substitute members are not permitted.

In the event of consistent non-attendance by any Board member, then the tenure of that membership should be reviewed by the other Board members in liaison with the Administering Authority.

Other than by ceasing to be eligible as set out above, a Board member may also be removed from office during a term of appointment by the unanimous agreement of all of the other members. The removal of the independent member requires the consent of the Administering Authority.

3) Conflicts of Interest

The policy for identifying, monitoring and managing conflicts of interest is set out in a separate policy document, which should be regularly reviewed by the Pension Board.

4) Standards of Conduct

The role of Pension Board members requires the highest standards of conduct and therefore the “seven principles of public life” will be applied to all Pension Board members and embodied in their code of conduct.

These are:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

5) Knowledge and Skills

A member of the Pension Board must be conversant with:

1. The legislation and associated guidance of the LGPS
2. Any document recording policy about the administration of the LGPS which is for the time being adopted by the NYPF

A member of the Pension Board must have knowledge and understanding of:

- a. the law relating to pensions, and
- b. any other matters which are prescribed in the regulations

Individual Pension Board members must satisfy themselves that they have the appropriate degree of local knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board. This includes being fully aware of all requirements detailed in these terms of reference for example on standards of conduct and conflicts of interest, and being conversant with the investment strategy of the Fund.

In line with this requirement Pension Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Pension Board members are therefore required to maintain a written record of relevant training and development.

Pension Board members will undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses.

6) Board Review Process

The Board will undertake each year a formal review process to assess how well it and its members are performing with a view to seeking continuous improvement in the Board's performance.

7) Accountability

The Pension Board will be collectively and individually accountable to the Administering Authority.

8) Remit of the Board

The Pension Board must assist the Administering Authority with such matters as the scheme regulations may specify. It is for scheme regulations and the Administering Authority to determine precisely what the Pension Board's role entails. Examples of activity include, inter alia:

- reviewing the Fund's governance and policy documents, such as the Governance Compliance Statement and the Communications Policy Statement
- reviewing the Fund's Annual Report
- reviewing the administrative performance of the Fund
- reviewing shareholder voting and engagement arrangements
- reviewing the Fund's Risk Register
- reviewing the NYPF website
- supporting and challenging PFC actions as a critical friend
- Reviewing the governance of the new pooling arrangements, to assist in ensuring compliance, effective and efficient reporting, and the monitoring of investment management.

9) Decision making

Each Pension Board member who is a scheme member or employer representative will have an individual voting right but it is expected that the Pension Board will as far as possible reach a consensus. The Chair of the Pension Board will not be entitled to vote.

10) Quorum

The Board shall be quorate if the Chair, 1 scheme member representative and 1 employer representative are present.

11) Board Meetings – Notice, Minutes and Reporting

The Administering Authority shall give notice to all Pension Board members of every meeting of the Pension Board and shall ensure that a formal record of Pension Board proceedings is maintained. Following the approval of the minutes by the Chair of the Board, they shall be circulated to all Pension Board members.

The Pension Board is a committee of the Council and as such the Council's rules on notice of meetings, publishing agendas, reports and minutes and that meetings and papers (unless exempt) are open to the public will apply. At the discretion of the Administering Authority items may be edited or excluded on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for

the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

The Pension Board shall annually report to the Administering Authority on its nature and activities. The precise content of this report will be subject to consideration and agreement at a meeting of the Board but as a minimum should include

- a. details of members attendance at meetings of the Pension Board
- b. details of training and development activities made available to Pension Board members and attendance at such activities
- c. details of any recommendations made by the Pension Board to the Scheme Manager and the Scheme Manager's response to those recommendations
- d. details of costs incurred in the operation of the Pension Board
- e. a review of the effectiveness of the Board (see Section 6)

In consideration of items of business at its ordinary meetings the Pension Board shall determine whether it wishes to make recommendations to the Scheme Manager, to which the Scheme Manager shall respond at the subsequent meeting.

The Pension board shall also report as required by the regulations to the Pensions Regulator and the National Scheme Advisory Board.

12) Reporting Breaches

Any breach brought to the attention of the Pension Board, whether potential or actual, shall be dealt with in accordance with the procedure set out in the draft code of practice 14 issued by the Pensions Regulator, *Governance and Administration of Public Service Pension Schemes*.

13) Publication of Pension Board information

Scheme members and other interested parties will want to know that the NYPF is being efficiently and effectively managed. They will also want to be confident that the Pension Board is properly constituted, trained and competent in order to comply with scheme regulations, and to carry out its role in relation to the governance and administration of the scheme and requirements of the Pension Regulator.

Up to date information will be posted on the NYPF website showing:

- the names of the Pension Board members and other relevant information
- how the scheme members are represented on the Pension Board
- the responsibilities of the Pension Board as a whole
- the full terms of reference and policies of the Pension Board and how they operate
- the Pension Board appointment process
- any specific roles and responsibilities of individual Pension Board members

The Administering Authority will also consider requests for additional information to be published or made available to individual scheme members to encourage scheme member engagement and promote a culture of openness and transparency.

14) Advice to the Board

The Board will be supported in its role and responsibilities by the Administering Authority through advice and support as appropriate.

15) Expense Reimbursement, remuneration and allowances

The Administering Authority will determine remuneration and allowances to be paid to Pension Board members based on recommendations made by the Independent Panel on Members Remuneration.

These arrangements are reviewed annually.

Expenses in connection with fulfilling Pension Board responsibilities will be met by the Fund based on the Council's Members Scheme of Allowances and officers Travel and Expenses Policy as appropriate. The costs of appropriate training will also be met by the Fund.

16) Insurance

The Council's Public Liability Insurance applies to members of the Pension Board.

17) Updating the Pension Board Terms of Reference

Approval for significant amendments must be pursued through the Council's Constitution Working Group. General updating or housekeeping can be carried out without the need to seek formal approval.

18) Definitions

The undernoted terms shall have the following meaning when used in this document:

<i>"Pension Board" or "Board"</i>	Means the Pension Board for the Council as the Administering Authority of the NYPF as required under the Public Service Pensions Act 2013
<i>"Administering Authority"</i>	Means the Council
<i>"Scheme Manager"</i>	Means the PFC of the Council
<i>"Chair"</i>	The individual responsible for chairing meetings of the Pension Board and guiding its debates
<i>"LGPS"</i>	The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and the The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009
<i>"Scheme"</i>	Means the Local Government Pension Scheme as defined under "LGPS"

The LOCAL AUTHORITIES AND POLICE AND CRIME PANELS (CORONAVIRUS) (FLEXIBILITY OF LOCAL AUTHORITY AND POLICE AND CRIME PANEL MEETINGS) (ENGLAND AND WALES) REGULATIONS 2020 make provision to enable local authorities to hold meetings remotely including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. The Regulations further modify existing legislative provisions to remove the requirement for local authorities to hold annual meetings, and to enable requirements for public and press access to local authority meetings and associated documents to be complied with through remote means and website access.

For the purposes of these Regulations, a local authority includes county councils, district councils, combined authorities, parish councils, joint committees constituted to be a local planning authority, fire and rescue authorities and national park authorities. The Regulations apply to meetings of a local authority, an executive of a local authority, a joint committee of two or more local authorities, and a committee or sub-committee of any of those bodies.

It has come to the attention of SAB that a number of administering authorities have cancelled meetings of their local pension boards during the covid-19 emergency. If such decisions have been taken on the grounds that local pension boards do not fall within the above Regulations and have no statutory authority to meet remotely.

Counsel's opinion obtained by SAB in December 2015 found that local pension boards are constituted entirely under the Public Service Pensions Act 2013 and therefore are not local authority committees for the purposes of section 101 of the Local Government Act 1972 (except where the Secretary of State has specifically approved that the pensions committee can also be the local pension board under regulation 106(2) of the Local Government Pension Scheme Regulations 2013 (the "LGPS Regulations")).

However, regulation 106(8) of the LGPS Regulations states that a local pension board shall have the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. Having taken legal advice, SAB is satisfied that arranging a virtual meeting of a local pension board would facilitate the discharge of its duty to conduct business during the emergency.

During the emergency it is essential that both pension committees and local pension boards find ways of exercising their statutory functions. SAB is clear that there is no legal barrier to either the committee or board meeting on a virtual basis including public and/or press access through remote means if considered necessary.

It is also worth local pension boards checking their own existing terms of references to see if the terms already provide the flexibility for virtual meetings. If existing terms do not provide for this, it is recommended that the terms should be amended in due course to include this for the avoidance of doubt, even if this is only to cover emergency situations where boards should not be meeting in person.

**NORTH
YORKSHIRE
PENSION
BOARD**

**ANNUAL
REPORT**

NORTH YORKSHIRE LOCAL PENSION BOARD

ANNUAL REPORT FOR PERIOD 1 APRIL 2019 TO 31 MARCH 2020

Background

In June 2014 the Government published a consultation “The Local Government Pension Scheme (Amendment) Regulations 2014: draft Regulations on scheme governance”. These Regulations were essentially a crystallisation of the governance arrangements framework set out in the Public Service Pensions Act 2013.

The Regulations required Administering Authorities to each establish a Local Pension Board by 1 April 2015, being a formal body constituted by North Yorkshire County Council (the Administering Authority for the North Yorkshire Pension Fund (NYPF)), and the Board to be operational by 1 August 2015.

The Terms of Reference for the Pension Board were drafted in February 2015 to comply with the draft Regulations and guidance, in consultation with the Chair and Vice-Chair of the Pension Fund Committee and the Assistant Chief Executive (Legal and Democratic Services). The document was approved by the Council on 18 February 2015.

The Pension Board was established and its membership developed, and it held its first meeting on 30th July 2015.

In April 2016, the LGPS Scheme Advisory Board (SAB) was established as a statutory body encouraging best practice, increasing transparency and co-ordinating technical and statutory issues at a national level. Alongside this the role of the Pensions’ Regulator had been extended to cover public sector schemes, and guidance has been introduced in the form of the Regulator’s Code of Practice 14, which includes the reporting of statutory and regulatory breaches, for example the late payment of contributions and the issue of Annual Benefit Statements after the statutory deadline.

Role

The role of the local Pension Board is defined by sections 5(1) and 5(2) of the Public Service Pensions Act 2013 as follows:

1. To assist the Council as Administering Authority in its role as Scheme Manager to:
 - secure compliance with the Local Government Pension Scheme (LGPS) regulations and any other legislation relating to the governance and administration of the LGPS;
 - secure compliance with the requirements imposed in relation to the LGPS by the Pensions Regulator;
 - secure the effective and efficient governance and administration of the LGPS for the Pension Fund
 - assist in such other matters as the LGPS regulations may specify
2. To provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest

It is not the role of the Pension Board to be involved in the day to day running of the NYPF.

The operation of the Pension Board is open and transparent, its meetings are open to the public and all required details relating to the Pension Board, including minutes of meetings, are on the North Yorkshire County Council website –

<http://democracy.northyorks.gov.uk/committees.aspx?commid=91>

Membership of the Board

The Board consists of 9 members, 4 scheme member representatives, 4 employer representatives and an independent chair. The current Membership is as follows:-

PORTLOCK, David	Chairman - Independent Member (Non-voting)
BAKER, Bob (County Councillor) replaced JORDAN, Mike (County Councillor) November 2019	Employer Representative – North Yorkshire County Council
HOOK, Ann (Councillor) replaced CUTHBERTSON, Ian (Councillor) July 2019	Employer Representative – City of York Council
BARBERY, Emma	Employer Representative – Askham Bryan College
BRANFORD-WHITE, Louise	Employer Representative – Hambleton District Council
HAWKINS, David	Employer Representative Co-opted Member, non-voting – York College
HOULGATE, David	Scheme Member Representative - UNISON
PURCELL, Simon	Scheme Member Representative - UNISON
VACANCY	Scheme Member Representative
GRESTY, Gordon	Scheme Member Representative – Retired Members

The Independent Chairman of the Board, David Portlock, together with original Employer Representative Louise Branford-White and Scheme Member Representative Gordon Gresty were re-appointed to the Board in January 2020, for a further four years, following their original four years' term of office coming to an end. County Councillor Mike Jordan, an original Member of the Board, decided to step down from the Board at the end of his term of office and was replaced by County Councillor Bob Baker.

City of York representative, Councillor Ian Cuthbertson, stood down from the Board following his appointment to the Pension Fund Committee, as the Terms of Reference prevent a Member from serving on both bodies concurrently. He was replaced by Councillor Anne Hook in July 2019.

Emma Barbery of Askham Bryan College was appointed to the vacant Employer Representative position in January 2020, following a recruitment exercise. David Hawkins of York College was appointed as a non – voting, co-opted Member to the Board, following the recruitment exercise, to assist with continuity and recruitment, going forward

Action is currently being taken to fill the vacant Scheme Member representative position indicated.

Terms of Reference

A copy of the Board's Terms of Reference is attached at **Appendix 1**. The Terms of Reference, agreed by the Administering Authority in February 2015, were reviewed at the Meeting of the Board held on 17th January 2019 where it was agreed that a fundamental review was required following a number of changes to the Local Government Pension Scheme (LGPS) since the introduction of the Board, including the introduction of pooling arrangements for investments. The review was undertaken at the meeting of the Board held in July 2019, assisted by the Treasurer of the NYPF, Gary Fielding, and the Independent Observer to the Fund, Peter Scales.

The review saw the inclusion of the following to Item 8 of the Terms of Reference, Remit of the Board:-

Reviewing the governance of the new pooling arrangements, to assist in ensuring compliance, effective and efficient reporting, and the monitoring of investment management.

The remainder of the Terms of Reference were unchanged.

Attendance at Meetings

Meetings of the Board currently take place 4 times a year and are well attended.

Attendance at meetings was as follows:-

11th April 2019 – All Members in attendance.

18th July 2019 – All Members in attendance.

3rd October 2019 – All Members in attendance.

16th January 2020 – County Councillor Bob Baker and Louise Branford-White absent. All other Members in attendance.

COVID 19

The restrictions brought about by the COVID 19 pandemic had begun to affect the work of the Pension Board and Pension Fund Committee just prior to 31st March 2020, however, full details of the impact of the restrictions will be outlined in the 2020/21 Annual report.

Attendance at Pension Fund Committee

The Chair of the Board is an ex-officio, non-voting, Member of the Pension Fund Committee. Each ordinary Meeting of the Pension Fund Committee has an agenda item that provides an opportunity for the Chair of the Board to present feedback and the minutes of the previous meeting of the Board are submitted for information. The minutes of the Pension Fund Committee are also submitted to the Pension Board and, again, the Chairman provides feedback.

Members of the Pension Board attend meetings of the Pension Fund Committee to observe proceedings when available.

Issues Considered

The following have been considered by the Pension Board over the year:-

- NYPF Annual Report for the year ended 31 March 2019
- External Audit Report on the NYPF for the year ended 31 March 2019
- Risk Register
- Internal Audit reports
- LGPS Pooling arrangements
- Investment Strategy Statement
- Investment Strategy Review
- Publication of Pension Board Annual Report
- Pension Administration – including Breaches Log, Annual Benefit Statements, Data Quality, etc.
- Pensions Regulator developments – including a consultation on Governance and Admin Risks in Public Service Pension Schemes
- Employer and Administering Authority discretions
- Governance Documents Review
- Board Evaluation and Skills Matrix questionnaires
- Feedback from training courses attended
- Management, administration and governance process and procedure
- Treasurer of the NYPF – Annual discussion
- A review of the Terms of Reference assisted by the Treasurer and the Independent Observer to the Fund
- Receiving feedback from the Border to Coast Pensions' Partnership (BCPP) – particularly with concerns around the non-provision of information due to confidentiality
- Meetings between representatives of the Pension Boards with partner Funds in the BCPP
- Triennial Valuation 2019
- Sixth Form Colleges – Non-transferral of Staff to LGPS

Details in relation to the discussions on these issues can be found in the minutes for the meetings which are available on the North Yorkshire County Council website –

<http://democracy.northyorks.gov.uk/committees.aspx?commid=91>

The LGPS Pooling arrangements have been a major issue of consideration for the Pension Board. The NYPF has committed to joining the Border to Coast Pensions Pool, along with 11 other LGPS. The pool began operating in July 2018 and the Pension Board has been committed to scrutinising the governance arrangements for the pool. This work is ongoing.

Data Quality

In line with the requirement introduced by the Pensions Regulator, to include each fund's data score in the annual return with effect from 2019, NYPF have submitted the following scores:

Common Data:	95.97%
Conditional Data:	96.97%

Common data is that set of data that is defined as necessary and applicable to all members of all schemes. This data is that required to identify scheme members. For example, surname, date of birth, national insurance number, address, etc. There are 10 data items listed by the Pensions Regulator as being classed as common data.

Conditional data is that set of data that is defined as additional detailed data required for the administration of a pension scheme. This data is dependent on scheme type, structure and system design. For example, employer, salary history, contributions, transfer in details, etc.

A suite of reports have been developed to enable the identification of data errors and calculation of the annual data score. These reports will form the basis of targeted data cleansing work.

A data improvement plan has been created to ensure quality and scores improve from year to year. Part of this plan is the ongoing rolling schedule of data quality checking and cleansing.

Conflicts of Interest

The Board adopted a Conflicts of Interest Policy, attached as **Appendix 2**, at its inaugural meeting on 30th July 2015 and this is reviewed annually. The requirement to declare Conflicts of Interest is an item on every agenda for Board meetings. No conflicts were identified nor disclosed in the period to 31 March 2020.

Skills and Development Activities

Board Members have undertaken a comprehensive range of training and development opportunities, as required by the Pension Regulator's Code of Practice. An evaluation of skills and experience has been undertaken and is being evaluated to identify possible training requirements and areas where skills and knowledge need development.

Discussions have taken place, with the Pension Fund Committee, in relation to the requirement for Pension Fund Committee Members to undertake appropriate training and development in future, with a training policy having now being adopted. Members of the Committee have undertaken an evaluation of their skills, and the publication of the results of that are awaited, to enable a joint training plan to be developed for both the Committee and the Board.

The Board adopted a Training Policy, attached as **Appendix 3**, at its inaugural meeting on 30th July 2015.

Details of the training and development undertaken by Board Members are provided in **Appendix 4**.

Programme of Work

The Board has developed a programme of work which is reviewed and updated at every meeting of the Board. Details of the programme of work are provided in **Appendix 5**.

Pension Board Costs for 2019/20 and Budget for 2020/21

The Board's costs for 2019/20 were as follows:

Chair's Allowance	£3,000
Travel	£ 36
Skills development	£3,370
Total	£6,406

The Board's budget for 2020/21 is as follows:

Chair's Allowance	£3,000
Travel	£1,500
Skills development	£5,000
Total	£9,500

The above costs are borne by the Pension Fund.

In addition to the expenditure detailed above, the Board receives assistance and support from the Council's Legal & Democratic Services and Pension Fund Officers. An estimate of the cost and value of this assistance and support has not been calculated.

Pension Board self-assessment

The Board's terms of reference and guidance from the Pension Regulator's Code of Practice 14 require that the Board undertakes a review of its effectiveness and the knowledge and skills of Board members.

In relation to this, questionnaires have previously been circulated to Board Members to provide an evaluation of skills and experience. Details will be fed back into the Board accordingly and an appropriate joint training plan with members of the Pension Fund Committee will be developed.

Equality Impact Review

An Equality Impact Review is not required as there are no relevant decisions to be taken.

David Portlock
Independent Chair of the Local Pension Board
October 2020

Pension Board of the North Yorkshire Pension Fund

Terms of Reference and Delegated Authorities

1) Role of the Local Pension Board

The role of the local Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is

- to assist North Yorkshire County Council (NYCC) as Administering Authority in its role as Scheme Manager
- to secure compliance with the Local Government Pension Scheme (LGPS) regulations and any other legislation relating to the governance and administration of the LGPS
- to secure compliance with the requirements imposed in relation to the LGPS by the Pensions Regulator
- to secure the effective and efficient governance and administration of the LGPS for the North Yorkshire Pension Fund (NYPF, or the Fund)
- in such other matters as the LGPS regulations may specify
- to provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest

The terms “Administering Authority” and “Scheme Manager” are used interchangeably in the Regulations but are separately defined in this document (see section 18). NYCC as the Administering Authority has ultimate responsibility for the Fund and has delegated powers to manage the Fund to the Pension Fund Committee (PFC).

These Regulations provide that the Pension Board has the general power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The Pension Board will ensure it effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

The Pension Board will also help ensure that the NYPF is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator, with due regard to guidance issued by Government, the Pensions Regulator and the National Scheme Advisory Board.

The Pension Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively, but not less than four times in any year.

The Pension Board will determine the precise timing of its own meetings, which will take place at suitable intervals between PFC meetings so that PFC activity relevant to the Board can be considered and responses to recommendations reviewed prior to the next meeting of the PFC.

2) Membership and Appointment Process

The Pension Board shall consist of 9 members and be constituted as follows:

- i) 4 scheme member representatives, of whom
 - a. 2 shall represent and be drawn from active members of the Fund
 - b. 1 shall represent and be drawn from pensioner and deferred pensioner members of the Fund

c. 1 shall represent and be drawn from either the active or deferred/pensioner members of the Fund
ii) 4 employer representatives, of whom

a. 1 shall be nominated by NYCC who shall meet the requirements of the relevant regulations in relation to avoidance of conflict with the County Council's role as Administering Authority

b. 1 shall be nominated by the City, Borough and District Councils, the Police and Fire bodies and the National Parks which are employers within the Fund

c. 1 shall be nominated by all other employers within the Fund

d. 1 shall be nominated by any employer other than NYCC

iii) 1 independent member, who shall be appointed as Chair of the Pension Board
Elected Members and officers involved in the management and administration of the Fund are not permitted to become Pension Board members.

The Administering Authority will contact employers and members of the Fund to inform them of the Pension Board arrangements and to canvass interest whenever appointments to the Pension Board are required. Active, pensioner and deferred pensioner members will be eligible to nominate themselves as "scheme member representatives". Individuals put forward by the Fund's employers, whether or not those individuals are members of the Fund, will be eligible to stand as "employer representatives".

The position of independent member will be advertised publically. The Administering Authority will seek an independently minded individual with a track record of dealing with governance issues. Following receipt of nominations/applications the Administering Authority will arrange an independent as possible appointment process. This process will include assessing information supplied by candidates in support of their nomination/application and may be supplemented by interviews as appropriate.

Members in all categories will only be appointed to the Pension Board by the Administering Authority if they either meet the knowledge and skills requirements set out in the relevant regulations and guidance (see Section 7) or commit to do so within 3 months of the appointment date.

Members of the Pension Board will serve for a term of 4 years following which they may either retire from the Board or seek nomination for an additional term. The term of office may otherwise come to an end

i. for scheme member representatives if they cease to be a member of the relevant group

ii. for employer representatives who are councillors if they cease to hold office as a councillor

iii. for employer representatives who are not councillors when they cease to be employed by their nominating employer

iv. for a councillor member who is appointed to the PFC

v. for a scheme member or employer representative who is appointed to a role with responsibility for the management or administration of the Fund

vi. where there is a conflict of interest which cannot be managed in accordance with the Pension Board's Conflicts of Interest Policy

vii. where a member fails to attend meetings, undertake training or otherwise comply with the requirements of being a Pension Board member

Each Pension Board member should endeavour to attend all Board meetings during the year and is expected to attend at least 3 meetings each year. The chair of the Board is also expected to attend the quarterly meetings of the PFC.

Given the nature of the Pension Board as a supervisory body and the need for appropriate knowledge and skills and the clear avoidance of conflicts of interest, substitute members are not permitted.

In the event of consistent non-attendance by any Board member, then the tenure of that membership should be reviewed by the other Board members in liaison with the Administering Authority.

Other than by ceasing to be eligible as set out above, a Board member may also be removed from office during a term of appointment by the unanimous agreement of all of the other members. The removal of the independent member requires the consent of the Administering Authority.

3) Conflicts of Interest

The policy for identifying, monitoring and managing conflicts of interest is set out in a separate policy document, which should be regularly reviewed by the Pension Board.

4) Standards of Conduct

The role of Pension Board members requires the highest standards of conduct and therefore the “seven principles of public life” will be applied to all Pension Board members and embodied in their code of conduct.

These are:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

5) Knowledge and Skills

A member of the Pension Board must be conversant with:

1. The legislation and associated guidance of the LGPS
2. Any document recording policy about the administration of the LGPS which is for the time being adopted by the NYPF

A member of the Pension Board must have knowledge and understanding of:

- a. the law relating to pensions, and
- b. any other matters which are prescribed in the regulations

Individual Pension Board members must satisfy themselves that they have the appropriate degree of local knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board. This includes being fully aware of all requirements detailed in these terms of reference for example on standards of conduct and conflicts of interest, and being conversant with the investment strategy of the Fund.

In line with this requirement Pension Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Pension Board members are therefore required to maintain a written record of relevant training and development.

Pension Board members will undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses.

6) Board Review Process

The Board will undertake each year a formal review process to assess how well it and its members are performing with a view to seeking continuous improvement in the Board's performance.

7) Accountability

The Pension Board will be collectively and individually accountable to the Administering Authority.

8) Remit of the Board

The Pension Board must assist the Administering Authority with such matters as the scheme regulations may specify. It is for scheme regulations and the Administering Authority to determine precisely what the Pension Board's role entails. Examples of activity include, inter alia:

- reviewing the Fund's governance and policy documents, such as the Governance Compliance Statement and the Communications Policy Statement
- reviewing the Fund's Annual Report
- reviewing the administrative performance of the Fund
- reviewing shareholder voting and engagement arrangements
- reviewing the Fund's Risk Register
- reviewing the NYPF website
- supporting and challenging PFC actions as a critical friend
- Reviewing the governance of the new pooling arrangements, to assist in ensuring compliance, effective and efficient reporting, and the monitoring of investment management.

9) Decision making

Each Pension Board member who is a scheme member or employer representative will have an individual voting right but it is expected that the Pension Board will as far as possible reach a consensus. The Chair of the Pension Board will not be entitled to vote.

10) Quorum

The Board shall be quorate if the Chair, 1 scheme member representative and 1 employer representative are present.

11) Board Meetings – Notice, Minutes and Reporting

The Administering Authority shall give notice to all Pension Board members of every meeting of the Pension Board and shall ensure that a formal record of Pension Board proceedings is maintained. Following the approval of the minutes by the Chair of the Board, they shall be circulated to all Pension Board members.

The Pension Board is a committee of the Council and as such the Council's rules on notice of meetings, publishing agendas, reports and minutes and that meetings and papers (unless exempt) are open to the public will apply. At the discretion of the Administering Authority items may be edited or excluded on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for

the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

The Pension Board shall annually report to the Administering Authority on its nature and activities. The precise content of this report will be subject to consideration and agreement at a meeting of the Board but as a minimum should include

- a. details of members attendance at meetings of the Pension Board
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In consideration of items of business at its ordinary meetings the Pension Board shall determine whether it wishes to make recommendations to the Scheme Manager, to which the Scheme Manager shall respond at the subsequent meeting.

The Pension board shall also report as required by the regulations to the Pensions Regulator and the National Scheme Advisory Board.

12) Reporting Breaches

Any breach brought to the attention of the Pension Board, whether potential or actual, shall be dealt with in accordance with the procedure set out in the draft code of practice 14 issued by the Pensions Regulator, *Governance and Administration of Public Service Pension Schemes*.

13) Publication of Pension Board information

Scheme members and other interested parties will want to know that the NYPF is being efficiently and effectively managed. They will also want to be confident that the Pension Board is properly constituted, trained and competent in order to comply with scheme regulations, and to carry out its role in relation to the governance and administration of the scheme and requirements of the Pension Regulator.

Up to date information will be posted on the NYPF website showing:

- the names of the Pension Board members and other relevant information
- how the scheme members are represented on the Pension Board
- the responsibilities of the Pension Board as a whole
- the full terms of reference and policies of the Pension Board and how they operate
- the Pension Board appointment process
- any specific roles and responsibilities of individual Pension Board members

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The Board will be supported in its role and responsibilities by the Administering Authority through advice and support as appropriate.

15) Expense Reimbursement, remuneration and allowances

The Administering Authority will determine remuneration and allowances to be paid to Pension Board members based on recommendations made by the Independent Panel on Members Remuneration.

These arrangements are reviewed annually.

Expenses in connection with fulfilling Pension Board responsibilities will be met by the Fund based on the Council's Members Scheme of Allowances and officers Travel and Expenses Policy as appropriate. The costs of appropriate training will also be met by the Fund.

16) Insurance

The Council's Public Liability Insurance applies to members of the Pension Board.

17) Updating the Pension Board Terms of Reference

Approval for significant amendments must be pursued through the Council's Constitution Working Group. General updating or housekeeping can be carried out without the need to seek formal approval.

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The undernoted terms shall have the following meaning when used in this document:

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<i>"Administering Authority"</i>	Means the Council
<i>"Scheme Manager"</i>	Means the PFC of the Council
<i>"Chair"</i>	The individual responsible for chairing meetings of the Pension Board and guiding its debates
<i>"LGPS"</i>	The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and the The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009
<i>"Scheme"</i>	Means the Local Government Pension Scheme as defined under "LGPS"

NORTH YORKSHIRE COUNTY COUNCIL**PENSION BOARD****CONFLICTS OF INTEREST POLICY****Introduction**

There is a requirement for Pension Board members not to have a conflict of interest. However, it is important to note that the issue of conflicts of interest must be considered in light of the Pension Board's role, which is to assist the Administering Authority. The Pension Board does not make decisions in relation to the administration and management of the Fund: this rests with the Administering Authority. As a result, it is not anticipated that significant conflicts will arise in the same way as would be the case if the Board were making decisions on a regular basis (compared, for example, to the Pension Fund Committee). Nevertheless, steps need to be taken to identify, monitor and manage conflicts effectively.

The Regulator has a particular role in relation to members of the Pension Board and conflicts of interest. Whilst members of the Pension Board may be subject to other legal requirements when exercising functions as a member of the Pension Board, the Regulator expects the requirements which specifically apply by virtue of the Public Service Pensions Act 2013 to be met and the standards of conduct and practice set out in its Code of Practice to be complied with.

The Code of Practice offers guidance about managing potential conflicts and the identification, monitoring and management of actual conflicts. This Policy is intended to reflect the principles of the Regulator's Code of Practice and apply them in an LGPS context.

Identifying conflicts of interest

For the purposes of a member of the Pension Board, a 'conflict of interest' is defined in section 5(5) of the 2013 Act as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Pension Board. The 2013 Act also specifies that a conflict does not include a financial or other interest arising merely by virtue of that person being a member of the LGPS.

Therefore, a conflict of interest may arise when a member of the Pension Board must fulfil their legal duty to assist the Administering Authority and at the same time they have:

- a separate personal interest (financial or otherwise); or
- another responsibility in relation to that matter, giving rise to a possible conflict with their first responsibility as a Pension Board member

The Regulations place a duty on the Administering Authority to satisfy itself that those appointed to its Pension Board do not have an actual conflict of interest prior to appointment and "from time to time".

There is a corresponding duty on any person who is proposed to be appointed to the Pension Board, and on an appointed member of the Pension Board, to provide the Administering Authority with such information as the Administering Authority reasonably requires to be satisfied that there are no conflicts of interest. Pension Board members also have a responsibility to anticipate potential conflicts of interest in relation to plans for future Pension Board activity.

Some examples of how a conflict might arise specifically in relation to a member of a Pension Board include:

- a finance officer appointed as a member of the Pension Board may, from time to time, be required to take or scrutinise a decision which may be, or appear to be, in opposition to another interest or responsibility. For example, they may be required as a member of the Pension Board to take or scrutinise a decision which involves the use of departmental resources to improve scheme administration, whilst at the same time being tasked, by virtue of their employment, with reducing departmental spending
- a Pension Board member who works in the Administering Authority's internal audit function may be required as part of his work to audit the Fund. For example, the employee may become aware of confidential breaches of law by the Fund which have not yet been brought to the attention of the Pension Board
- an employer representative from the private sector may also have a conflict of interest as a decision-maker in their own workplace. For example, if an employer representative is drawn from a company to which the Administering Authority has outsourced its pension administration services and the Board are reviewing the standards provided by it.

Conflicts of interest may also arise in respect of advisers to the Pension Board. For example, an adviser may have a conflict of interest if he or she (or the same firm) is also advising the Administering Authority. The risk to the Pension Board is that the adviser does not provide, or is not seen to provide, independent advice. Where there is likely to be a conflict of interest in giving advice, the Board should consider carefully whether it is appropriate to appoint the adviser in the first place. It may also be necessary to consider carefully whether they should take steps to remove an adviser who has already been appointed.

Monitoring and Managing potential conflicts of interest

In order for the Administering Authority to fulfil its obligation to ensure that members of the Pension Board do not have a conflict of interest, the Pension Board must include an item on conflicts of interest at each meeting of the Pension Board and in its annual report to the Administering Authority.

The Pension Board is required to maintain a written register of dual interests and responsibilities which have the potential to become conflicts of interest, which may adversely affect members' or advisers' suitability for the role. Each member of the Pension Board (as well as any other attendees participating in the meeting) will be expected to declare, on appointment and at each meeting, any interests which may lead to conflicts of interest. Such a conflict could be in relation to a general subject area or to a specific agenda item of a Pension Board meeting.

The Chair of the Pension Board must be satisfied that the Board is acting within:

- the conflicts of interest requirements of the Public Service Pensions Act and the LGPS Regulations, and
- in the spirit of any national guidance or code of practice in relation to conflicts of interest for Pension Board members, and

Each member of the Pension Board, or a person proposed to be appointed to the Board, (as well as attendees participating in the meeting) must provide the Chair of the Pension Board with such information as he or she reasonably requires for the purposes of demonstrating that there is no conflict of interest.

Pension Board members are required to have a clear understanding of their role and the circumstances in which they may find themselves in a position of conflict of interest, and should know how potential conflicts should be managed.

The Pension Board is required to evaluate the nature of any dual interests and responsibilities, assess the impact on operations and governance were a conflict of interest to materialise, and seek to prevent a potential conflict of interest becoming detrimental to the conduct or decisions of the Pension Board. The Pension Board may consider seeking independent legal advice from a nominated officer (for example, the monitoring officer) or external advisers where necessary on how to deal with these issues, if appropriate.

Individual members of the Pension Board must know how to identify when they have a conflict of interest which needs to be declared and which may also restrict their ability to participate in meetings or decision-making. They also need to appreciate that they have a legal duty under the Regulations to provide information to the Administering Authority in respect of conflicts of interest.

Options for managing an actual conflict of interest, should one arise, include:

- a member withdrawing from the discussion and any decision-making process;
- the Board establishing a sub-board to review the issue (where the terms of reference give the power to do so); or
- a member resigning from the Board if the conflict is so fundamental that it cannot be managed in any other way

PENSIONS BOARD TRAINING POLICY

1.0 Introduction

- 1.1 This policy statement details the training agenda for members of the Pensions Board and has been drawn up to meet their needs in relation to training.
- 1.2 In addition to the Training Policy for Board members, Board members will have access to all training provided to members of the Pensions Fund Committee.

2.0 Knowledge and understanding required by pension board members

- 2.1 A member of the pension board of a public service pension scheme must be conversant with:
 - a. the rules of the scheme, and
 - b. any document recording policy about the administration of the scheme which is for the time being adopted in relation to the scheme.

A member of a pension board must have knowledge and understanding of:

- a. the law relating to pensions, and
- b. any other matters which are prescribed in regulations.

The degree of knowledge and understanding required is that appropriate for the purposes of enabling the individual properly to exercise the functions of a member of the pension board.

3.0 Training Agenda

- 3.1 Pension Board members will need to carry out a personal training needs self-assessment to identify training needs, and assess their overall level of Knowledge and Understanding.
- 3.2 It is a requirement by the Pensions Regulator (tPR) that Pension Board members should invest sufficient time in learning and development and keep records of learning activities. Using a personalised training plan will help to document and address training needs promptly as well as keep knowledge and understanding up to date.

- 3.3 Council officers will provide details of training events relevant to Pension Board members.
- 3.4 Training should be on-going for Board members, and may consist of some or all of following:
- on-line training provided by tPR
 - attendance at employer and scheme member events hosted by the Pension Fund
 - attendance at seminars and training events offered by the Fund's investment managers and advisors
 - attendance at external training courses, seminars and events suitable for their needs

In addition, unstructured training such as internet research may constitute training.

4.0 Review arrangements

- 4.1 A report will be presented to the Pensions Board on a quarterly basis detailing:
- training completed over the previous year, and by which members
 - advance notification of forthcoming training events
- 4.2 Pension Board members will carry out an annual review of skills, competencies and knowledge to identify any gaps or weaknesses to reassess their overall level of "Knowledge and Understanding".
- 4.3 The Pension Board will review the Training policy annually.

5.0 Costs of Training

- 5.1 All training costs will be met by the Pension Fund.

Pension Board Members - Training, Meetings and Events

Appendix 4

Date	Title or Nature of Course	Sponsor/ Organiser	Venue	David Portlock - Chair	Gordon Gresty	Louise Branford- White	County Cllr Bob Baker	Simon Purcell	David Houlgate	Cllr Anne Hook	Emma Barbery	David Hawkins
06/04/11	Pensions' Meeting	UNISON	Leeds						X			
28/06/11	Pensions' briefing	UNISON	Hull						X			
04/11/11	Pensions' briefing	UNISON	Leeds						X			
12/06/12	Pensions' briefing	UNISON	Leeds						X			
14/06/12	Pensions' briefing to members	UNISON	Harrogate						X			
w/c 02/07/12	Briefing sessions to staff x 4	UNISON	Harrogate						X			
w/c 09/07/12	Briefing sessions to staff x 10	UNISON	Harrogate						X			
30/11/12	Pensions' Roadshow	NYCC	Harrogate						X			
21/11/13	AVC/Pensions' Seminar	Prudential	Harrogate						X			
22/04/14	Special LGSG Meeting	UNISON	Leeds						X			
19/11/14	Pensions' Seminar	UNISON	York						X			
06/15	LGPS Governance	UNISON	Leeds					X				
06/15	LGPS Benefits/Administration	UNISON	Leeds					X				
04/06/15	Training Event for Pension Board Members	LGA	Marriott Hotel, Leeds		X	X		X				
03/07/15	Pension Board Member Training	AON	Leeds									
17/07/15	Pension Board Member Training	AON	Leeds					X				
24/07/15	Pension Board Member Training	AON	Leeds									
30/09/15	Pensions' presentation	UNISON	Harrogate						X			
21/10/15	LGPS Trustee Training – Fundamentals XIV	LGA	Leeds		X							
17/11/15	LGPS Trustee Training – Fundamentals XIV	LGA	Leeds	X	X							
08/12/15	LGPS Trustee Training – Fundamentals XIV	LGA	Leeds	X	X	X						

Date	Title or Nature of Course	Sponsor/ Organiser	Venue	David Portlock - Chair	Gordon Gresty	Louise Branford- White	County Cllr Bob Baker	Simon Purcell	David Houlgate	Cllr Anne Hook	Emma Barbery	David Hawkins
17/10/19	LGPS Trustee Training – Fundamentals	LGA	Leeds					X	X	X		
14/11/19	LGPS Trustee Training – Fundamentals	LGA	Leeds					X	X			
5/12/19	LGPS Trustee Training – Fundamentals	LGA	Leeds					X	X	X		
14/01/16	Governance for North Yorkshire Pension Board	Peter Scales – Independent Observer for the North Yorkshire Pension Fund	County Hall	X	X	X						
29/06/16	Local Pension Board Conference	CIPFA & Barnett Waddingham	London	X								
24/02/17	LGPS Consultation Meeting	UNISON	Leeds						X			
01/03/17	LGPS Spring Seminar	CIPFA & Barnett Waddingham	Leeds	X								
28/06/17	Local Pension Boards 2 years on	CIPFA & Barnett Waddingham	London	X								
29/06/17 and 30/06/17	Annual LGPS “Trustees” Conference	LGA	Bournemouth	X								
11/09/17 and 12/09/17	Introduction to Pension Funds – New Pension Fund Committee and Pension Board Members	BCPP	York	X	X							
8/11/18 and 9/11/18	BCPP First Annual Conference	BCPP	Leeds	X	X							
10/11/17	Local Pension Boards Autumn Seminar	CIPFA	Liverpool									
12/10/18	Local Pension Boards Autumn Seminar	CIPFA & Barnett Waddingham	Liverpool									
27/06/18	Local Pension Boards Annual Conference	CIPFA & Barnett Waddingham	London	X								
05/07/18	Pension Board, Committee and Officer Training –	AON	London					X				

Date	Title or Nature of Course	Sponsor/ Organiser	Venue	David Portlock - Chair	Gordon Gresty	Louise Branford- White	County Cllr Bob Baker	Simon Purcell	David Houlgate	Cllr Anne Hook	Emma Barbery	David Hawkins
	Governance and Key Legislation											
13/11/18	Pensions' Course	UNISON	Leeds						X			
11/12/18	UNISON Pensions' Seminar	UNISON	London					X				
25/02/19	Local Pension Boards - Spring Seminar	CIFPA & Barnett Waddingham	Leeds	X	X	X						
08/03/19	Regional LGPS Forum	UNISON	Leeds						X			
26/06/19	Local Pension Boards Annual Conference	CIFPA & Barnett Waddingham	London	X								
23 & 24/01/20	LGPS Governance Conference	LGPS	York	X	X							
17/02/20	Local Pension Boards - Spring Seminar	CIFPA & Barnett Waddingham	Leeds	X					X			
28&29/09/20	Local Pension Boards – Autumn Seminar	CIFPA & Barnett Waddingham	Live interactive webinar	X				X				
28/09/20	AON Responsible Investments webinar	AON	Live interactive webinar	X								
02/10/20	BCPP Annual Conference	BCPP	Live interactive webinar	X								
17/09/15	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
26/11/15	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
15/01/16	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
25/02/16	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
19/05/16	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
07/07/16	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								

Date	Title or Nature of Course	Sponsor/ Organiser	Venue	David Portlock - Chair	Gordon Gresty	Louise Branford- White	County Cllr Bob Baker	Simon Purcell	David Houlgate	Cllr Anne Hook	Emma Barbery	David Hawkins
15/09/16	North Yorkshire Pension Fund Committee	NYCC	County Hall	X	X							
24/11/16	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
26/01/17	North Yorkshire Pension Fund Committee	NYCC	County Hall	X		X						
23/02/17	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
31/03/17	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
25/05/17	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
14/09/17	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
23/11/17	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
22/02/18	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
24/05/18	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
05/07/18	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
13/09/18	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
22/11/18	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
21/02/19	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
23/05/19	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
20/06/19	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
04/07/19	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
13/09/19	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								

Date	Title or Nature of Course	Sponsor/ Organiser	Venue	David Portlock - Chair	Gordon Gresty	Louise Branford- White	County Cllr Bob Baker	Simon Purcell	David Houlgate	Cllr Anne Hook	Emma Barbery	David Hawkins
22/11/19	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
21/02/20	North Yorkshire Pension Fund Committee	NYCC	County Hall	X								
10/09/20	North Yorkshire Pension Fund Committee	NYCC	Virtual Meeting	X								
25/11/16	North Yorkshire Pension Investment Strategy Workshop	NYPF	County Hall	X								
23/02/17	North Yorkshire Pension Investment Strategy Workshop	NYPF	County Hall	X								
15/09/17	North Yorkshire Pension Investment Strategy Workshop	NYPF	County Hall	X								
17/11/17	North Yorkshire Pension Investment Strategy Workshop	NYPF	County Hall	X								
20/12/17	North Yorkshire Pension Investment Strategy Workshop	NYPF	County Hall	X								
05/07/18	North Yorkshire Pension Investment Strategy Workshop	NYPF	County Hall	X								
14/09/18	North Yorkshire Pension Investment Strategy Workshop	NYPF	County Hall	X								
22/11/18	North Yorkshire Pension Investment Strategy Workshop	NYPF	County Hall	X								
21/02/19	North Yorkshire Pension Investment Strategy Workshop and Fund manager meeting	NYPF	County Hall	X								
24/05/19	North Yorkshire Pension Investment Strategy Workshop	NYPF	County Hall	X								
21/11/19	North Yorkshire Pension Investment Strategy Workshop	NYPF	County Hall	X								

Date	Title or Nature of Course	Sponsor/ Organiser	Venue	David Portlock - Chair	Gordon Gresty	Louise Branford- White	County Cllr Bob Baker	Simon Purcell	David Houlgate	Cllr Anne Hook	Emma Barbery	David Hawkins
20/02/20	North Yorkshire Pension Investment Strategy Workshop	NYPF	County Hall	X								
10/09/20	North Yorkshire Pension Investment Strategy Workshop	NYPF	Virtual Meeting	X								
11/11/16	Triennial Valuation Seminar	Actuary	County Hall	X		X						
22/11/19	Triennial Valuation Seminar (as part of the Pension Fund Committee meeting)	Actuary	County Hall	X								
13/01/17	Pooling – Employers Seminar	NYPF	County Hall	X	X	X						
24/02/17	North Yorkshire Pension Fund Manager Meeting	NYPF	County Hall	X								
03/03/16	Audit Committee Training Session - Counter Fraud	NYCC	County Hall	X								
03/02/16	Governance Forum	Mazars	York	X								
08/07/16	Governance Forum	Mazars	York	X								
03/02/17	Governance Forum – (Including Cyber Security)	Mazars	York	X								
31/01/18	Governance Forum (including GDPR)	Mazars	York	X								
18/06/18	Data – Section 13 – Regional Workshop	Mercer	Manchester	X								
21/06/18	Audit Committee Training Session – Treasury Management	NYCC	County Hall	X								
07/15 – 03/17	Introducing Pension Schemes	The Pensions' Regulator – Toolkit Modules	On-line		X							
07/15 – 03/17	The Trustees' Role	The Pensions' Regulator – Toolkit Modules	On-line	X	X							
07/15 – 03/17	Running a Scheme	The Pensions' Regulator – Toolkit Modules	On-line	X	X							

Date	Title or Nature of Course	Sponsor/ Organiser	Venue	David Portlock - Chair	Gordon Gresty	Louise Branford- White	County Cllr Bob Baker	Simon Purcell	David Houlgate	Cllr Anne Hook	Emma Barbery	David Hawkins
07/15 – 03/17	Pensions' Law	The Pensions' Regulator – Toolkit Modules	On-line		X							
07/15 – 03/17	An introduction to investment	The Pensions' Regulator – Toolkit Modules	On-Line		X							
07/15 – 01/18	How a DB Scheme works	The Pensions' Regulator – Toolkit Modules	On-line		X			X				

PENSION BOARD WORK PLAN

APPENDIX 5

		16-Jan-20	Cancelled	Cancelled	29-Oct-20	14-Jan-21	08-Apr-21
1	Agree plan for the year	✓				✓	
2	Review Terms of Reference			✓		✓	
3	Review performance against the plan	✓	✓	✓	✓	✓	✓
4	Report to the PFC / NYCC	✓	✓	✓	✓	✓	✓
5	Report to Scheme Advisory Board / MHCLG			✓			

Compliance checks

6	Review such documentation as is required by the Regulations			✓			✓
7	Review the outcome of internal audit reports	✓	✓	✓	✓	✓	✓
8	Review the outcome of external audit reports				✓		
9	Review Pension Board Annual Report			✓			
10	Review the compliance of particular issues on request of the PFC – as required						
11	Review the process and note the outcome of actuarial reporting and valuations – every three years	✓	✓				

Administration procedures, performance and Communication

12	Review and assist with admin/governance procedures/processes-including monitoring performance admin/governance and employers	✓	✓	✓	✓	✓	✓
13	Annual review of the Internal Dispute Resolution Process, Policy and cases			✓			
14	Annual review of cases referred to the Pensions Ombudsman			✓			
15	Review the exercise of employer and administering authority discretions			✓			
16	Assist with the development of improved customer services						
17	Review the risk register and management of risk processes and procedure	✓		✓		✓	
18	Assist in assessing process improvements on request of PFC						
19	Pooling – governance, reporting and transparency (Within the Investment Strategy Review report)	✓	✓	✓	✓	✓	✓
20	Review scheme member and employer communications						

Training

21	Review Pension Board knowledge and skills self-assessment		✓	✓		✓	
22	Review training log	✓	✓	✓	✓	✓	✓
23	Review training arrangements for the Board and other groups	✓	✓	✓	✓	✓	✓

NORTH YORKSHIRE COUNTY COUNCIL

18 NOVEMBER 2020

STATEMENT OF CHILDREN'S SERVICES PORTFOLIO HOLDER

Covid Response

Throughout the period of COVID children's safeguarding needs have remained central to our practice. The service responded swiftly at the start of COVID to RAG rate over 4000 open cases in order to provide support through a blended approach of virtual support and face to face visits. Since lockdown the service has conducted over 10,000 face to face visits to families with approximately 97% of all visits for those children on a child protection plan being done in this way.

A COVID emergency planning group has provided regular oversight to ensure we maintain a fine balance of supporting our staff alongside our core responsibility of protecting vulnerable children. We have received excellent feedback from the Children and Families workforce around the support they have received which is essential when colleagues are dealing regularly with complex trauma.

Care Leavers Conference

Saturday 24th October was the start of Care Leavers Week and North Yorkshire County Council, in partnership with the University of York, hosted a virtual conference for over 100 people. This is the third annual conference and the first that was virtual. Young people were able to join the event from around the county and further afield to find out more about the leaving care service within North Yorkshire, celebrate their own achievements and be inspired by Olympic Swimmer James Kirton who works with North Yorkshire Sport to help young people achieve their own potential.

Cllr Annabel Wilkinson and I were able to join the young people alongside staff and senior managers. The highlight of the day was being able to watch a film produced by Inspired Youth and supported in their production by North Yorkshire Care leaver Brandan Lansbury.

Children & Families and Children in Care

As some aspects of life returned to normal following the spring/summer Covid-19 lockdown, we are seeing an expected increase in the number of contacts being received by our Multi Agency Screening Team (MAST). During Quarter 2, 5,353 contacts were received by the MAST, up from 4,523 in Quarter 1, and 991 referrals were made to Children's Social Care, up from 766 in Quarter 1 (this low figure was directly linked to Covid). We continue to see our rate of repeat referral remaining consistently low at just 15.1%, notably better than the latest national average of 21.9%. Once a child is referred to Children's Social Care, their needs are assessed in a timely manner, with 85.6% of assessments completed within 30 working days in and 99.24% completed within the statutory timescales of 45 working days.

At the end of Quarter 2, 363 children were subject to a Child Protection Plan, up from 312 in Quarter 1. This increase is, in part, due to the increase in referrals and the number leading to a new CPP following the reductions seen in Quarter 1. The rate of repeat Child Protection Plans remains high at 29.3% for Quarter 2. The service continues to scrutinise Child Protection, particularly where children are subject to repeat plans to gain assurance that the right decisions are made at the right time.

The number of children in care remains static at 456 at the end of the Quarter. Reflective of the Children & Families Practice Model, the number of Looked after Children cared for by a family or friend foster care has more than doubled over the past 3 years, from 56 in Q2, 2017/18 to 124 in Q2, 2020/21.

Medium Term Financial Strategy & 2020 North Yorkshire – November 2020

The Directorate's greatest financial pressure continues to be the significant cost pressures arising from a rise in the number of children and young people assessed as requiring an Education, Health and Care Plan. The local authority welcomes the Government announcement of additional funding for High Needs for 2021-22 although this will be unlikely to help address the accumulated deficit. The local authority will continue to lobby for a fairer funding settlement for North Yorkshire including reform of the High Needs national funding formula.

The Directorate has developed plans to meet the savings target in 2020-21 and we expect to be able to deliver most of these despite the potential impact of Covid-19. Plans are carefully monitored through strong programme governance and financial pressures are regularly reviewed and reported through the Quarterly Finance and Performance report.

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.

COUNTY COUNCILLOR JANET SANDERSON

NORTH YORKSHIRE COUNTY COUNCIL

18 NOVEMBER 2020

STATEMENT OF EDUCATION & SKILLS PORTFOLIO HOLDER

Covid-19 – impact on schools and early years

Since the start of September we have been supporting education settings in North Yorkshire to continue to remain open and to manage the impacts of covid 19 across their settings. Children and young people have been able to return to their education as a result of services working together to ensure that key infrastructure is in place. This includes being able to resume a pre covid timetable on at least 300 school bus routes which transport around 12,000 pupils each day.

We have worked closely with public health colleagues to ensure a joined up approach and offered a range of tools to help settings feel confident if faced with a positive case. Colleagues from HR, Health and Safety, School Improvement and Inclusion have worked together to provide information and support through a single channel. This has included a series of tailored webinars attended by over 200 providers, updated risk assessments for specific subjects, and a refreshed dedicated website with easily accessible key information. In addition, we have set up a dedicated phone line and online form for settings to seek advice and report positive cases; this provides bespoke local support to compliment the national DfE and Public Health England helplines.

A £126,000 DfE funded wellbeing for education grant has been used to provide training for staff in schools to support the mental health and wellbeing of children on the return to fully open schools. Work continues in response to the changing situation and we are preparing for the months ahead; very shortly we will have the capacity to offer covid test kits to vital school staff in the event they are unable to access one through usual routes which will reduce unnecessary absence due to awaiting tests. A bespoke reporting tool to give real time data about cases across all education settings in the county is also in the final stages of being refined and this will further help focus localised responses and communications.

DfE Digital Devices

The DfE made devices available for vulnerable and disadvantaged students during the summer term and in response to the national lockdown. North Yorkshire received an allocation of devices and 4G routers to distribute to vulnerable pupils and disadvantaged Y10 pupils (these are now year 11 pupils in the 2020/21 academic year).

- 830 for children who are looked-after (LAC), care leavers and/or children who have a social workers.
- 149 for disadvantaged year 10 pupils in maintained schools. This is defined as those eligible for free school meals.
- Over 200 4G wireless routers.

At the time of writing, these devices have now been fully allocated to students across North Yorkshire.

Since the start of the autumn term, the DfE has also made devices available for school directly in the event of a full, or partial, school closure. Schools were able to order an allocation of devices directly from the supplier for disadvantaged children in certain circumstances:

- years 3 to 11 who do not have access to a device and whose face-to-face education is disrupted due to full, or partial, school closure.
- in any year group who have been advised to shield because they (or someone they live with) are clinically extremely vulnerable.
- in any year group attending a hospital school.

On 23 October, the DfE announced it was changing how devices were allocated in order to address the pattern of small groups of children self isolating at any one time rather than full school closures. However if a school closes fully then they will be contacted by the DfE to explain what their options are, including how to request more devices. As such, school can ask for as many devices as are needed for eligible children, although there is no guarantee that they will get all the devices requested.

Strategic Plan for SEND Education Provision 0-25

Work on the implementation of the Strategic Plan continues. The following points give an update:

- The new alternative provision model was implemented from September 2020.
- The SEND Hubs commenced their work in September 2020. Comprehensive information has been provided for schools and can be found here: <https://cyps.northyorks.gov.uk/send-hubs>.
- The Medical Education Service was implemented from September 2020. Positive feedback is being received from families.
- Locality boards are established in Selby, Scarborough/Whitby/Ryedale and Hambleton/Richmondshire. The Harrogate board is in development and work is taking place to set up the Craven board. Inclusion panels have been set up in all localities.
- The first phase of work at Mowbray School (Ripon) is complete, with the second phase due to be completed before the end of the year.
- A workshop led jointly by North Yorkshire County Council and Parent Carer Voice, the parent/carer forum, to plan engagement about early years provision for children with SEND will be held in November 2020.
- Work continues with the DfE and the appointed trust to develop the special free school in Selby
- 9 schools have been approved to deliver the first Targeted Mainstream Provisions. The first 3 schools will formally begin delivery in January 2021. These are East Whitby Academy, Grove Road CP and Holy Family Academy.
- Work will begin shortly on the second annual review of the Strategic Plan.

In addition, as part of the joint working and joint commissioning workstream, progress has been made towards the development of an overarching SEND strategy for North Yorkshire. This involves services across the Council, all CCGs and Parent Carer Voice. It is also planned that the voice of young people will contribute to the strategy.

School funding

During Summer 2020, school funding announcements for the 2021-22 financial year were confirmed indicating minimum per pupil funding levels of at least £4,000 per pupil at primary level and £5,150 per pupil at secondary level. In addition, primary schools will receive an additional £180 per pupil and secondary schools £265 per pupil respectively to cover additional teachers' pay and pension costs previously funded through separate grants. Locally, the local authority has consulted schools on the level of the minimum funding

guarantee. A separate funding consultation will be undertaken with North Yorkshire Special Schools.

The local authority welcomes additional funding for small and remote schools, with an increase in the maximum sparsity value for primary schools from £26,000 to £45,000, for 2021-22. However, we remain concerned at the financial challenges faced by our small, rural secondary schools.

The local authority remains, grateful for the contribution from Early Years providers during covid-19 and we continue to work closely with the North Yorkshire Schools Forum and the sector to ensure childcare sufficiency and sector viability.

School organisation changes

The following school organisation decisions have been taken since my last Statement:

- To lower the age range of Riccall Community Primary School to age 2-11 with effect from 1st September 2020.
- To consult publicly on new primary school provision in Knaresborough (Manse Farm) and North Northallerton

COUNTY COUNCILLOR PATRICK MULLIGAN

NORTH YORKSHIRE COUNTY COUNCIL

18 NOVEMBER 2020

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

Preparations are now complete for winter. Salt barns have been restocked, salt bins and heaps across the highway network have been replenished, and our gritting teams have reviewed operational procedures.

Whilst our gritting routes remain unchanged for this year, our partner contractor, Ringway, has carried out route familiarisation and training in order to ensure that we continue to deliver our customary effective service. Our winter fleet has been serviced and additional equipment has been purchased, including new ploughs and salt spreaders for our 100+ farming contractors, who stand ready to support us during extreme weather conditions.

We have a number of new Duty Managers and Highway Officers, who have all received formal training, gaining knowledge working alongside experienced practitioners.

This year all our winter service operations will be delivered in accordance with Covid-19 guidance.

Work is well underway and traffic management is in place at **Junction 47** of the A1M where the A59 crosses over the motorway. This £8m scheme will create an additional lane on the A59, wider slip roads, and will introduce traffic light controls both on the roundabout and at the A168 T-junction nearby. Work is due to be completed in autumn next year.

A planning application for the re-alignment of the **A59 at Kex Gill** is due to be determined this month. The Department for Transport has confirmed that our bid for funding of the scheme will be submitted to its investment board shortly. If all goes to plan we should get a decision on conditional approval by the end of the year.

Work is progressing on the flood damaged section of the **A19 at Chapel Haddesley** near Selby. This important highway has been closed since February after flood waters from the River Aire undermined the embankment on which the road is constructed.

Balfour Beatty has been awarded the contract to carry out the work, which could start only last month after BT and Northern Gas Networks had completed repairs and diversions to their equipment, which was located under the highway. The completion date has now been confirmed as 25 June 2021, but every effort will be made to re-open the A19 before that date.

At the beginning of this month parts of the county have again been affected by flooding. Heavy, continuous rain fell in the west of the county leading to localised flooding in the Dales and in Craven, Hambleton and Harrogate. I thank our highways teams for their speedy efforts to close roads, signpost diversions and keep residents and drivers safe.

The County Council's highways maintenance delivery company, **NY Highways**, has now been registered and all necessary legal formalities have been completed. Managing

Director, Ross Bullerwell, has taken up his position, and the first Board Meeting took place in September. The company will commence operations on 1 June 2021.

Rail

As indicated in my Statement to Council in July, I can now confirm that the objection by LNER to the County Council's £10m investment in track and signalling upgrades to the Harrogate Line between Knaresborough and York has been removed. This scheme is expected to be completed by the end of next month. The improved infrastructure will make it possible for the train operator to run two journeys between York and Harrogate every hour in each direction (double the current capacity). The full additional frequency may now be introduced in December 2021, six months later than planned, because Northern Rail has been unable to train sufficient drivers owing to Covid-19 restrictions in the cabs.

Bus Services

Bus services across the county have been restored to pre-pandemic timetables but passenger numbers remain very low. The County Council continues to pay concessionary fares re-imbursement payments at pre-Covid levels in an effort to support bus operators and to keep them financially viable.

Our **home to school transport services** re-started at the beginning of the new school year in September. Grants totalling more than £700k have been received from the Department for Transport to help us deal with social distancing arrangements on the vehicles.

Emergency Active Travel Fund bid

The County Council submitted a Tranche-2 bid to the Government's EATF for funding of five cycling schemes: two in Harrogate, and one each in Helmsley, Knaresborough and Whitby. We await a response to our proposals.

Broadband and Fibre

An announcement of the award of Phase 4 of our Superfast North Yorkshire project will be made shortly. The contract is worth £12.5m and is likely to increase the coverage of superfast-quality broadband up to 97% of all domestic and business premises throughout the county. Under Phases 1, 2 and 3, over 190,000 properties have been connected up, with most of the recent connections using fibre-to-the-property technology, providing subscribers with broadband speeds of up to 330mbps.

The County Council's £15.1m Local Full Fibre Networks project is almost complete. Under this scheme, 170km of gigabit fibre have been installed under roads and footpaths in towns and villages throughout the county. Those locations include: Brompton, Catterick Garrison, Easingwold, Eastfield, Filey, Great Ayton, Harrogate, Killinghall, Knaresborough, Leyburn, Malton, Northallerton, Norton, Pannal, Pickering, Richmond, Ripon, Scarborough, Selby, Settle, Skipton, Stokesley, Tadcaster, Thirsk, Thornton-le-Dale, Thorpe Willoughby and Whitby.

COUNTY COUNCILLOR DON MACKENZIE

NORTH YORKSHIRE COUNTY COUNCIL

18 November 2020

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****Communities continued support to vulnerable**

The support offered by our communities to the most vulnerable people in the county since the start of the pandemic will continue through the winter months. The government has issued new national guidance that will help to protect the 'clinically extremely vulnerable' (CEV) – these are those people who were formally required to 'shield' - with advice on any extra precautions people should take, depending upon which tier of risk they live in. The level of guidance increases depending on the level of risk.

As a new national lockdown has been announced for 28 days starting on 5 November 2020, all CEV people will be advised to take a range of additional precautions over and above the advice issued to the general population. This includes being advised not to make any unnecessary journeys, including only going shopping for essential items and only working if they are able to work from home.

There are currently circa 25,000 people identified as CEV in North Yorkshire. Support for CEV people has been largely devolved to local authorities as the national arrangements were stood down in July. We are very confident that the arrangements we have across the county, with our network of Community Support Organisations (CSO), is well placed to meet those support requirements both during the 28 day lockdown period and beyond. The CSOs have been re-contracted until the end of March and they all continue to support thousands of people across the whole county – both people who are identified as clinically extremely vulnerable, those people who are self-isolating and the wider population where people may need some help as they don't have any friends or family nearby.

Since April, the CSOs have delivered:

- Over 22,000 bags of shopping and food boxes
- 22,000 hot meals
- 13,000 prescriptions

In addition, they have also been calling people every week to check on their general health and well-being as well as carrying out other activities to support people during the lockdown.

- 14,502 welfare calls and 17,483 befriending calls have been made
- Over 12,000 calls providing advice and guidance
- Over 1,300 pets have been cared for, and
- 2,033 transport trips have been carried out to take people to urgent medical appointments.

The CSOs have over 3,000 volunteers registered with them and half of those have been volunteering every week clocking up a total of 65,166 volunteering hours since the lockdown started.

In order to ensure that we can continue to offer support 7 days a week, and to ensure that we have volunteer capacity to meet any new demand generated through test and trace we are also shoring up our internal volunteer pool. The 'Team North Yorkshire' volunteers will be directly deployable from the Customer Services Centre. Support is also available from colleagues in North Yorkshire Fire and Rescue Service to help with things such as delivering emergency food boxes for which we continue to be extremely grateful.

Outbreak Management Support

To support localities with ensuring that visible information and advice is available to areas of high risk or high footfall, we have partnered with North Yorkshire Youth and North Yorkshire Sport. This allows us to both deploy detached youth work teams on the ground who will engage with young people to reinforce guidance around social distancing and other measures and to develop social media messages with young people themselves. Wider population information about any new measures in place or guidance regarding safe operation of services will be cascaded through our CSOs.

Additional Hardship Support

In addition to the extra funds allocated to the North Yorkshire Local Assistance Fund by the Council in April, in September, the Council received a grant from Defra (£530k) to support essential food supplies and to offer support to people and families experiencing financial hardship. This grant has been used to award 24 food charities, such as food banks, meals on wheels and community fridges, with grants of up to £10,000. This funding aims to increase capacity across the county network of Citizens Advice Bureaus, to offer financial advice and support and has increased the number of payments available to families from the North Yorkshire Local Assistance Fund.

Legal and Democratic Services

Democratic Services have been working with Technology and Change to introduce live broadcast meetings for all the Council's formal public committee meetings. This has involved training and support for members and officers and the move from using Skype to using Microsoft Teams. To date, nearly 40 live broadcast meetings have been held, including two meetings of the County Council. The intention is to continue with live broadcast meetings through to May 2021, when the Government Regulations allowing the meetings to take place remotely expire. I hope that we will be able to continue to have the option of live broadcast meetings for all of our committees, as the savings in time, carbon dioxide emissions and travel and facilities expenses are considerable. Another advantage of having the live broadcast meetings, has been the greater engagement by the public and members of the Council in our decision-making processes. Initial data on views of the meetings on the Council's YouTube site show viewing figures in excess of 300 for some meetings, albeit that most are in the 40 to 50 range. Finally, I would like to note the huge progress that we have all made as a Council in embracing this new way of working and the move from meetings in person to remote meetings using different software and platforms.

The Council's six Area Constituency Committees have restarted their formal meetings with them being held remotely using Microsoft Teams. Since their inception, there has been a drive to support our MPs to attend the meetings, so that there can be regular dialogue between local members and their MP. When we met in person, it was often difficult to secure the attendance of the MP. Now we are meeting remotely, this has been much easier, raising the profile of our local areas and our county with the MPs and, as a consequence, Westminster.

The Council's five thematic overview and scrutiny committees have restarted formal, public meetings. The scrutiny programmes that they work to have been reviewed to reflect the changing priorities and pressures for the Council and key partners. Scrutiny Board will be co-ordinating a review of the local response to the pandemic and what this means for the Council going forward. Scrutiny Board has also been consulted on the unitary proposal for North Yorkshire. Whilst this has not been formal scrutiny, as Scrutiny Board is held in private and the papers are not published, it has been an opportunity for the Chairs, Vice Chairs and Older People's and Young People's champions to offer their views and perspectives.

Refugee Resettlement

Good progress continues to be made with the refugee resettlement in terms of the existing families that have been resettled in North Yorkshire. There is no information yet from the Home Office as to when the refugee resettlement can recommence. Meanwhile, conditions for refugees are getting worse in the countries of first asylum that they are living in, especially in Lebanon.

Since my previous statement, more of the adults resettled to date in North Yorkshire have been able to get into employment despite the difficult economic backdrop. There are now 22 adults in employment (13 in part-time and nine in full-time roles) out of a total of about 80 working-aged adults, but that total includes adults with caring responsibilities and with very young-children. Some of those in existing employment lost their jobs, as a result of the economic situation related to COVID-19, and other roles were under threat. On a positive note, most of the pre-existing part-time roles have been retained and an additional four part-time roles have been secured recently. Just before lockdown two clients set up their own businesses – a barber's shop in Harrogate and a food shop in Scarborough. These continue to be in business. During the covid 'lockdown' period, six clients were volunteering but this has now reduced to two due to the other positions ceasing. In light of the rise in infection rates and the number of people isolating in the county, there could be increasing opportunities for volunteering once again. Four of the younger adults are doing apprenticeships (hairdressing and motor mechanics) including, most recently, the take-up of a 15 month apprenticeship with North Yorkshire County Council, specialising in recruitment. The person concerned has ambitions to pursue a career in Human Resource Management – not bad for someone who nearly lost her life in the war in Syria as a young child.

The English language classes being delivered to the adults continue to be delivered remotely using zoom and are unlikely to be face-to-face again until spring next year.

Parents were pleased to see their children back in school in September although some had concerns like everyone else about the risk of infection. Correspondence, co-ordinated by the County Council, continues to be sent out regularly to the families, explaining about the coronavirus rules in respect of social distancing and more recently about the introduction of the three-tier system. The use of "WhatsApp" has been used as well to get messages out quickly to families alongside information sent in the post. There is a balance to be had, as there is for us all, to ensuring that the families are kept well informed about the coronavirus situation and to protect their physical health, whilst at the same time not causing them to put their lives on hold and not going out of their houses

Support for families to access Emergency Food and assistance

There are number of options available across North Yorkshire to people and families who are struggling financially and need support to access food and essential supplies including

access to volunteers if people are also self-isolating. Council funding of £2,663k has been provided for the measures below in 2020/21 and it has been supplemented by funding from DEFRA of £530k (from the national fund of £63m).

Anyone seeking assistance should call the NYCC Customer Services Centre: 01609 780780 – open 7 days a week. The NYCC Customer Services Centre can then signpost to all the support detailed below.

1. Community Support Organisations (CSOs)

There are 23 CSOs across the county who can advise people on what local support is available for people who are self-isolating and can arrange for volunteers to help them access food and essential items. The CSOs can also refer people to long-term help around financial planning and advice. Details available here: <https://www.northyorks.gov.uk/help-you-during-coronavirus-covid-19>

CSOs can also be contacted directly in most cases.

2. North Yorkshire Local Assistance Fund (NYLAF)

Food and energy top up vouchers have been available from NYLAF since April specifically for people who were shielding or self-isolating. This is still in place and can be accessed from the CSO network.

Since September support has also been made available for people and families experiencing financial hardship due to the pandemic, but not necessarily self-isolating. Those eligible can receive up to 3 sets of vouchers to help them with food and energy costs. Emergency food vouchers of £25 to cover a 5-7 day period are available for individuals, £35 for couples and a further £15 for each additional family member. In addition, applicants can apply for energy top-up vouchers of £28 for an individual and £45 for a family for the same period. Details available here: <https://www.northyorks.gov.uk/local-assistance-fund>

3. Food Banks and Delivery Services

There are a number of local food banks, emergency food suppliers and hot meal delivery services operating across the county. In September, £175k of additional funding was made available to 24 charities to help them continue this provision. The support includes things such as Meals on Wheels, Food Banks and Community Fridges. Information on what is offered in each locality is available from the Customer Services Centre or by contacting the local Community Support Organisations directly. In addition, some members have elected to make donations to Food Banks through their Locality Budgets.

4. Financial Advice and Support

A grant of £80k has been awarded to the network of Citizens' Advice Bureaux in North Yorkshire (CANY) to provide additional capacity for them to offer advice and support to people who may need help managing their finances or access benefits. CANY work alongside NYCC's Income Maximisation team. People can also access this support by contacting their CAB directly.

5. Online directories

- Local community and commercial food delivery services are also listed on the Buy Local directory here: <https://buylocal.northyorks.gov.uk/>

- General support organisations can be found on North Yorkshire Connect:
<https://northyorkshireconnect.org.uk/>

County Councillor Locality Budgets

The sixth year of the scheme started on 3 April 2020 and the **last date for the receipt of recommendations will be 31 January 2021**. County Councillors are encouraged to focus on projects or activities that respond to local needs and community initiatives; particularly this year due to the Covid-19 pandemic, the impact of climate change, and/or projects that promote the Council's Stronger Communities programme.

Because of the exceptional circumstances of the Covid-19 pandemic the Chairman of the County Council has given a blanket call in exemption to enable the Executive Member for Stronger Communities to make decisions swiftly and with immediate effect, thereby allowing County Councillors to react quickly to changing circumstances and to respond promptly to local needs arising from the impact of the Covid19 pandemic.

Currently 301 projects have been supported amounting to £343,414 (47.70%) of this year's budget. 6 members have spent all of their budget allocation and 9 members are yet to submit any recommendations.

DAVID CHANCE

NORTH YORKSHIRE COUNTY COUNCIL**18 NOVEMBER 2020****STATEMENT OF COUNTY COUNCILLOR MICHAEL HARRISON**

The impact of the pandemic on Health & Adult Services continues to be considerable, and I want to express my gratitude again to the whole team for their hard work throughout this incredibly challenging time.

The directorate has shown its flexibility and resilience and continues to support the NHS on timely and safe hospital discharges, preventing unnecessary hospital admissions and implementing revised working practices across a 7 day working pattern. In preparation for winter we have identified additional resources to continue to help keep care settings safe and Covid-19 secure and ensure our community reablement services can support more people in their own home.

Care Homes

We have seen a rise in care home outbreaks over recent weeks, but having established our Care Home Liaison protocol we are maintaining daily contact with providers where appropriate to identify support needs and monitor cases and outbreaks. Homes have access to Infection Prevention and Control teams, access to PPE and mobile testing. Testing has improved considerably and test results are largely received within 2-3 days. We have produced guidance on a range of issues including the correct use of personal protective equipment and hold weekly webinars with providers to share good practice, identify issues and provide updates on guidance.

We are working very closely with the NHS, Public Health partners and the Care Quality Commission to provide oversight and support, Quality Improvement Team support, escalation to Public Health England, the Department of Health and Social Care and the CQC of any issues requiring a national steer.

Care Home Visiting

We created a task force involving representatives of the care sector and relatives which resulted in us publishing guidance this month on enabling visits to care home residents. This is an essential step forward in recognising that in the medium to long term we have to find a way to enable contact with loved ones safely whilst protecting residents from infection. Along with support from our MP's we continue to press for nominated visitors to be included in care home testing.

Day Services

The Coronavirus Restriction Regulations which came into force on 5th November allow people to leave their homes to attend day services, respite and to visit care homes, so our approach to day services is continuing – with providers completing a self-assessment to provide assurance that they have considered all appropriate actions prior to opening and are Covid secure. The new regulations limit a gathering to 15 people so this will require some providers to reduce the numbers of people they support.

Hospital Discharges

A new discharge policy was introduced in September which has introduced free NHS care for people being discharged from hospital for up to 6 weeks, and we have established a Continuing Health Care team to help make the correct funding decisions. We will re-assess everyone previously discharged into a care setting since the start of the pandemic by the end of March 2021 and ensure that people are on the most appropriate funding stream.

In response to the Adult Social Care Winter Plan we have established designated locations for people who require either residential or nursing care and are testing positive for Covid-19 and have symptoms or are within the isolation period of the infection. People will transfer to a designated setting to complete their isolation period before moving to their usual / new care home. This will help protect residents of care homes from the risk of transmission related to new admissions.

Home Support Service Transfer

The transfer of the Henshaws Harrogate Home Support Service into the Council's Provider Services team was completed in early October. This service provides care and support for 17 people with a learning disability in 7 supported living properties in the Harrogate area, and the council intervened to ensure the sustainability of the service. We were delighted to welcome 31 staff members who successfully moved across to become employees of the Council, and I am sure this is going to be a great success and will provide an exciting new offer from the Council's Provider Services team.

Extra Care

Despite being impacted by the pandemic the extra care programme continues to progress. Two schemes have opened in the last year - in Great Ayton and in Scalby Road, Scarborough – and three schemes are due to open next year albeit with slightly later completion dates. A scheme in Skipton is now due in May 21, Bentham in June 21 and a Filey scheme is due in July 21. All these may be subject to further change depending on further pandemic impact.

COUNTY COUNCILLOR MICHAEL HARRISON

NORTH YORKSHIRE COUNTY COUNCIL

18 November 2020

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

We have seen a significant increase in Covid-19 cases nationally, regionally and in North Yorkshire since the beginning of September. In response, we have continued to work pro-actively to prevent, contain and manage outbreaks.

Prior to the current national lockdown in England, North Yorkshire was at the lowest level, Medium alert level 1, in the national alert system. Our concern then, as now, was both to protect people from the virus and to ensure that businesses and schools could remain open and that the care sector would both be protected and enable people to keep in touch with their loved ones.

The North Yorkshire Covid-19 Outbreak Control Plan sets out the approach we are taking to prevent, contain and manage local outbreaks in high risk settings and to support testing, tracing and isolation of people who are infected and their close contacts.

I would like to thank Members and officers across the County Council, all of our partner agencies and the people of North Yorkshire for their continuing hard work and fortitude in fighting this virus.

Educational Settings

We are monitoring approximately 1,100 educational settings across the county, including nurseries, pre-schools, primary and secondary schools, special schools, colleges and the university. Throughout the pandemic, we have supported educational settings with outbreak management and infection prevention and control. We have developed individualised guidance for educational settings taking into account their size and circumstances and we have delivered a series of webinars for school Heads and setting managers in order to support them further and answer their questions. We are also working closely with PHE colleagues to manage outbreaks when they occur.

Overall, we have seen an increase in cases in educational settings compared to the summer term, which is in line with the increasing rates of infection nationally and in North Yorkshire. However, given that approximately 10% of settings have had confirmed cases throughout the term, we believe that the protective measures they have put in place, in combination with their swift actions to trace and isolate close contact of confirmed cases, and our support, have meant as little disruption of students across the county as possible.

Workplaces/Hospitality sector

In March and April 2020, we developed our public health operating model for workplace settings. Our work was subsequently incorporated into PHE Yorkshire and Humber regional guidelines for workplace settings.

In an attempt to proactively understand workplaces at potentially high risk of outbreaks we have utilised local data and contacted large local businesses and those companies evidence would suggest are at higher risk of transmission such as food manufacturers and meat processing plants. We have developed a range of resources to support these businesses to operate in Covid safe ways. We work closely with the Health and Safety Executive, local environmental health teams and PHE to support individual workplaces where there are concerns or outbreaks. We also continue to work with infrastructure organisation such as the North Yorkshire Local Enterprise Partnership and the Federation of Small Businesses to produce targeted communications and respond to the needs of the business community. At the end of October, we were working with 30 workplaces with open incidents. These ranged from small clusters to larger outbreaks involving typically fewer than 30 cases.

Events

North Yorkshire Local Resilience Forum (NYLRF) has established a Covid-19: Hosting A Covid Secure Event Local guidance for event organisers. The information card provides support regarding:

- Practical actions to prevent the spread of COVID-19 – key considerations and principles to manage and mitigate risk
- Key things to consider when planning an event, including licencing, risk assessments and national Government guidance
- Legislation restrictions and requirements (including rule of 6, Test and Trace)
- Key Public Health principles to support the Covid-19 secure environment – detail offered on how event organisers can demonstrate against the principles

An events process has been developed and agreed by the NYLRF which includes an escalation process from the local district Safety Advisory Groups and a response to events that is dependent on the national tier system and NYLRF thresholds.

The Public Health team are working closely with the District Councils to manage high-risk events and seasonal events including Halloween, Bonfire Night and Remembrance Day.

Testing

We have always pushed hard in North Yorkshire for access to testing that works for our local population. We were early adopters of mobile testing units (MTUs), and also worked hard to maintain a stock of swabs that we can mobilise locally to support suspected cases and outbreaks. These have been used to support a range of settings including care homes, workplaces and people in supported accommodation.

We faced challenges throughout September as capacity issues in the national testing labs meant fewer swabs were available locally when appointment slots were reduced in order to manage demand. Although at a local level we had no control over national availability, we managed to increase our allocation of MTUs and also piloted a pathway by which key workers could access our local stock of swabs to maintain business continuity across a range of settings including social care, education, police and fire & rescue services. Over the last few weeks, the national testing capacity has increased, with much greater availability of swabs locally and through home testing kits. We have also increased the number of testing sites available in North Yorkshire – during the final week in October we had 19 MTUs travelling to sites across all seven districts, and we also now have local test sites set up at Harrogate and Scarborough that provide appointments 7 days a week for walk-in testing. Further local test sites have been approved for Skipton, Selby and Northallerton.

Local contact tracing is being introduced on a phased basis from this month.

Healthy Child Programme (update on consultation)

North Yorkshire County Council, in partnership with Harrogate and District NHS Foundation Trust, have commenced a public consultation on the proposals for a new model for the Healthy Child Programme (HCP) in the county. This followed three years of work during which we engaged with young people and families, the wider public and local partners and professionals on the responsiveness of current service to local needs, and reviewed commissioning options.

The new service model also takes into account the significant reductions in the North Yorkshire Public Health grant in recent years, which means it has been necessary to review all services provided through this funding stream. The HCP constitutes approximately one third of all spending through the Public Health Grant.

The new service will continue to focus on health promotion, prevention activities and early support. It will be an integrated 0-19 service that brings together many aspects of what is currently provided by the health visiting (0-5) and school nursing (5-19) services. Protecting children at risk of harm and those in need remains the top priority.

However, in the context of the Public Health Grant reduction we have prioritised intensifying our focus in children under 5 and their families, so that they have the best start in life. This means that the programme will not be able to provide the level of service that has previously been provided to school aged children (5-19).

The focus in this age group will be on supporting vulnerable young people and developing a service to help young people improve their emotional resilience and wellbeing.

We have also learned from how we had to adapt during the Covid-19 pandemic, and are proposing to deliver some of the HCP interventions and activities online and via the telephone. This will be based on a robust needs assessment that takes into account individual family's needs.

We are asking all stakeholders for their views on the new service proposals through an online survey, a series of online events, meetings with and briefings for specific groups. The public consultation runs from 26th October 2020 to 4th January 2021.

We are also in the process of commissioning a School Based and Target Emotional Health and Wellbeing Service (jointly with North Yorkshire, Vale of York and Bradford District and Craven CCGs) and a Specialist Substance Misuse Service for Young People.

Smoke Free NY/smoking cessation services

Living Well Smokefree now has a full team of advisors working across all localities providing stop smoking support for the people of North Yorkshire. COVID-19 has presented Living Well Smokefree with a few challenges in terms of service delivery but has been able to continue to offer a high quality service throughout this difficult period. National guidance recommended the postponement of face to face interventions so the team quickly adapted to providing the same quality service via telephone and video conferencing. Both the team and smokers reacted really positively to this virtual offer and the team has been able to connect with more people than usual.

At the beginning of the national lockdown, referrals into the service reduced but as time has progressed numbers accessing the service have now increased. Quarter 2 this year (July, August, and September 2020) has been our most successful quarter to date in terms of referrals into the service and subsequent quits. Over the past 6 months (April-September 2020) LWSF has received 746 referrals into the service resulting in 440 people setting a quit date with 72% successfully quitting. The national average for people setting a quit date and successfully quitting is 50%.

Living Well

The Living Well team continue to support a wide range of people to build their confidence and reduce their loneliness and social isolation. Increasingly they are also providing help with finances and housing. Living Well has received over 12000 referrals since it was set up five years ago.

Living Well provided an essential service during the Covid pandemic, working closely with other council teams and Community Support Organisations, to ensure a prompt and flexible response to people's needs. This included support for carers. The team provided support by phone or virtual communication and face to face where required. Demand for the service is beginning to return to pre-Covid levels, after a dip in demand in the early months of the pandemic. This is in line with other parts of health and social care.

Living Well continues to work very closely with health and began delivering a social prescribing link worker service in Selby in January and in Harrogate in June. The link workers are based in GP practices and work directly with patients; particularly people who contact the practice frequently; isolated or frail patients and individuals with low-level mental health issues. Link workers provided an invaluable service during the Covid pandemic by helping to make contact with shielded and vulnerable patients.

NORTH YORKSHIRE COUNTY COUNCIL

18 NOVEMBER 2020

**STATEMENT OF THE OPEN TO BUSINESS PORTFOLIO HOLDER COUNTY COUNCILLOR
ANDREW LEE (INCLUDING GROWTH, ECONOMIC DEVELOPMENT, PLANNING, WASTE
MANAGEMENT, TRADING STANDARDS AND BUSINESS RELATIONS)**

Economic Development

The Local Enterprise Partnership (LEP) secured £15.4m from the Get Building Fund. This funding has been allocated to 11 projects across the region for completion by 21 December 2020.

In addition, the LEP has published a plan to help the region reshape its economy following the impact of Covid-19. The plan, developed in partnership with Local Authorities and wider stakeholders is focused on what needs to happen in the next 18 months and is based around 10 pledges which will

- Protect jobs and businesses
- Create new job opportunities and
- Reshape the York and North Yorkshire economy to be greener, fairer and stronger.

Planning Services

Work toward the adoption of our Minerals and Waste Joint Plan with the City of York Council and the North York Moors National Park Authority continues albeit in somewhat more limited form over recent months due to Covid. Upon the work being finalised on the production of an updated Schedule of Main Modifications and the completion of accompanying statutory assessments, a public consultation will take place shortly thereafter with the anticipation of adoption before the end of this financial year.

Insofar as our processing of planning applications, the performance of the County Council, as Minerals and Waste Planning Authority, has remained buoyant during these unprecedented times of Covid and has seen the latest national published percentages consistently and comfortably above the 60% national threshold at 87.5% for the year to June 2020. Our current cumulative/rolling two year performance to the end of September 2020 for minerals and waste application processing is running at 93% (Planning Authorities achieving less than the 60% national threshold risk potentially being placed in 'special measures').

Changes to the Planning System:

In August the Government launched two major consultations on changes to the planning system, including a technical consultation and a White Paper on Planning for the Future. BES Executive Members have considered responses to both elements.

Local Plans

North Yorkshire County Council has been engaged on a number of Local Plan consultations; - Scarborough's Issues and Options consultation and the Yorkshire Dales National Park Authority's Local Plan 'Ambitions'. Harrogate Borough Council's Cabinet has approved the Regulation 18 consultation on its [new settlement Development Plan Document](#). This will include the vision, objectives, site boundary and concept plan which will require consideration. Additionally, officers continue to work with Selby District Council on the preparation of the Preferred Options for its new Local Plan and providing support to Hambleton District Council as its Local Plan progresses through its examination.

Economic Recovery Planning

Work has progressed on the development of a North Yorkshire Strategic Framework for Economic Recovery. This sits alongside the Y&NY LEP's Plan to Reshape the Economy, which addresses the challenges and opportunities arising from the Covid pandemic.

Together with North Yorkshire County Council and District Councils' recovery plans and programmes, a holistic economic response is taking shape for North Yorkshire. North Yorkshire County Council's Economic Growth Plan is being refreshed to reflect plans to address Covid recovery and the challenges and opportunities arising in the next few years.

MOD developments:

Officers are collaborating with the MOD and Local Planning Authorities to assist major development schemes come forward. An outline planning application for Clothholme urban village which will deliver 1,300 new homes and supporting infrastructure on the site of the former Claro & Deverell barracks in Ripon is now being processed. Project initiation meetings have been taking place on plans to expand Catterick Garrison as part of the Army's rebasing programme.

Waste Management

Temporary arrangements to help ensure the safety of staff and customers were introduced when HWRCs reopened in May but many have now been relaxed as the operation settles down and customers get used to new ways of working. Traffic controls were removed shortly after sites reopened and limits on the numbers of vehicles on site have been relaxed on many sites. Other controls are being kept under constant review to ensure they remain necessary, and will be removed as soon as it is possible to do so.

A cluster of Covid cases has affected operation of Allerton Waste Recovery Park. The first positive case was confirmed on 29 August 2020 with a total of 10 staff subsequently testing positive. Service continuity was maintained by permitting direct deliveries from Harrogate Borough Council however, the number of staff self-isolating (39) meant that the remaining loads were diverted to contingency disposal points. Allerton Waste Recovery Park commenced accepting waste deliveries on 19 September 2020 following the return to work of isolating staff. The visitor centre reopened with appropriate social distancing measures in place on 14 September following an agreed closure in March.

Trading Standards

Proceeds of Crime Act – victim compensation:

Following the previous successful prosecutions of offenders, the Multi-Agency Safeguarding Team has now secured Proceeds of Crime Act asset confiscation orders in relation to six offenders over the past month. As a result, sixteen vulnerable and elderly victims will receive back the monies they lost as a result of the offender's frauds. In total, just under £140,000 will be repaid to the victims over the next three months.

The victims include:

- A 92 year old male defrauded of £17,000. This victim has already received £9,000 back after trading standards worked with his bank to stop a payment and refund the monies to him. He will now receive a further £6,451.62.
- A male in his 70's who was defrauded of £18,500. He will receive £14,919.36 in compensation.
- The estate of a 73 year old male who was defrauded of £10,700. This male sadly died before the trial. His estate will receive compensation of £8,629.02.
- The estate of an 80 year old female who was defrauded of £94,500. This lady also sadly died before the trial. Her estate will receive compensation of £68,336.30.
- A vulnerable and disabled couple in their 60's who paid a total of £56,000, where an expert surveyor valued the works as being worth no more than £38,000. They will now receive compensation of £12,375.87.

- An elderly couple in their 70's who paid the males £35,000 for driveway and landscaping works to the front and rear of their property where an expert surveyor valued the works at their property as being worth no more than £25,000. They will now receive compensation of £8,609.30.

COUNTY COUNCILLOR ANDREW LEE

NORTH YORKSHIRE COUNTY COUNCIL

18 November 2020

STATEMENT OF COUNTY COUNCILLOR GREG WHITE

Library and Information Service**Libraries are open for business**

I am pleased to announce that ALL of North Yorkshire's libraries are now open for business, albeit with a more limited service offer than we would like or rather they would have been in not for this second lockdown. Many are still operating a revised timetable and Covid-secure protocols for visits are in operation - hand sanitising, face coverings, limits on numbers and Track and Trace. However, visitors are returning and since July over **159,000** visitors have borrowed **308,084** books and our computers have been booked nearly **30,000** times. This is above the national average and big thanks must go to our community libraries and staff for their hard work in making this possible.

Our virtual library is still proving popular with over **103,000** ebooks/eaudio borrowed and **146,000** newspapers and magazines being read since we re-opened in July. The service is continuing to offer online events and activities with Facebook posts having reached over **700,000** people.

I am also pleased to say that the situation around book supply has been resolved. Unfortunately our main supplier for the regional contract went into receivership during lockdown so the service has been working hard to maintain the supply of new titles using local suppliers. However this has led to fewer copies being purchased. A new (regional) contract is now in place so normal service should resume soon.

Malton Library

I am pleased to say Malton Library re-opened on 28 October following an internal refurbishment. Visitors will find the library bright, modern and with flexible facilities, such as moveable shelving that in the future will enable the library to host a wider range of events and activities (when Covid allows!). Along with the rest of the library, the children's area has benefited from a full makeover, providing an enticing space for children to explore. In addition, a dedicated IT space has been created, along with a further space for customers who prefer to bring their own devices.

Library App

North Yorkshire's library service has launched an app to help customers to access library resources anytime, anywhere. The app, which is being launched during Libraries Week (5 to 10 October), brings together all the County Council's online library services, as well as offering library members new facilities. Using the app, members can view their account, search the library catalogue and reserve and renew books, as well as downloading e-books and e-audio books and accessing free online reference resources.

Grow and Learn

The service is working in partnership with Children's and Young People on this campaign, promoting use of libraries, the joy of sharing stories and providing activity sheets for families. In the pilot area Registrars are now enrolling library membership to not only new births but also their siblings with families receiving Grow and Learn pack at birth registration.

Black History Month

Sharing stories and local history are the focus of North Yorkshire Libraries' Black History Month celebrations during October. Customers joined the online reading group Book Chat on Facebook to discuss titles from the library's digital Read Learn Act – Black Lives Matter

collection. Throughout the month Facebook pages were full of archive material from the County Record Office that tell the stories of North Yorkshire's people and places reaching 16,627 people.

The library service also showcased a number of local history speakers talking about the hidden Black history of Yorkshire with one event being 'attended' by over 100 people. One participant said afterwards *"thank you so much for this! Yes, we're alright in North Yorkshire but we could be so much better. I hate sport, always have. Nor can I sing to save my life and those presumptions always left me feeling thwarted. These tools offer a real opportunity to open discussion. I am a proud Black woman from Ripon!"*

Libraries Week

Budding readers across North Yorkshire were invited to take part in a variety of events and activities as part of Libraries Week (October 5 to 10). The service is hosted storytimes and rhymetimes for young readers and in partnership with The Reading Agency, a selection of popular authors will be hosting virtual readings with the chance to ask questions reaching 69,786 people and active engagement with 4,227. After one storytime from Northallerton Library one viewer stated *"Well done guys, this is fabulous. This is brilliant. I miss seeing you all on a weekly basis."*

Looking forward...

I would also like to announce that Ho, Ho, Ho! Christmas isn't cancelled in libraries ... in fact it's more exciting than ever! From Saturday 14 November all children aged 4-11 years are invited to take part in the Christmas Reading Challenge. The scheme was initiated by young Harrogate library volunteer Olivia Chapman last year, and proved so popular it's being shared around the county to all libraries who chose to take part. Olivia helped design this year's 'elf' themed resources and chose the incentives and is keen to encourage more families to take part this year. The challenge ends at lunchtime on Christmas Eve, or nearest library opening day. The scheme runs while stocks last and families are asked to check their local library is taking part.

Home Library Service

Avid readers across North Yorkshire have praised the home library service for its continued support as lockdown restrictions are relaxed. Its hardworking volunteers deliver books free of charge to people who are unable to visit their local library due to disability, illness, or because they are caring for someone. Although most of the county's libraries have safely reopened, many people are still choosing to limit their contact so the service running a campaign to raise awareness – even if people choose to use for a limited time.

Home library service volunteers select books and audio books for delivery. All books are left on a pre-arranged date in a secure place and collected and quarantined afterwards. As one user says *"I've had the service since I was 80 and to me it is a godsend. I'm an avid reader and can get lost in a good book, it's what keeps me going. I recommend it to everyone I meet and tell them it's a brilliant service."*

Family Matters

Parents and carers bringing up children during the pandemic can now access self-help books on raising children from North Yorkshire's library service. The Family Matters collection comprises books on subjects ranging from potty training and toddler tantrums to communicating with troubled teens. They cover pregnancy, weaning, starting school, teenage anxieties and tips for healthy living. There are books to help with various situations and some for parents and carers to use with children on topics such as bullying and bereavement.

Coroners

On 30th September the Senior Coroner for North Yorkshire, Mr Robert Turnbull retired. Following an open recruitment exercise in collaboration with the City of York and overseen

by the Office of the Chief Coroner, Mr Jon Heath (who was the Senior Coroner for the City of York) has been appointed as Senior Coroner for both North Yorkshire and the City of York. The Chief Coroner has agreed that this appointment is in contemplation of a merger between the Coroners areas of North Yorkshire and York

It is anticipated that a business case will be submitted to the chief Coroner in January 2021 proposing this merger, a merger that is in line with the published national policy of the Chief Coroner.

Registrars

All statutory services have now resumed. Whilst the registration of deaths continues to be a priority, the backlog of birth registrations has also been almost eliminated after the resumption of birth registrations on the 3rd June.

There is a small cohort of parents who have yet to register their babies within the normal statutory time of 42 days. However, this is a tiny minority, currently less than 50 parents out of the 2600 births already registered since 3rd June. For those parents, I would remind them that every precaution is taken to safeguard you and your baby and would ask you to make your appointment as soon as possible.

The service has produced a video to reassure parents and this may be found on the website here:

<https://www.northyorks.gov.uk/registering-birth-your-baby>

The holding of marriage and civil partnerships had resumed from July but the market was severely disrupted. Originally, up to 30 people were allowed in the ceremony room, but numbers often were reduced at the offices to ensure social distancing could be maintained. Receptions were allowed if it was a “sit down” reception. The permitted numbers were later reduced to 15 in the ceremony party and 15 at the reception. This has meant many couples are postponing their ceremony to 2021 and beyond.

As the majority of our ceremonies are held in one of the many excellent venues we have in the county, this already posed challenges to those venues most dependent on the wedding business.

From 5th November 2020, ceremonies will once again not be allowed to be held except in exceptional circumstances. This is presumed to mean where one of the parties has a terminal illness and is unlikely to survive until ceremonies are resumed. Such ceremonies can be extremely challenging to hold, especially where one party is in intensive care with Covid. Every precaution that can be taken will be taken where staff may find themselves in this position and will only be held after an individual risk assessment.

Archives

The Record Office searchroom is not yet open to personal researchers but the office is continuing to engage digitally with new audiences through its Lottery funded Resilient Records project. In partnership with the Refugee Council, six themed sessions have been held with resettled families, using archive sources to generate opportunities for the groups to engage and connect with the rich history and heritage of the county and to explore British culture and traditions more widely. Digital engagement sessions have also been held with people living with dementia and with carers in the Scarborough and Ryedale districts. In partnership with Orb Arts, Knaresborough and Pioneer Projects, Bentham, the Record Office is delivering a ten week, archives inspired, heritage focused textile project. The project aims to support people with low mental health and low levels of well-being. It will foster a greater sense of connection with local heritage and community by introducing

participants to the county's archive collections, and encouraging participants to draw inspiration from them to create a collaborative textile piece. The project has been running for five weeks and recently featured on the Make a Difference slot on Radio York's mid-morning programme.

Microsoft Office 365

Whilst the major of the Council's staff have continued to work remotely using Microsoft Skype as their main communication and collaboration tool, the Technology and Change team have been preparing the groundwork for the Council's move to Microsoft Office 365. Some senior officers and members have already experienced Microsoft Teams and their feedback has been used to fine-tune the deployment to the wider Council. Teams, along with the other Office 365 Productivity tools will further enable staff and members to collaborate and share information securely with citizens, multi-agency teams and other partners.

In addition to improving communication, information sharing and collaboration, Office 365 offers a range of tools that will enable our staff to consider new and innovative ways of meeting our service needs. As Office 365 resides in the 'Cloud' our information resources can be accessed from a wide variety of locations and on lots of different devices including tablets and smartphones, assisting our frontline staff to engage locally and deliver their services our citizens, customers and businesses on their doorstep.

Cyber Security.

The Technology and Change service continues to monitor the ongoing cyber security threats and the increase in and continued use of homeworking has inevitably increased the potential attack surface of the Councils network. We continue to see cyber threats attempting to infiltrate our network every day, at times during the last 6 months this has been as high as 47% of all incoming traffic was blocked due to the threat it posed.

However, we are also reliant on our staff to handle potential threats correctly, as they are the last line of defence against these attacks. We have invested in new training material and regular updates and reminders that will be rolled-out shortly to all staff to increase their knowledge and awareness of potential threats both at work and when at home.

Last November we successfully passed our re-certification for ISO 27001 which is our Information Security Management System which is the policies and procedures that we work from to ensure the confidentiality, integrity and availability of data on the corporate network. This is a national recognised standard and we continue to be one of a small number of councils who hold it, we will be shortly going through our annual audit to evidence that the system is working optimally.

The importance of having these measures in place has been highlighted this year as two local authorities have been hit by cyber-attacks with significant impact on their ability to deliver services. Redcar and Cleveland council who were attacked earlier in the year lost data and systems and took a number of weeks before services came back online; currently they estimate the costs of recovery to be in excess of £10 million. More recently the London Borough of Hackney were also attacked and are still recovering a number of their legacy systems a number of weeks later.

We have good links with the Yorkshire and Humber Warning, Advise and Reporting Point (WARP) and the National Cyber Security Centre (NCSC) as well as other forums to keep

abreast of potential new threats, we also utilise a number of the products provided by the NCSC to further improve our ability to deal with the continue threat of a cyber-attack.

Customer Update

Demand in the Customer Service Centre is higher than pre-covid levels.

We have seen an increase in demand for the Blue Badge and concessionary bus pass service from August with over 5000 calls. This is demand to apply and renew Badges and Passes, a service that declined significantly through lock down.

Demand for social care services (both Adults and Childrens) has increased by approx. 15% on the same time last year.

With all the changes to the Ceremonies service demand for this service through the Customer Service Centre has been high throughout August, September and October. Over the 3-month period we have received 6500 enquiries from customers.

The Customer Service Centre has been supporting professionals in education settings and parents as part of outbreak management. Since launching this service in August, the Customer Service Centre has received 1500 calls to this service.

Throughout October, the Customer Service Centre has been building an outbound calling team to support Care Homes and Contact Tracing. These services have gone live at the beginning of November.

The customer service centre has been operating 7 days a week from the beginning of lockdown to provide support to customer. This will continue for the foreseeable future.

COUNTY COUNCILLOR GREG WHITE

NORTH YORKSHIRE COUNTY COUNCIL

18 November 2020

COUNTY COUNCILLOR GARETH DADD

Covid Funding update and Budget

The Government recently announced a fourth tranche of general Covid funding for councils. The County Council received a further £2.4m which takes the total up to £31.9m in order to address spending pressures as a direct consequence of Covid. Whilst the latest allocation was lower than we expected, further funding has also been provided to assist with the response to the latest lockdown and to support the Clinically Extremely Vulnerable.

Funding has also been announced to support the clinically extremely vulnerable (£351k) and to support the response to the latest lockdown (£4.9m equivalent to £8 per head) – both sums are due to be paid to the County Council. Funding of £20 per head (equivalent to over £12m is also being provided to the district councils for discretionary support for business whilst a further range of national grants for business forced to close during the lockdown are to be provided (between £1,334 - £3,000 per business depending upon rateable value).

The Government has rightly released significant funding in order to support the most vulnerable in these unprecedented times. This will, of course, have to come to an end at some point and we can all expect some further levels of public sector constraint in the near future. At the next County Council we will be considering the Budget and Medium Term Financial Strategy for next year and beyond so our minds should be turning to that issue now.

The Government had intended to carry out a three year spending review but, as Members will have seen, the Review has been restricted to a single year. As a result, we expect to only get a single years Local Government Finance Settlement and that will probably be sometime in mid December.

It is likely that the Council will still be dealing with the response and recovery from Covid during the coming year and filling the gap between spending pressures and income will be a challenge. However, having been ahead of the curve over the years with a strong track record of delivering savings means that we will be well placed to weather the storm next year. We will, however, need to find further efficiencies and savings beyond next year and the prospect of unitary government in North Yorkshire will provide a real financial opportunity to bridge that challenge.

Members will, of course, be briefed in the usual fashion through Members' Seminars as we work towards the Budget for 2021/22.

Property

Following the imposition of the first national lockdown on 23 March 2020 the County Council required that all staff who were able to work from home to do so utilising the technology that has been successfully implemented over the course of recent years through the Modern Council Programme. While some buildings were closed early in the pandemic, some have reopened subsequently.

The Government's Covid-19 Secure Guidance, published in May 2020, has been implemented in all of the buildings that remain open and work continues to be undertaken to communicate the requirements of this Guidance to all users and to monitor compliance. We do not currently expect that the second lockdown, announced on 31 October, will have a significant impact upon the working arrangements that are currently in place. As with many organisations it is clear that the

pandemic has had a significant impact on the County Council's working arrangements and it is expected that this will provide opportunities for further rationalisation to be undertaken in the future.

I am pleased to advise that construction work continues to be undertaken within the main building at the County Hall Campus. Although the completion of the project has been affected by the pandemic, we are continuing to work with the contractors, William Birch and Son, with the expectation that works will be completed by the end of December. This project was agreed by the Executive in April 2018 and has included works to both remodel the building to accommodate modern working arrangements and to address backlog maintenance requirements. Despite the impact of the pandemic on the delivery of the project it will be delivered within the agreed budget.

Plans have been developed for the building to be used again with effect from early within the New Year, although this will be in the context of Covid restrictions. Once the pandemic has concluded then the remodelled building will provide significant upside as it will be able to be used in a far more efficient way than previously and will allow for some further rationalisation work to be undertaken. The further rationalisation will include the demolition of the existing East Block to provide for new car parking facilities. Initial planning for this project has already started and will be progressed further during the New Year.

GARETH DADD

NORTH YORKSHIRE COUNTY COUNCIL**18 November 2020****STATEMENT OF CHAIRMAN OF SCRUTINY BOARD**

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 meetings of the Council's five thematic overview and scrutiny committees were postponed at the start of the national lockdown on 23 March 2020. Over the period April to August, all of the committees kept actively engaged in their agendas with regular email updates, briefings and general information. All of the overview and scrutiny committees are now back up and running as live broadcast meetings.

There have been two meetings of Scrutiny Board since my last statement to Council.

The first was on 24 July 2020. At that Skype meeting, the Council's Q4 2019/20 and Quarter 1 2020/21 performance and finance management report was scrutinised, ahead of the members of the Board attending the Executive on 28 July 2020. Some of the issues raised at the Executive meeting by members of the Scrutiny Board are highlighted below:

- The resilience of the Council's IT infrastructure and how it coped with the massive increase in remote working during the lockdown? It was noted that there was a peak figure of 3,700 people logging in remotely to the Council's network on one day
- The long term impact of the pandemic on public transport, in particular bus services, and whether concerns about transmission of the virus will see a shift towards private transport
- The lessons learnt from the covid-19 related deaths in residential and care homes
- The response to increasing safeguarding concerns during the lockdown
- The role of Public Health in the delivery of the winter 'flu vaccination programme and its planned expansion by central government
- The long term plan for the Community Support Organisations and the level of financial support given to community and voluntary sector organisations at a time when many of the revenue streams that they normally depend upon had dried up
- The support that had been put in place for schools and SEND children in anticipation of them re-opening in September.

The second meeting was held by Microsoft Teams on 28 October 2020. The membership of this meeting was expanded to include the Vice Chairs of the five thematic overview and scrutiny committees and also any County Councillor who wished to observe the discussions. The reason for this was that the Board was asked to review the proposed unitary submission, ahead of the meeting of the Executive on 3 November 2020. Whilst this was not formal scrutiny, as the meetings of Scrutiny Board are held in private and the papers are not published, it provided an opportunity for members to comment from the perspective of their committee work.

The notes of the discussions were collated and will be shared with the Executive at their meeting on 3 November 2020 so that they can be taken into account as part of their

considerations as to whether to approve the submission of a unitary proposal for North Yorkshire to the Secretary of State for Housing, Communities and Local Government.

Members of Scrutiny Board are next due meet on 4 December 2020. At that meeting, the Executive Q2 Performance and Finance Management Report will be scrutinised. Also, further scrutiny work on the response to the pandemic and lessons learned will be mapped out.

Members will be aware that scrutiny was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements.

COUNTY COUNCILLOR DEREK BASTIMAN
Chairman of Scrutiny Board
30 October 2020

NORTH YORKSHIRE COUNTY COUNCIL

18 November 2020

STATEMENT OF CHAIRMAN OF THE SCRUTINY OF HEALTH COMMITTEE

The Scrutiny of Health Committee has a responsibility to review any matter relating to the planning, provision and operation of health services in the County. A key part of that responsibility is requiring NHS bodies to consult health scrutiny on proposals for substantial developments or variations to the local health service provision. One of the powers that the committee has is, in specific circumstances, to refer contested proposals for change to the Secretary of State for Health.

The Scrutiny of Health Committee continued to meet informally over the summer. A private committee briefing was held via Skype on 16 July 2020. At that meeting, committee members received updates on the proposed changes to the Healthy Child programme that is commissioned and provided by the Council, an update on the progress with the East Coast Review and planned capital investment in Scarborough Hospital, and details of how the Urgent Treatment Centre at the Friarage has been performing.

The committee met formally and in public on 11 September 2020 using Skype for a live broadcast. At that meeting, committee members received detailed presentations on: the £40m capital investment in Scarborough Hospital; and NHS pandemic recovery planning.

A Mid Cycle Briefing was held using Microsoft Teams on 21 October 2020, with Cllrs Colling and Solloway and I in attendance. The Mid Cycle Briefings offer the Chair, Vice Chair and Group Spokespersons an opportunity to develop the committee work programme and determine how proposed changes to NHS services locally can best be scrutinised. At the Mid Cycle Briefing, a total of six items were considered: the long term suitability of the existing Airedale Hospital and proposals for a new build on the existing site; the development of primary care in an around Easingwold; progress with the integration of health and social care services through the Harrogate and Rural Alliance; the development of the Catterick Health Campus; a review of urgent care pathways in York and the surrounding area; the changes to Public Health England and what this may mean at a local level; and progress with the implementation of an improvement plan for Scarborough Hospital, following a CQC inspection in January 2020.

The large number of issues raised at the Mid Cycle Briefing reflects the fact that the last 7 months of the pandemic has led to a fundamental re-think in how health services are delivered.

Whilst all of the above merit scrutiny and will be reviewed over the coming months, there are a number of areas which demand a strong focus and so will be subject to more detailed and intensive consideration. As such, I have highlighted them as below.

Scarborough Hospital

There are ongoing concerns amongst people living in the east of the county regarding the future of Scarborough Hospital and what services will be delivered there. The committee has been pleased to note that £40m in capital investment has been secured that will enable the existing site to be significantly expanded and modernised. The committee has also been assured that an Accident and Emergency service will remain on the site. One of the causes of the public disquiet appears to be a failure by the York Teaching Hospital NHS Foundation Trust and commissioners to articulate a compelling vision of the future of the hospital, at a time when a number of smaller, specialist services have been or may be moved to York and

other regional centres. In addition, an unannounced inspection of the Emergency Department at Scarborough Hospital carried out by the Care Quality Commission on 13 and 14 January 2020 gave an overall rating of 'inadequate'.

The committee continues to be heavily involved in the scrutiny of service changes at Scarborough Hospital, the quality of care and the plans for the future development of the site. The committee will also work closely with the Scarborough and Whitby Area Constituency Committee to ensure that local members are engaged in the scrutiny process and able to feed in issues raised by local people.

The committee does not have a role to play in responding to individual complaints about the quality of NHS services. There is a role for the committee, however, in seeing whether individual complaints are indicative of larger scale failings in NHS services, which can then be followed up through scrutiny with the relevant provider and/or commissioner. It is also important that people are made aware of how they can raise concerns regarding their care, whether this is directly with the provider or through services and organisations such as Healthwatch and the Independent Health Complaints and Advocacy Service in North Yorkshire.

Airedale Hospital

Airedale General Hospital was opened in July 1970 and at that point had an expected 30-year lifespan. This year, it celebrates its 50th anniversary. The building is almost entirely constructed of Siporex, a form of aerated concrete. The Chief Executive of Airedale NHS Foundation Trust has expressed his concerns about the long-term structural integrity of the existing Airedale Hospital, particularly as an alert was issued by the Standing Committee on Structural Safety in May 2019 relating to aerated concrete, whereby a roof of this construction collapsed without warning at a school

The Foundation Trust has not been included in the list of 40 hospitals prioritised for funding to support rebuilding and development by the Government. Instead, they will have to enter a competitive process along with a number of other hospitals. It is of note that Airedale is one of a number of hospitals built in the late 1960s and early 1970s that has this form of concrete throughout its structure and yet it is the only one that is not automatically receiving Government funding for a re-build.

There is a real risk that should the funding not be awarded through the competitive process, then the hospital would have to close in a number of years' time on safety grounds and patients potentially be directed to Bradford Teaching Hospital or East Lancashire Hospital.

In my role as Chairman of the Scrutiny of Health committee, I will be writing to local MPs and the Secretary of State to highlight our concerns about the risk posed to a key service for the people of Craven and lower Richmondshire and to request that capital funding is made available for the re-build of the hospital on the existing site as a matter of urgency.

NHS response to the pandemic

The committee is undertaking a structured piece of scrutiny work looking at the NHS response to the first wave of the pandemic, how this has changed the way in which services are being delivered and what lessons have been learned. What has been most striking is the way that the pandemic has changed the way in which patients interact with medical services.

The emphasis has moved firmly away from face-to-face visits to remote access and the use of a 'total triage' system whereby the following process has been adopted: 1) speak to someone on the phone; 2) see someone virtually; 3) face to face consultation. From

discussions with commissioners, I understand that only 15% of consultations undertaken by GPs are currently face-to-face. The concern here is that the emphasis is upon the patient to articulate their health concerns in such a way that assists the medical practitioner with a diagnosis, when they are not being seen in person. Another outcome of remote working is that the lower volumes of people attending medical sites prompts primary care to re-think how it utilises its estate and facilities, particularly as the emerging Primary Care Networks prompt closer working between practices. This year we have seen the closure of the Hampsthwaite surgery, the closure of the Prospect Road Surgery in Scarborough and the proposed closure (now on hold indefinitely) of the Dacre Banks surgery.. I suspect that we will see more closures of smaller and older surgeries over time.

Committee meeting on 18 December 2020

The next meeting of the committee will be at 10am on 18 December 2020. At this time, the items for consideration at that meeting are as follows: progress with the public consultation on the proposed changes to the Healthy Child programme; an update on actual and proposed changes to some specialist services at Scarborough Hospital; the performance of in-patient and community mental health services in the county and the implementation of enhanced services in the community; and the further consideration of the NHS response to the pandemic.

COUNTY COUNCILLOR JOHN ENNIS
Chairman of the Scrutiny of Health Committee
30 October 2020

NORTH YORKSHIRE COUNTY COUNCIL

18 November 2020

STATEMENT OF CHAIRMAN

YOUNG PEOPLES OVERVIEW AND SCRUTINY COMMITTEE

North Yorkshire Safeguarding Children Partnership

For the second time since taking over as Independent Chair of the North Yorkshire Safeguarding Children Partnership, Professor Maggie Atkinson addressed the committee. This time to introduce her independent scrutineer's report, which reflects the fact her primary focus and activity is on challenge.

We found her positive comments about working together in the current crisis, and partners' willingness to open the Board up to questioning and constructive critique, particularly reassuring. Of importance to members were her statements about:

- Buy in across the county is good and self-evident.
- The views of children are taken on board. The system is particularly strong in this area. The way the involvement and participation of young people is carried out is a best practice leader.
- A good range of organisations is involved at all levels with the Board's work.
- The commitment to training is strong and is then reflected in practice.
- Good practice examples are captured and embedded.
- There is good sharing and monitoring of information amongst practitioners and organisations.
- The commitment to work in communities is to be applauded.

Maggie singled out No Wrong Door for particular praise, highlighting the ambition and practice to move towards early help and preventative work; in this context, in her view the approach is very much a national exemplar.

Overall, evidence suggests that the leadership shown by key organisations remains strong and committed. The Board has a good sense of who the most vulnerable children are in the local area, what are their needs and that they are being well met.

Taking all the above into consideration, we believe that appropriate measures are being taken by the Safeguarding Partnership to ensure high standards of child protection across all agencies, placing children at the centre of local safeguarding arrangements and frontline practice.

When we meet Maggie formally again, probably in a years' time, we will explore the advantages and need for greater transparency around the most difficult and sensitive cases. In addition, a number of members want to review how successful all partners are in addressing young people's emotional and mental health wellbeing.

Covid -19 Planning

We had our first formal update on activity undertaken by Children and Families to support vulnerable children during the Covid 19 outbreak. It was pleasing to see how the directorate had responded quickly and effectively.

Looking ahead, we all recognise that the impact on children's social care will be lasting – poverty, workless families - all of which is forecast to increase the pressure on the system. Since the committee met, we have had the announcement of the second lockdown. It will be a bleak and troubling time for many of the people we support. It goes without saying, therefore, that my committee will maintain its interest in how vulnerable children, young people and families are supported; but in terms of children's social care in particular, in the light of the evidence members reviewed, the service's response has been flexible, proportionate and committed.

Attainment Report

Having not been able earlier in the year to review the annual report on Educational Attainment across all North Yorkshire schools, we were pleased to have the opportunity to do just that at our last meeting.

At Key Stage 4, North Yorkshire schools as a whole have performed above national and regional benchmarks, as has been the case in previous years. Performance at Key Stage 5 has also been strong, with A-Level outcomes being well above our neighbour authorities again this year.

There have been improvements in attainment in primary schools, particularly at Key Stage 2 Maths (a long held concern of the committee) and expected outcomes as a whole. However, there has been a drop in performance in Reading and overall attainment of pupils at this Key Stage has been below that of their peers nationally. Yet further reason - were it needed - why this should remain on the committee's radar.

Outcomes for children in Early Years in North Yorkshire have been positive, with the proportion of children with a good level of development being above the National and Regional rate, which has also been the case in previous years.

Outcomes for children on the coast continue to be a challenge. Overall, attainment of children in schools in the Scarborough district has been lower than other parts of the county. That is why I hope we will get the opportunity to review yet again the continuing benefits and learning from the Coastal Opportunities programme

Overall, we could see that 2018/19 academic year has again seen some strong performance in North Yorkshire schools and some improvements since 2017/18. There are, however, some challenges that remain, and performance has not been consistent across all areas of the county. Something we will bear in mind when setting our work programme for the coming year.

Looking Ahead

Clearly, the recent announcement of tighter Covid restrictions will influence our thinking. I am mindful of the topical issue of Free School Meals. There is a strong argument for scrutiny to

be sighted on this. Christmas is coming up and we need to be prepared for everyone's needs - especially those who have or will become unemployed and have families.

In this context, I would want committee members to know how the CYPS directorate is supporting vulnerable children and young people through Covid, and how the directorate is preparing for meeting needs over winter/ Christmas. Some of the areas we would ideally like to look at include educational poverty and closing the attainment gap; the impact on physical and mental health and the wellbeing of children and young people; and the impact on engagement, decision making and youth organisations.

COUNTY COUNCILLOR JANET JEFFERSON

3 November 2020

NORTH YORKSHIRE COUNTY COUNCIL

18 November 2020

STATEMENT OF CHAIRMAN

CARE AND INDEPENDENCE OVERVIEW AND SCRUTINY COMMITTEE

Care Settings and Outbreak Management

Over recent months, members have been informally briefed on a regular basis of how the directorate has responded to the challenges of the pandemic. We have now formally reviewed the situation on Care Settings and outbreak management, and been made aware of the learning from Wave 1.

We now find ourselves in another period of tighter national Covid restrictions - Wave 2. Some of my report inevitably reflects the September time position, but nearly all of the content and context of our discussion at the time, reported in detail here, holds true for the present.

Care settings, whether they are nursing homes, residential homes or extra care, have been at the heart of our response. We have 235 of these settings in NY – more than any other area of Yorkshire, with high concentrations in Harrogate and Scarborough. This reflects the high number of people coming to retire in the County, as well as people being referred from West Yorkshire and Teesside.

As lockdown was easing - which it was when we met as a committee - we had been dealing with a wider range of small outbreaks, particularly in workplace settings. In reality, around 30% of our care settings had had outbreaks; but some have had more than one outbreak. Overall, our situation has been around the England average and about middle of the pack in terms of comparator authorities.

Like many areas of the country, we think that the position in extra care has been better than in traditional residential and nursing homes. Whilst the percentage in residential is the same as extra care, it is actually a bigger bed base.

From the start of the pandemic, we stepped up our existing support to providers. From 6th May, during the then peak period for the pandemic, it was so reassuring for members to hear that during this crucial period calls were being made every day to all providers and we have had a redeployed team of 80 people in contact and liaison officer roles.

The directorate clearly worked collaboratively with Public Health England, Environmental Health Officers and NHS colleagues with contact tracing skills, and are looking at how we can build on our learning from care settings and community support hubs, to create a team of people who can actively manage multiple outbreaks and do the street-level outbreak management.

Learning to date has been that:

- Good multi-agency work is crucial, whether that is in a care home or a factory.
- Having a flying squad – for example our Quality Improvement Team working with care providers has been essential.

- Risk stratification and constantly checking the numbers and trends has helped enormously.
- Developing our own approach to testing – and asking Government for more local control – has helped.
- Webinars and e-bulletins have helped massively with training and awareness raising.
- There is a need for even safer discharge pathway from hospital to care homes.
- 7/7 infection control services required.
- Testing programmes go hand in hand with outbreak management – North Yorkshire has been pro-active but national systems are still too complicated and subject to delays.
- How to ensure that good PPE distribution systems are provided.
- Be aware of emerging risk factors: low paid factory jobs; some sectors rely heavily on migrant labour.
- Living with Covid” – this could be until May 2021 and it is expected that there will be future viruses.

Looking ahead, I am sure members will want the committee to retain a focussed interest on:

- Residential and domestic care market responsibilities, including regulation, development and shaping - how we can prepare for any future pandemic.
- The implications for how the service continues to supports vulnerable adults to live independently.
- In collaboration with Scrutiny of Health Committee, the integration of health and social care – the impetus that the pandemic has given to this.

In summary, the committee was pleased at the comprehensive and professional nature of the support offered. It is right that we retain a scrutiny interest in all these areas, but as we move again into a period of tighter restrictions, we will be mindful of the pressures on the service.

COUNTY COUNCILLOR KARIN SEDGWICK

4 November 2020

NORTH YORKSHIRE COUNTY COUNCIL**18 November 2020****STATEMENT OF THE CORPORATE & PARTNERSHIPS OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN**

Since my last statement to Council in July 2020, the Corporate and Partnership Overview and Scrutiny Committee has met twice. We met informally in late July, followed by a formal meeting on 14 September 2020.

At our July meeting the Committee received a progress update on the Council's approach to property services and the rationalisation of NYCC's property portfolio. The impact of COVID on the planned work and the issues to be faced post-COVID, including the long term impact upon office requirements, were both noted.

We also received an overview of cyber protection at NYCC, and noted the greatest threat faced by the Council was ransomware, and the cost in productivity associated with losing IT. We recognised that the use of technology being so ingrained in the way the organisation works, creates a real and ongoing challenge, but were reassured by the range of tools rolled out by the national crime agency for local authorities to use and the cyber- security measures in place at NYCC.

At the same meeting, we also received updates on Library Services, use of the Parish Portal and on the work of Safer Communities.

The Committee recognises the important role played by libraries to our communities and were therefore pleased to note that pre-COVID a growing number of Council clients were using IT technology at the Libraries to access council services or to undertake online meetings with council officers etc. We were also pleased to learn that a growing number of libraries had re-opened as a result of work undertaken to ensure they could operate in line with the law in regards to social distancing and the provision of screens/sanitising equipment/PPE, and that the appropriate risk assessments had been carried out.

In regard to the Parish Portal, I can confirm that further work has been undertaken to make the portal more user friendly and comprehensive, with more service request forms being integrated, reporting mechanisms being streamlined and more timely feedback being provided. However we were disappointed to note that ongoing work on the Members' dashboard would not result in us being able to use it as a reporting mechanism or provide an improved/alternative method of communication.

In regard to Safer Communities we were pleased to note there had been no significant rise in the levels of recorded domestic abuse. However an increase in the use of the IDAS Domestic Abuse helpline was brought to our attention although this had not necessarily led to an increase in referrals for support / request for services. We were also pleased to note that work in support of other community safety priorities e.g. hate crime and Prevent was continuing as usual, with no marked increase through lockdown. But expressed concern about levels of possible hidden harm within our hard to reach communities.

At our September meeting the Committee received a presentation on the Youth Justice Service, together with annual updates on equality & diversity; the corporate volunteering project and Stronger Communities; and Locality Budgets.

The Youth Justice presentation highlighted the findings from a recent inspection and the challenges within the system i.e. transition to adulthood; the disproportionate criminalisation of Looked-After children; education access & attainment; county lines exploitation and custodial detention of children

Whilst the Committee were pleased to note the expected overall rating of 'Good with outstanding elements', noting this reflected well on both NYCC staff and on those involved across the whole partnership, they raised a number of questions around the challenges faced by the Service, and in response received an overview of the ongoing work to:

- retain children in school rather than exclude them;
- maintain corporate and individual relationships with children's homes providers;
- develop an agreed model with partners, including City of York Council;

The Committee are now seeking reassurance from the Police Fire and Crime Commissioner, that North Yorkshire Police at a leadership and operational level are receiving support from neighbouring and urban forces in relation to the operation of urban gangs across county lines.

As Chair, I will also be writing to the Ministry of Justice, to draw attention to the Committee's concerns about the operation of a 24 Hour reception at Young Offender Institutions resulting in young people being conveyed inappropriately around the country at all times of the day and night, to be taken to an institution like Wetherby.

In regard to equalities and diversity, the Committee was pleased to note that a BAME network had been set up at NYCC. We also suggested that in support of Corporate Volunteering:

- some of the surplus in the apprenticeship levy be used to encourage young people who are not in education and training to take an interest in apprenticeships.
- the statement under the section "Our Principles" regarding enabling and encouraging a wider range of people to volunteer, be elevated to one of a key principle in its own right, and;
- the authority consider developing a scheme for recognising a young person's experience during volunteering.

Finally, the Committee were pleased to note the outstanding work of the Stronger Communities team and conveyed their appreciation for their efforts throughout the pandemic.

COUNTY COUNCILLOR DEREK BASTIMAN

North Yorkshire County Council**18 November 2020****Transport, Economy and Environment
Overview and Scrutiny Committee****Chairman's Statement****Committee – 23 January 2020**

The Committee met for the first time since 23 January 2020 and this was by using video conferencing technology. The meeting had a mainly economic theme in recognition of the damaging economic impacts that the coronavirus has wrought since we last met and sadly continues to have. It was important for us to explore how well geared up we are as a council to support local businesses to rebuild the economy.

Apprenticeships

We received an update report on the County Council's activities on apprenticeships in the context of the Government's national reforms to apprenticeships.

Prior to the pandemic, the County Council was continuing to deliver and support apprenticeships across its workforce and its maintained schools. With the onset of the pandemic though a number of existing apprentices experienced a break in their learning as it was not possible to continue the development and assessment aspects of their placements. Unfortunately whilst that was going on the County Council's levy contribution was not paused so that money was still being removed from its payroll even though the council was not able to continue with the apprenticeship developments in the way that it had been pre-covid; that continues to be the position.

We were pleased to hear that in terms of the new government announcements to support young people into employment, in particular the Kick Start Scheme, the County Council will be an officially recognised broker for the Kick Start Scheme for smaller organisations including local businesses.

We sought confirmation though that arising from the covid crisis there will also be opportunities for older working age people to take up apprenticeships with the County Council and local businesses. This is happening and the County Council has seen an increase in applications from people in their 40s, 50s and 60s looking to re-train and to look for different types of work. The prediction is that this will continue, as more people made redundant from their previous jobs will view apprenticeships as a way of re-training and changing their career path, particularly if they have been employed in those sectors hardest hit by the pandemic.

There remain structural problems with the existing national government apprenticeship scheme, which for instance does not make it attractive to small

employers including our small schools. However a more recent benefit introduced from 2019 is that all levy payers such as the County Council are able to transfer up to 25% of their unspent levy to other businesses and organisations so that they can use that to support their own apprenticeships. The County Council is working with the LEP to do this in relation to the unspent allocation committed towards some of our small schools that have not been able to take on apprentices.

Most of our district councils are working closely with the County Council to market the County Council's offer to transfer some of its levy to local small and medium sized businesses. Separately Scarborough Borough Council and Hambleton District Council are actively delivering their own levy transfer strategy

Refresh of North Yorkshire County Council's Plan for Economic Growth

This was also a very timely item. The plan was over three years old and so the purpose of bringing the report was for us to hear about some of the key successes delivered to date. More importantly it provided an opportunity to discuss how the refreshed plan, with its seven 'enablers', will set out how we work with local businesses to respond to the current economic crisis, as well as to other impacts providing both challenges and opportunities such as Brexit. We provided comments on the proposed amendments in the plan and the suggested time-period for when the plan should be reviewed again.

No-one can be in any doubt that that the pandemic has caused an economic as well as a health crisis like no other. Where we have seen significant impacts locally is in terms of North Yorkshire's leisure, tourism, retail and hospitality sectors. We have a higher than national average proportion of jobs in those areas and so consequently there has been a high use of the furlough scheme.

The outcome of our discussion was that we agreed with the suggested amendments to the relevant 'enablers' in the refreshed document so that they could focus more strongly on economic recovery as well as capitalising upon some of our strengths in the tourism economy, the green economy and more recently broadband connectivity thanks to previous investments made.

North Yorkshire is a good place to do business and we should highlight this. Ways to support the high street remains more important than ever and we heard about some of the existing initiatives as well as planned ones in that regard such as pedestrianising streets if there is local support primarily from the businesses operating there. Covid has accelerated the need for good connectivity including 5G in order to capitalise on attracting companies into the county and providing associated opportunities for growth. Rural and remote businesses also need to be supported in that regard.

We agreed that the timescale for the refreshed plan should be a maximum of three years before it's revised again. The future is more uncertain than ever and so to try to predict what's likely to happen beyond three years is a bit of a wasted exercise. We asked to receive an annual update on the plan so that we can see whether it needs to be reviewed before the end of those three years.

Highways Maintenance Contract

The Committee was provided with the results of the Evaluation Panel held in May 2020. Ringway met all but one of the Primary Performance Indicators and met six out of 10 Secondary Performance Indicators in 2019/20 (there were three fails and another target could not be scored due to the absence of available data).

The gully-emptying target (secondary performance indicator) had not been met again so we wanted to explore why this was the case. A GIS mapping system was introduced last year to help identify where the gullies were, which had been expected to lead to further improvement this year. It was acknowledged by Ringway and by our Highways department that whilst there had been a 10% improvement on the previous year's performance they would have liked to have seen a bigger improvement. The mapping system has taken time to bed in. Local records are kept of hotspot problems and operatives are encouraged to do more gully emptying than normal in those areas if there is more capital work that could be done at the same time to deliver better performance and reduce revenue costs. We feel though that there remain improvements to be made in that regard and we gave a local example at the meeting to illustrate this. At the same time though it has to be noted that Ringway responded to a lot of unscheduled gully emptying this year beyond the planned programme of work.

We acknowledged that it has been an unprecedented year for both Ringway and our highways team caused by the flooding at the start of this year followed by the protracted covid pandemic. Despite those challenges both organisations have managed to provide as close to a business as usual service as possible. With the improvements in performance that there has been it is hoped that a set of conditions have been created for NY Highways, the new teckal company, to take forward and improve upon yet further.

20mph speed limit policy task group

The task group's report with recommendations was approved by the Committee for submission to the Executive on 24 November 2020.

We concluded that the existing County Council policy on 20mph speed limits allows a degree of flexibility already. However, we recognised that the policy would benefit from some updating in particular being more explicit in considering 20mph speed limits around schools. By extending the area of 20mph speed limits beyond the immediate area around schools, it would give parents and pupils greater confidence that more of the roads, especially in urban areas, would allow more home to school journeys to be undertaken safely using active travel such as walking or cycling.

Accident statistics should continue to take precedence on informing whether an area is suitable or not for 20mph speed limits together with the function of the road. However, the policy should reference links to the wider policy agenda in relation to driver education, supporting alternative modes of transport and shaping the built environment. This is so that the wider policy focus is not exclusively constrained by historical accident statistics in determining 20mph

speed limits, if an otherwise strong case could be made alongside reducing road traffic casualties, such as for ‘quality of life’ reasons.

Single Use Plastics Task Group

Since my previous statement, the task group has met to receive a briefing from staff in our procurement and property services on North Yorkshire County Council’s supply chain and the initiatives undertaken to date, put in place to reduce the council’s use of single-use plastic. The task group also examined the policy statements, commitments and action plans produced by local authorities that have taken the lead to date on reducing their use of single-use plastic. The task group met again to discuss with a representative from the York and North Yorkshire Local Enterprise Partnership, the LEP’s work on promoting the circular economy including examples of good business practice. A report together with recommendations is due to come to the Committee in due course.

Committee – 21 January 2021

The following items are planned to be brought to the next committee meeting on 21 January 2020. The meeting will have an economic theme, in light of the profoundly negative impact that the pandemic has and will continue to have on the national and local economy and particularly for younger people:

York and North Yorkshire LEP	Annual update on the work of the York and North Yorkshire Local Enterprise Partnership and a briefing on the LEP-led Covid Economic Recovery plan for York and North Yorkshire
North Yorkshire County Council’s Air Quality Strategy	To be consulted on North Yorkshire County Council’s Air Quality Strategy
Road casualties	To advise Members of the road casualty figures in 2019 and initiatives being undertaken by the work of the 95Alive Partnership
Highways England	Regular annual update

County Councillor Stanley Lumley
Chairman
 Transport, Economy and Environment Overview and Scrutiny Committee

6 November 2020

North Yorkshire County Council

County Council

18 November 2020

The Report of the Transport, Economy and Environment Overview and Scrutiny Committee on the Notice of Motion on NHS parking

1.0 Purpose of report

- 1.1 To provide County Council with a summary of the deliberations of the Transport, Economy and Environment Overview and Scrutiny committee concerning the Notice of Motion on NHS parking that was referred to the committee from the meeting of the County Council on 22 July 2020.

2.0 Background

- 2.1 The following Notice of Motion was discussed at the County Council meeting held on 22 July 2020:

NHS Parking

“That this council makes known to all NHS Hospital Trusts in North Yorkshire that this council supports and encourages free on-site parking for NHS staff at their workplaces.”

Proposed by County Councillor Geoff Webber
Seconded by County Councillor David Goode

- 2.2 The following amendment was then proposed by County Councillor Richard Cooper and seconded by County Councillor Zoe Metcalfe.

“That this council makes known to all NHS Hospital Trusts in North Yorkshire that this council supports and encourages measures which enable their staff to travel to and from work sustainably in accordance with carbon reduction and sustainable travel commitments. The council invites them to consider how parking policy and grants for using sustainable travel options for NHS staff at their workplaces can best achieve this alongside the understandable wish for NHS staff to be recognised for the work they do.”

- 2.3 The following second amendment was then proposed by County Councillor Liz Colling and seconded by County Councillor Eric Broadbent.

“That this council makes known to all NHS Hospital Trusts in North Yorkshire that this council supports and encourages free on-site parking for NHS staff at their work place. We invite them to consider how parking policy and grants for using sustainable travel options for NHS staff can best achieve a long-term aim for carbon reduction and sustainable travel across our County”

2.4 The Chairman, Cllr Jim Clark, chose to refer the matter to the Transport, Economy and Environment Overview and Scrutiny Committee for consideration.

3.0 Transport, Economy and Environment Overview and Scrutiny Committee

3.1 An informal meeting of the Transport, Economy and Environment Overview and Scrutiny Committee was held on 19 August 2020 to discuss the motion and subsequent amendments. The purpose of the meeting was to establish if a general agreement could be reached on the wording of the motion and then make a recommendation to the meeting of the full committee on 22 October 2020.

3.2 The outcome of the informal meeting was that County Councillors Geoff Webber and David Goode agreed to support the second amendment proposed by County Councillor Liz Colling and seconded by County Councillor Eric Broadbent.

3.3 The proposers of the first and second amendments were not able to attend the meeting. However, the proposer of the first amendment, County Councillor Richard Cooper, subsequently expressed concerns that the original motion would provide free parking for non-frontline NHS staff. This would serve to encourage greater car use and so increase carbon exhaust emissions.

3.4 The revised wording agreed by the Transport, Economy and Environment Overview and Scrutiny committee on 22 October 2020 takes into account these concerns, whilst not losing sight of the rationale of the motion, which was at a time that NHS staff are risking their health and possibly their lives to save other people's lives from COVID-19, they should not have to pay to park at work. Driving to work at the present time in their own car rather than using public transport is safer for NHS staff to do so and ultimately for their patients, rather than using public transport.

3.5 At the committee meeting held on 22 October 2020, a member suggested that the wording should also call upon the NHS to deal with the problem of NHS staff parking on residential roads near to hospitals. However, this was not agreed by the committee as the view was expressed that this would be counterproductive to what the motion was trying to achieve in terms of it making it easier for NHS frontline staff to be able to park close to their place of work. The County Council also already has a residents parking scheme policy in place, allowing such schemes to be introduced under certain conditions.

4.0 Recommendation

4.1 The Transport, Economy and Environment Overview and Scrutiny committee recommends the County Council approves the following wording as the agreed amendment to the NHS Parking Motion:

“That this council makes known to all NHS Hospital Trusts in North Yorkshire that this council supports and encourages free on-site parking for frontline NHS staff at their work place for the duration that covid-19 places a strain on the NHS. We also invite them to consider how parking policy and grants for using sustainable travel options for NHS staff can best achieve a long-term aim for carbon reduction and sustainable travel across our County.”

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

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9 November 2020.