

Agenda

Meeting: Executive

**Venue: The Grand Meeting Room, No. 1
Racecourse Lane, Northallerton DL7 8QZ**

Date: Tuesday, 14 January 2020 at 11.00 am

Recording is allowed at County Council, committee and sub-committee meetings which are open to the public, please give due regard to the Council's protocol on audio/visual recording and photography at public meetings, a copy of which is available to download below. Anyone wishing to record is asked to contact, prior to the start of the meeting, the Officer whose details are at the foot of the first page of the Agenda. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive. <http://democracy.northyorks.gov.uk>

Business

1. **Minutes of the meeting held on 17 December 2019** **(Page 5 to 8)**
2. **Any Declarations of Interest**
3. **Exclusion of the public from the meeting during consideration of each of the items of business listed in Column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph(s) specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006:-**

| Item number on the agenda | Paragraph Number |
|---------------------------|------------------|
| 10 (Appendices A & B) | 3 |

4. **Public Questions or Statements.**

Members of the public may ask questions or make statements at this meeting if they have given notice to Melanie Carr of Democratic and Scrutiny Services and supplied the text

(contact details below) by midday on 9 January 2020, three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

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.

5. Consideration of Proposed Amendments to the Council's Constitution - Report of the Assistant Chief Executive (Legal and Democratic Services)

(Page 9 to 24)

Recommendations: That, subject to any comments made, the following be proposed to full Council:

- (a) the proposed changes to the Constitution set out in the Amendments Chart at Appendix 1;
- (b) the proposed changes to the Constitution set out in Appendices 2 and 4;
- (c) the proposed amendments to the Officers' Delegation Scheme and consequential amendments to the Executive Members' Delegation Scheme as set out in Appendix 3;

6. Parental Leave Policy for County Councillors - Report of the Democratic Services and Scrutiny Manager

(Page 25 to 34)

Recommendations:

That the Executive consider the comments of the Member Working Group on the Constitution, the Member Workforce Planning Group and the Independent Remuneration Panel and in light of these review the LGA exemplar policy, making a recommendation to County Council for their meeting on 19 February 2020.

7. Schools Budget - Report of the Corporate Director - Children and Young People's Service

(Page 35 to 50)

Recommendations – That:

- a. The Council continues to use the principles of the DfE's National Funding Formula, including the various transitional arrangements, and a Minimum Funding Guarantee of +0.5% in the event of the disapplication request being approved, or the lowest MFG applicable to a 0% transfer (indicative +1.37% based on the modelling undertaken on 2019/20 data but subject to final calculation using 2020/21 data) if the disapplication is not approved, as a basis for funding schools in 2020-21; and
- b. Subject to approval being received by the Secretary of State, 0.5% of the Schools Block be used to support High Needs costs in 2020-21. In the event of the 0.5% transfer request being refused by the Secretary of State, that there is no transfer of the Schools Block to support High Needs costs in 2020-21, as agreed by the North Yorkshire Schools Forum; and
- c. The Council continues to push for a fairer and more equitable funding settlement for schools in North Yorkshire, and continues to lobby for a fairer settlement of High Needs resources.

8. Appointments to Committees and Other Bodies

(Pages 51 to 52)

Recommendations: That the Executive approve:

- i) Steve Russell, Chief Executive of Harrogate and District NHS Foundation Trust as the representative of Acute and Community hospitals on the North Yorkshire Health and Wellbeing Board.
- ii) Fiona Bell-Morrith, Lead Officer, Primary Care, as the nominated substitute for Phil Mettam, Accountable Officer, Vale of York Clinical Commissioning Group on the North Yorkshire Health and Wellbeing Board.
- iii) Wendy Balmain, Director of Strategy and Integration, as the nominated substitute of Amanda Bloor, Accountable Officer for the North Yorkshire CCGs.

9. Forward Work Plan

Pages 53 to 62)

10. Extra Care Housing in Bedale - Outcome of Procurement and Consideration of Scheme Proposal - Report of the Corporate Director - Health and Adult Services

(Page 63 to 68)

Recommendations: That

- i) The Executive approve the level of funding as detailed in Confidential Appendix A of the report.
- ii) If the need for intermediate care units is required, that the Executive delegate the negotiation of the appropriate legal arrangements to the Corporate Director for Strategic Resources, in consultation with the Assistant Chief Executive (Legal and Democratic Services).

11. Other business which the Leader agrees should be considered as a matter of urgency because of special circumstances

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)
County Hall
Northallerton

Date: 6 January 2020

Notes: Emergency Procedures for Meetings

Fire

The fire evacuation alarm is a continuous Klaxon. On hearing this you should leave the building by the nearest safe fire exit. If the main stairway is unsafe use either of the staircases at the end of the corridor. Once outside the building please proceed to the fire assembly point outside the main entrance. Persons should not re-enter the building until authorised to do so by the Fire and Rescue Service or the Emergency Co-ordinator.

An intermittent alarm indicates an emergency in nearby building. It is not necessary to evacuate the building but you should be ready for instructions from the Fire Warden.

Accident or Illness

First Aid treatment can be obtained by telephoning Extension 7575.

Executive Members

| Name | Electoral Division | Areas of Responsibility |
|---------------------|---|--|
| LES, Carl | Richmondshire Catterick Bridge | Leader of the Council Communications, safer communities and emergency planning |
| DADD, Gareth | Hambleton Thirsk | Deputy Leader of the Council Finance and Assets and Special Projects inc finance and HR performance management |
| CHANCE, David | Whitby/Mayfield cum Mulgrave | Stronger Communities - inc Legal and Democratic Services, Corporate Development, Overview and Scrutiny Committees, Area Committees, performance management |
| DICKINSON, Caroline | Northallerton | Public Health, Prevention and Supported Housing - inc STP issues regarding the Friarage and Darlington Hospitals |
| HARRISON, Michael | Lower Nidderdale and Bishop Monkton | Health and Adult Services - inc Health and Wellbeing Board, health integration and Extra Care |
| LEE, Andrew | Cawood and Saxton | Open to Business - inc growth, economic development, planning, waste management, trading standards and business relations |
| MACKENZIE, Don | Harrogate Saltergate | Access - inc highways, road and rail transport, broadband and mobile phones; and to act as the Council's Digital Infrastructure Champion |
| MULLIGAN, Patrick | Airedale | Education and Skills - inc early years, schools, apprenticeships, FE colleges and UTC's and engagement with the skills part of the LEP |
| SANDERSON, Janet | Thornton Dale and the Wold | Children and Young People's Services with responsibility for foster and adoption, children's social care and prevention |
| WHITE, Greg | Pickering | Customer Engagement inc Contact Centre, web site, libraries, digital and performance management (complaints and compliment |

North Yorkshire County Council

Executive

Minutes of the meeting held at No. 3 Racecourse Lane, Northallerton on Tuesday, 17 December 2019 commencing at 11.00 am.

County Councillor Carl Les in the Chair. County Councillors, David Chance, Gareth Dadd, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Also in attendance: County Councillor Paul Haslem

Officers present: Jo Boutflower, David Bowe, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Jane Le Sage, Richard Webb, and Melanie Carr.

There was one representative of the press in attendance.

Copies of all documents considered are in the Minute Book

392. Minutes

Resolved –

That the Public and Private Minutes of the meeting held on 26 November 2019, having been printed and circulated, be taken as read and confirmed, and signed by the Chairman as a correct record.

393. Declarations of Interest

There were no declarations of interest.

394. Exclusion of the Public and Press

Resolved –

That on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information) (Variation) Order 2006, members agreed to exclude the public and press from the meeting during consideration of agenda item 9 – the private Minutes of the Executive meeting held on 26 November 2019.

395. Questions and Statements from members of the public

There were no public questions or statements.

396. Area Constituency Committee Feedback

Considered -

Report of the Democratic Services & Scrutiny Manager, presenting information on the key issues arising from the Harrogate & Knaresborough Area Constituency Committee on 7 November 2019, the Selby & Ainsty Area Constituency Committee on 8 November 2019 and the Richmond (Yorks) Area Constituency Committee on 20 November 2019.

A number of Executive members confirmed they had been present at those meetings. County Councillor Don Mackenzie noted the suggestions arising from the meeting of the Harrogate and Knaresborough County Councillor Gareth Dadd drew attention to minutes from the meeting of the Selby & Ainsty Area Constituency Committee and expressed his disappointment at the comments made in regard to the perceived lack of information provided to residents and Councillors on the proposal for a special free school at Osgodby, particularly as the issue had previously been raised at a meeting of County Council and it had been evidenced that the relevant information had been shared appropriately. County Councillor Andrew Lee confirmed that this had been reiterated at the Area Constituency Committee meeting.

Resolved -

That the updates be noted.

397. Trading Standards Enforcement Policy

Considered – A report of the Corporate Director for Business & Environmental Services seeking authorisation for a revised Trading Standards Service Enforcement Policy.

County Councillor Andrew Lee introduced the report highlighting the sterling work carried out by the Trading Standards team, and the number of successful prosecutions achieved on behalf of residents and businesses. He also drew attention to the criteria applied when deciding whether to investigate a complaint or report of non-compliance, and Jo Bouflower, Head of Business & Consumer Services confirmed that the policy was in line with the code of practice and national guidelines

County Councillor Gareth Dadd was pleased to note the Services' positive approach of providing appropriate guidance to the high number of SMEs across North Yorkshire, rather than it taking an over-zealous approach to enforcement.

Members noted the revisions to the Policy as detailed in the report and the excellent level of service provided by the Trading Standards team, and

Resolved – That:

- i. The revised policy be approved for immediate use by the Service, and published on the County Council's website
- ii. The policy be reviewed again in three years to ensure it remained fit for purpose

398. Medical Education Service – Proposal for Alternative Model

Considered – A report of the Corporate Director for Children & Young People's Services seeking approval for a revised model of Medical Education Service (MES) to ensure a more flexible

delivery of education for those children and young people who were unable to access education as a consequence of their medical needs.

County Councillor Patrick Mulligan introduced the report highlighting:

- The current offer averaged only 5 hours of tuition a week per child / young person;
- The average number of children and young people currently in receipt of medical tuition;
- The rationale behind the proposed changes;
- The increased range of options the revised Model could provide, enabling the delivery of a bespoke package of medical tuition for each recipient;
- The robust financial modelling undertaken which had confirmed that the new service model could be delivered within the existing budget resource;
- The detailed consultation that had taken place and the positive feedback from the pilot.

Jane Le Sage, Assistant Director for Inclusion confirmed that the cost of the AV1 robotic technology had been included in the budget costings.

Members noted that as the take up of the digital option grew, schools would likely start to explore the other benefits it could deliver. For example, enabling a child in seclusion to participate fully in the lessons of the day.

It was noted that access to broadband would be required if the digital option was taken up. Where that was not already in place, there would be an associated cost to a family. However, it was confirmed that that would be taken in consideration as the appropriate blend of options was being designed to best suit a child's needs.

Resolved –

That the proposed new model for the Medical Education Services be approved and implemented as from September 2020.

399. Forward Work Plan

Considered -

The Forward Plan for the period 9 December 2019 to 30 November 2020.

Resolved -

That the Forward Plan be noted.

The meeting concluded at 11:22 pm.

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North Yorkshire County Council

EXECUTIVE

14 January 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 OFFICERS' DELEGATION SCHEME

- 4.1 Work has been undertaken by officers to review the currently prescribed financial limit exclusions from the specific delegations to the Corporate Director Children and Young People's Service set out in section 4.2 of the Officers' Delegation Scheme. The need to review these limitations arose out of work currently being undertaken in relation to the establishment of a Friends and Family Panel to consider financial assistance/support to substitute parents re looked after children, which highlighted these out of date provisions in the Officers' Delegation Scheme.
- 4.2 It is proposed that these historical limitations be deleted from section 4.2 of the Officers' Delegation Scheme (as set out by way of tracked changes in **Appendix 3**) so that only the same general financial limitations as would apply to all Directorates' Corporate Directors via the Financial and other Procedure Rules and Constitutional provisions should apply to CYPS.
- 4.3 Should Members be minded to recommend these proposed amendments for approval, consequential amendments would also need to be made to paragraph 11 of the Executive Members' Delegation Scheme as set out by way of tracked changes in **Appendix 3**. As there is no longer a paragraph 4.3 (i) or (ii) in the Officers' Delegation Scheme, it would be the case that paragraph 11 of the Executive Members' Delegation would become redundant and therefore it is proposed that the whole paragraph be deleted and "[not used]" inserted to maintain current numbering and protect any existing cross references throughout the Constitution.

4.4 Work is continuing on reviewing section 4.2 of the Scheme generally and further proposed revisions may follow.

4.5 Members will be updated at the meeting.

5.0 **OTHER PROPOSED AMENDMENTS**

5.1 Other proposed changes to the Constitution are set out in the table of proposed amendments set out at **Appendix 1** to this report, including:

- (a) a proposed blanket provision in Article 1.04 that references to legislation include reference to any amended, re-enacted or successor legislation;
- (b) a proposed amendment to paragraph 3.10 of the Officers' Delegation Scheme (the general delegations to all Chief Officers) to increase the financial thresholds for Executive approval of a partnership from £100K to £250K, in line with the thresholds currently set out in Financial Procedure Rule 20;
- (c) a proposed amendment to section 4.9 of the Officers' Delegation Scheme (the specific delegations to the Assistant Director Policy, Partnerships and Communities) to specifically reference civil partnerships, the licensing regime for which can differ from marriages in some cases;
- (d) proposed amendments to the Decision Record template, as set out in **Appendix 4**, to update references as to who records should be sent to for publication;
- (e) to update the Constitution in terms of administrative type amendments;
- (f) and, in Part B of the table, amendments are set out for information which have been, or will be, undertaken by the Assistant Chief Executive (Legal and Democratic Services) under his delegated powers in Article 15.02(c) of the Constitution to reflect administrative changes, legal requirements and changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so, for example:
 - i. updating terminology and typographical errors;
 - ii. updating the Schedule of Appointments to Outside Bodies;
 - iii. updating the Explanatory Note re the Current Rules Applying to Types of Decision in the Appendix to the Access to Information Procedure Rules as set out in **Appendix 2** to this report, to clarify the content of the current Rules as agreed by full Council at its last meeting in May 2019.

6.0 **FINANCIAL IMPLICATIONS**

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

7.0 **LEGAL IMPLICATIONS**

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

8.0 **CONSULTATION**

8.1 Relevant Officers and Members have been consulted on the proposed changes set out in this report and its appendices. The papers were considered at the Members' Working Group on the Constitution on 2 December 2019. Certain minor, administrative or updating type amendments have been included in this report since that meeting (the Working Group was informed this may be the case).

9.0 **REASONS FOR RECOMMENDATIONS**

9.1 For the reasons set out in the Amendments Chart at **Appendix 1** 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.

10.0 **RECOMMENDATIONS**

10.1 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 Constitution set out in **Appendices 2** and **4**;
- (c) the proposed amendments to the Officers' Delegation Scheme and consequential amendments to the Executive Members' Delegation Scheme as set out in **Appendix 3**;

be proposed to full Council for approval.

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

12 December 2019

Background Document:

- The Council's Constitution

Appendices:

Appendix 1 – Table of Amendments
Appendix 2 – Summary Chart
Appendix 3 – Amendments to Constitution
Appendix 4 – Decision Record Proforma

Proposed Amendments to Constitution – 2019

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

| <u>PART A: ITEMS FOR DECISION</u> | | | |
|--|--|---|--|
| Provision in Constitution | Current Wording | Proposed Amendment | Reason(s) |
| Part 2 Articles of the Constitution Article 1 – The Constitution 1.04 Interpretation and Review of the Constitution | 1.04 Interpretation and Review of the Constitution Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. All decisions taken by or on behalf of the Council will: <ul style="list-style-type: none"> • have regard to relevant facts and considerations, and disregard irrelevant ones; • be reasonable, and proportionate to the subject matter; • be taken with respect for equality of opportunity and human rights; and • be taken in observance of the Codes of Conduct set out in Part 5 of this Constitution. The Council will monitor and evaluate the operation of the | 1.04 Interpretation and Review of the Constitution Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. All decisions taken by or on behalf of the Council will: <ul style="list-style-type: none"> • have regard to relevant facts and considerations, and disregard irrelevant ones; • be reasonable, and proportionate to the subject matter; • be taken with respect for equality of opportunity and human rights; and • be taken in observance of the Codes of Conduct set out in Part 5 of this Constitution. The Council will monitor and evaluate the operation of the Constitution as set out in Article 15. For the avoidance of doubt, references | For ease of reference and clarity, to provide a blanket provision within the Articles of the Constitution that references to legislation include reference to any amended, re-enacted or successor legislation (such provisions are currently contained within specific Rules within the Constitution) but a general provision at the commencement of the Constitution is desirable. |

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| | Constitution as set out in Article 15. | within the Constitution to legislation (eg Act or Statutory Instrument) include reference to any amended, re-enacted or successor legislation. | |
| <p>Part 3 Responsibility for Functions</p> <p>Schedule 1 – Council Committees, their membership and their powers</p> <p>1. Planning and Regulatory Functions Committee</p> <p>Delegated Powers</p> | <p>...</p> <p>Regulatory Powers</p> <p>...</p> <p>5. Power to register animal trainers and exhibitors. - Section 1 of the Performing Animals (Regulation) Act 1925 (c.38).</p> <p>...</p> <p>10. Power to license agencies for the supply of nurses. - Section 2 of the Nurses Agencies Act 1957 (c.16).</p> | <p>...</p> <p>Regulatory Powers</p> <p>...</p> <p>5. [Not used]</p> <p>...</p> <p>10. [Not used]</p> | <p>To maintain up to date references in the Constitution:</p> <ul style="list-style-type: none"> nursing agencies no longer exist; functions regarding performing animals have transferred to district/borough councils. <p>A similar amendment to paragraph 4.4(m) of the Officers' Delegation Scheme will be required.</p> |
| <p>Part 3 Responsibility for Functions</p> <p>Schedule 4 – Officers' Delegation Scheme</p> <p>Section 3 - delegations to all Chief Officers</p> | <p>...</p> <p>3.10 To accept the terms and conditions and governance documentation for a Partnership agreement in respect of a partnership involving the County Council, subject to Rule 21 of the Financial Procedure Rules, to the implications for the Council of this Partnership being consistent with the Budget and Policy Framework, and subject to the approval of the partnership by the Executive where</p> <p>(a) it is considered to be high risk under the County Council's Partnership Governance Risk Assessment Framework</p> <p>and/or</p> <p>(b) the annual financial contribution to</p> | <p>...</p> <p>3.10 To accept the terms and conditions and governance documentation for a Partnership agreement in respect of a partnership involving the County Council, subject to Rule 21 of the Financial Procedure Rules, to the implications for the Council of this Partnership being consistent with the Budget and Policy Framework, and subject to the approval of the partnership by the Executive where</p> <p>(a) it is considered to be high risk under the County Council's Partnership Governance Risk Assessment Framework</p> <p>and/or</p> <p>(b) the annual financial contribution to the partnership exceeds £250k</p> | <p>To bring the Officers' Delegation Scheme financial thresholds for Executive approval of a partnership re partnerships governance in line with the thresholds set out in Financial Procedure Rule 20.</p> |

| | | | |
|--|---|---|---|
| | <p>the partnership exceeds £100k</p> <p>and/or</p> <p>(c) the County Council intends to apply for a grant or other external funding which will exceed £100k over the term of that funding, and for which the County Council intends to act as Accountable Body.</p> <p>...</p> | <p>and/or</p> <p>(c) the County Council intends to apply for a grant or other external funding which will exceed £250k over the term of that funding, and for which the County Council intends to act as Accountable Body.</p> <p>...</p> | |
| <p>Part 3 Responsibility for Functions</p> <p>Schedule 4 – Officers’ Delegation Scheme</p> <p>Section 4.4 Specific delegations to the Corporate Director Business and Environmental Services</p> | <p><u>4.4 To the Corporate Director – Business and Environmental Services</u></p> <p>...</p> <p>(m) To exercise the functions as weights and measures and food authority and for trading standards and consumer protection, animal health, sports grounds, nursing agencies, performing animals and explosives licensing, listed in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which are functions of County Councils and the powers under any ‘relevant statutory provision’ within the meaning of Part 1 of (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974 to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer in Part C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which are functions of County Councils, together with Parts III and IV of the North Yorkshire County Council Act 1991 (including any necessary enforcement action and the power to authorise any Trading Standards</p> | <p><u>4.4 To the Corporate Director – Business and Environmental Services</u></p> <p>...</p> <p>(m) To exercise the functions as weights and measures and food authority and for trading standards and consumer protection, animal health, sports grounds and explosives licensing, listed in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which are functions of County Councils and the powers under any ‘relevant statutory provision’ within the meaning of Part 1 of (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974 to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer in Part C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which are functions of County Councils, together with Parts III and IV of the North Yorkshire County Council Act 1991 (including any necessary enforcement action and the power to authorise any Trading Standards Officer, Enforcement Officer, Animal Health Inspector or other officer of the Trading Standards and Regulatory Services Unit to prosecute and to appear on the Council’s behalf before a Magistrates’ Court).</p> | <p>To maintain up to date references in the Constitution:</p> <ul style="list-style-type: none"> • nursing agencies no longer exist; • functions regarding performing animals have transferred to district/borough councils. <p>A similar amendment to the Planning and Regulatory Functions Committee’s Terms of Reference will be required.</p> |

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| | Officer, Enforcement Officer, Animal Health Inspector or other officer of the Trading Standards and Regulatory Services Unit to prosecute and to appear on the Council's behalf before a Magistrates' Court). | | |
| Part 3 Responsibility for Functions Schedule 4 – Officers' Delegation Scheme Section 4.9 Specific delegations to the Assistant Director Policy, Partnerships and Communities | <u>4.9 To the Assistant Director Policy, Partnerships and Communities</u> ... (d) To approve premises for the solemnisation of marriages and to exercise all functions of the County Council for the Registration of Births, Deaths and Marriages. | <u>4.9 To the Assistant Director Policy, Partnerships and Communities</u> ... (d) To approve premises for the solemnisation of marriages and civil partnerships and to exercise all functions of the County Council for the Registration of Births, Deaths and Marriages. | To ensure that the Constitution specifically references civil partnerships, the licensing regime for which can differ from marriages in some cases. |
| Part 4 Rules of Procedure Property Procedure Rules 1.0 INTERPRETATION | Property Contract A contract relating to Property including (but not limited to) transfers, leases, options, easements, (except easements for highway drainage granted under, or as a consequence of an agreement made under Section 38 (adoption of new highways) or Section 278 (development of existing highways) of the Highways Act 1980)1 tenancy agreements, licences, and variations and releases from restrictive covenants, user rights granted under local government reorganisation arrangements and wayleaves, but excluding those contracts entered into by school governing bodies under their delegated powers ... 1 As approved by Audit Committee December 2009. | Property Contract A contract relating to Property including (but not limited to) transfers, leases, options, easements, (except easements for highway drainage granted under, or as a consequence of an agreement made under Section 38 (adoption of new highways) or Section 278 (development of existing highways) of the Highways Act 1980) tenancy agreements, licences, and variations and releases from restrictive covenants, user rights granted under local government reorganisation arrangements and wayleaves, but excluding those contracts entered into by school governing bodies under their delegated powers ... | To remove the administrative reference. This is not required for the Property Procedure Rules. |

| <u>PART B: ITEMS FOR INFORMATION</u> | | | |
|--|--|--|--|
| <p>Part 2</p> <p>Articles of the Constitution</p> <p>Article 10 – Area Constituency Committees</p> <p>10.02 Form, Composition and Function</p> <p>(a) Table of area constituency committees</p> | | <p><i>Replace each of the references to “ward” in the Table with “Division”.</i></p> | <p>For absolute clarity, to reflect that district councils have electoral wards and county councils have electoral divisions.</p> <p>The Monitoring Officer will make this amendment under his delegated powers in Article 15.02(c)(ii) of the Constitution to ensure that the Constitution and the Council’s procedures meet all legal requirements.</p> |
| <p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 5</p> <p>Appointments to Outside Bodies</p> <p>Section 1 PARTNER BODIES</p> | | <p><i>Remove the entry relating to Community First Yorkshire.</i></p> | <p>To keep the Constitution up to date.</p> <p>Community First Yorkshire manages appointments to its Board of Trustees through an elections process. It does not have any local authority representatives. The arrangements currently listed in the Constitution reflect previous arrangements and are out of date.</p> <p>The Monitoring Officer will make this amendment under his delegated powers in Article 15.02(c)(iii) of the Constitution to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.</p> |

| | | | |
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| <p>Part 4</p> <p>Rules of Procedure</p> <p>Access to Information Procedure Rules</p> <p>Appendix</p> <p>Explanatory Note re the Current Rules Applying to Types of Decision</p> | | <p><i>Amend the Explanatory Note as set out in Appendix 2.</i></p> | <p>To ensure that the Constitution is accurate and up to date and is clarified in relation to the amendments to the Access to Information Procedure Rules agreed by full Council in May 2019.</p> <p>The Monitoring Officer will make this amendment under his delegated powers in Article 15.02(c)(iii) of the Constitution to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.</p> |
| | | <p><i>Certain typographical/administrative errors have been corrected in the Constitution under the Monitoring Officer's delegated powers as set out in Article 15.02(c)(i) of the Constitution to correct administrative issues.</i></p> | <p>To ensure that the Constitution is accurate and up to date.</p> |
| <p>Whole Constitution</p> | | <p><i>Amend all references to "Democratic Services Manager" or "Scrutiny Team Leader and Democratic Services Manager" to read "Democratic Services and Scrutiny Manager",</i></p> | <p>To ensure that the Constitution is up to date.</p> <p>The Monitoring Officer will include the Terms of Reference in the Constitution under his delegated powers in Article 15.02(c) of the Constitution to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.</p> |

CURRENT RULES APPLYING TO TYPES OF DECISION

| Decision type | | Taken by | 28 clear calendar ¹⁰ days' publication on Forward Plan? | 28 and 5 clear days' notices of exempt information? ¹⁰ | 5 clear days' notice and report? ³ | Decision record? | Subject to call-in? |
|-------------------------|-------------------------------|-----------------------------|--|---|---|---|---------------------|
| Executive decisions | Key decisions | Member body ¹ | YES | YES ⁹ | YES | YES ⁵ | YES |
| | | Individual Executive Member | YES | NO | YES | YES | YES |
| | | Individual Officer | YES | NO | YES | YES | YES |
| | Other Executive decisions | Member body ¹ | NO | YES ⁹ | YES | YES ⁶ | YES |
| | | Individual Executive member | NO | NO | YES | YES | YES |
| | | Individual Officer | NO | NO | NO | YES ⁸ (Unless purely administrative – see footnote 8) | NO |
| Non-executive decisions | Major decisions | Member body ² | YES ⁴ | NO | YES | YES ⁶ | NO |
| | | Individual Officer | YES ⁴ | NO | NO | POSSIBLY ⁷ (See footnote 7) NO | NO |
| | Other non-executive decisions | Member body ² | NO | NO | YES | YES ⁶ | NO |
| | | Individual Officer | NO | NO | NO | YES-⁷ POSSIBLY ⁷ (See footnote 7) | NO |

Notes:

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

Examples of such decisions which should normally be recorded include:

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

Non-executive decisions which are purely administrative or operational in nature will not usually be subject to the decision record recording and publication requirements, for example those which:

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

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

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

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

8. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require the recording of **executive** decisions made by individual members or officers under delegated arrangements (this changed the previous provision that only key decisions by officers needed to be the subject of a decision record). However, those executive decisions which are purely administrative or operational in nature will not usually be subject to the decision record recording and publication requirements. The authority has agreed to categorise as administrative/operational those executive decisions which are not key decisions and which:

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

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

9. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require the publishing of notices of any exempt/confidential items **by executive decision making bodies** at least 28 clear calendar days and, subsequently, 5 clear working days' before the meeting. This does NOT apply to individual decisions by individual Executive Members or officers.
10. For longer publication requirements such as 28 days, this is a reference to clear calendar days. For shorter publication requirements eg 5 days, this is a reference to clear working days (see note 3 above).

Proposed Amendments to Paragraph 4.2 of the Officers' Delegation Scheme and Executive Members' Delegation Scheme.

OFFICERS' DELEGATION SCHEME

...

4.2 To the Corporate Director – Children and Young People's Service

...

The following matters are excluded from this delegation:

- (i) Major changes in the pattern of provision for:-
 - Meeting special educational needs;
 - Educational provision for all age groups falling within the Council's statutory duties or permissive powers.
- (ii) Making or terminating appointments to governing bodies of schools, outdoor centres and to any outside bodies, except as set out in ~~©(c)~~, (d) and (e) above, unless such power is specifically delegated by the body empowered to make such appointments. *(NB: The power to make and revoke appointments as LEA appointed school governors is a non-executive function). Any proposal to terminate the appointment of any LEA appointed school governor is to be decided by the Governors Committee.*
- (iii) Responding to invitations to bid for education support grants and other specific external funding which do not comply with existing policy and priorities or which require additional expenditure not budgeted for.
- (iv) Determining priorities for the Adult Learning and Skills Service.

~~(v) Approving the content of major/minor works and temporary classroom programmes where the cost of the project in question is more than £5,000.~~

~~NOTE: The delegated powers are subject to the financial limits contained in current policies, as follows:-~~

~~(vi) Upon the recommendation of the Child Placement Panel, grants of up to £3,000 within the Scheme for financial assistance to substitute parents.~~

~~(vii) On an ex gratia basis and subject to such conditions as the Executive may from time to time prescribe, claims for reimbursement up to £500 with regard to damage to, or loss of, foster parents' own property arising from the acts of foster children placed with them by the County Council.~~

~~(viii) Single payments to substitute families for equipment on loan or single items to maximum £1,000 to enable placement of children.~~

~~(ix) Single payments to young people leaving the Council's care for independent living up to a maximum of £800 in any one case.~~

~~(x) Expenditure, not exceeding £10,500 in individual cases, on adapting premises and providing special aids to assist disabled persons and to purchase equipment up to a sum of £6,000 in the case of stair lifts and vertical lifts so far as the disabled person is a child~~

...

EXECUTIVE MEMBERS' DELEGATION SCHEME

Each individual member of the Executive has the following responsibilities and powers:

...

11. ~~To determine those matters related to the provision of personal social services which are outside of the powers of the Corporate Director – Children and Young People's Service and Corporate Director – Health and Adult Services as set out in paragraph 4.2 (vi), (vii), (viii), (ix) and (x) and paragraph 4.3 (i) and (ii) of the Officers' Delegation Scheme. *[not used]*~~

Reference Number:

NORTH YORKSHIRE COUNTY COUNCIL

DECISION RECORD

Re: *[insert title of record]*

This record is produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

This form should be used to record:

- **EXECUTIVE decisions (key or otherwise) taken by an individual Executive MEMBER; and**
- **EXECUTIVE decisions (key or otherwise) taken by an OFFICER (either alone or in consultation with an Executive Member)**
- **A non-Executive decision taken by an OFFICER which falls into one of the following descriptions:-**
 - (i) under a specific express authorisation; or**
 - (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to**
 - **grant a permission or licence;**
 - **affect the rights of an individual; or**
 - **award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.**

(One form per decision)

The following decision has been taken: -

By whom:

.....
(insert name of Meeting, Member or Officer)

On:
(insert date decision taken)

Was this an executive decision? YES/NO
If an executive decision, was it also a key decision? YES/NO

Reasons for decision: -

Details of any alternative options considered and rejected: -

| |
|--|
| |
|--|

Conflicts of Interest

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards Committee or Monitoring Officer in respect of that conflict.

| Conflict | Dispensation? |
|----------|---------------|
| | |

Background Papers

Please attach to this decision notice, for publication, the background papers that disclose any facts or matters on which this decision, or an important part of the decision, was based and which were relied on to a material extent in making the decision, but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

Signed

.....

Publication Date: *[to be inserted by Jackie Dawson/Julie Robinson the PA to the Assistant Chief Executive (Legal and Democratic services)]*

(Name)

.....

Note 1 regarding Executive decisions only: This decision will come into force, and may then be implemented, on the expiry of 5 clear working days after publication, unless any 6 members of the Council object to it and call it in by notice in writing (including e-mail) to The Assistant Chief Executive (Legal and Democratic Services).

Directorate

.....

Note 2: non-executive and non-key executive decisions by Officers are not subject to call in.

Contact for further information: ...(insert email address if possible)

Contact for copy of report considered ...(insert email address if possible)

To: The ~~Senior Legal and Democratic Technical Support Officer, Legal and Democratic Services~~ PA to the Assistant Chief Executive (Legal and Democratic Services) - for onward circulation to:

All Members of the Council; All Management Board; All Management Board Secretaries; All Senior Managers; All Democratic Services Officers; All Corporate Development Officers; Senior Press Officer; Communications Officer

North Yorkshire County Council
Executive
14 January 2020

Parental Leave Policy for County Councillors

1.0 Purpose of the report

- 1.1 At present, the County Council does not have a Parental Leave Policy for County Councillors. This report provides details of a policy that could be adopted, which has been considered by the Member Working Group on the Constitution, the Member Workforce Planning Group and the Independent Remuneration Panel.
- 1.2 The Executive is asked to consider the comments of the Member Working Group on the Constitution, the Member Workforce Planning Group and the Independent Remuneration Panel and in light of these review the Local Government Association exemplar policy (Appendix 3), making a recommendation to County Council for their meeting on 19 February 2020.

2.0 Background

- 2.1 Recent analysis by the Fawcett Society suggests that only 4% of local authorities in England have a parental leave policy in place for elected representatives. North Yorkshire County Council does not have a parental leave policy.
- 2.2 A letter was sent by the Rt Hon Brandon Lewis MP, Chairman of the Conservative party, to all Conservative Group and Council Leaders on 8 March 2019 (see Appendices 1 and 2). The letter asks local authorities to consider introducing arrangements for parental leave for elected members. This letter was considered by the Council's Member Working Group on the Constitution at their meeting on 29 March 2019 also the Member Workforce Planning Group at their meeting on 4 September 2019.
- 2.3 The Local Government Association's (LGA) Labour Group subsequently produced an exemplar policy (see Appendix 3). This was considered by the Independent Remuneration Panel at their meeting on 29 November 2019, in addition to the letter from the Rt Hon Brandon Lewis MP and the findings of the aforementioned working groups.

3.0 Parental leave for Councillors

- 3.1 There is no legal right to parental leave for those elected to public office. The letter from the Rt Hon Brandon Lewis MP, however, states that the lack of a Parental Leave policy for elected representatives can act as a barrier to women standing for public office and entering politics.
- 3.2 Under Section 85 of the Local Government Act 1972 Members are required to attend at least one meeting of the authority in any six-month period. Failure to do so results in a by-election. As such, a woman on 12 months' maternity leave who

was a county councillor would risk losing her seat by have an attendance record that triggered a by-election.

- 3.3 The letter from the Rt Hon Brandon Lewis MP included an illustrative Council Motion, which provides further details of what could be considered as part of a policy (see Appendix 2).

4.0 Engagement to date

- 4.1 The Council's Member Working Group on the Constitution met on 29 March 2019 and there was a discussion about the letter from the Conservative Party Chairman and the adoption of a parental leave policy for councillors.
- 4.2 The conclusion was that the matter be forwarded to the Member Workforce Planning Group for consideration, with strong support for the introduction a Parental Leave Policy. The only concern raised was about payment of Special Responsibility Allowances (SRA) twice. ie. where someone on parental leave receives a SRA, that should only be paid to the person who is covering that role in their absence and not to both.
- 4.3 The Member Workforce Planning Group met on 4 September 2019 and supported the introduction of a Parental Leave Policy. The same concern about paying a SRA twice was raised.
- 4.4 It is of note that both the Member Working Group on the Constitution and the Member Workforce Planning Group are cross party groups.
- 4.5 Subsequent to the meeting of the Member Workforce Planning Group, the LGA produced the exemplar policy. The LGA exemplar policy does not raise any concerns about double payment of SRAs, indicating that where a councillor who would normally be in receipt of a SRA is on Parental Leave, the person covering their position would also be entitled to a SRA.
- 4.6 The Independent Remuneration Panel met on 29 November 2019 and reviewed the letter from the Conservative Party Chairman and the LGA exemplar parental leave policy. They supported the adoption of the exemplar parental leave policy and recommended that no amendment to the exemplar policy was made to prevent the double payment of SRAs. They did note, however, that as with all allowances any member (ie the person on parental leave or the person acting up) can opt to forego such 'double payment' arrangements.

5.0 Equality and legal implications

- 5.1 Whilst there is no legal right to parental leave for those elected to public office, the Council is subject to the public sector equality duty that is enshrined in section 149 Equality Act 2010. Under this duty the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.2 The Act also identifies both ‘sex’ and ‘pregnancy or maternity’ as protected characteristics. As such, it is unlawful to discriminate against people with these characteristics and the Council should advance equality of opportunity.

6.0 Financial implications

6.1 The adoption of a parental leave policy will be either cost neutral or present minimal additional cost to the Council. The implementation of a Parental Leave Policy would negate the need to hold a by-election where a County Councillor was on maternity leave and had more than 6 months of absence. This could yield considerable savings, as illustrated by the cost of the 2018 Knaresborough by-election, which was £14,000.

6.2 It is anticipated that the take up of parental leave, should the policy be implemented, would be low.

7.0 Conclusion

7.1 There is cross party support for the introduction of a parental leave policy and the exemplar policy that has been provided by the LGA could be adopted in its entirety. The only point of contention between the three bodies that have reviewed the options for a parental leave policy relates to the duplication of SRA payments. The Council’s Independent Remuneration Panel did not seek to amend the LGA exemplar policy to remove this possibility.

8.0 Recommendation

8.1 The Executive is asked to consider the comments of the Member Working Group on the Constitution, the Member Workforce Planning Group and the Independent Remuneration Panel and in light of these review the LGA exemplar policy, making a recommendation to County Council for their meeting on 19 February 2020.

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)
County Hall
Northallerton
11 December 2019

Author of report – Daniel Harry, Democratic Services and Scrutiny Manager
Presenter of report – Daniel Harry, Democratic Services and Scrutiny Manager

Appendices:

Appendix 1 – Letter from the Party Chairman
Appendix 2 – Council Parental Leave Policy
Appendix 3 – LGA Exemplar



The Rt. Hon. Brandon Lewis MP
Chairman of the Conservative Party

To: *Conservative Group & Council Leaders*

Friday 8th March 2019

Dear Colleague,

In my speech to the Conservative Councillors Association Conference last month, I spoke about how I want to see more women get involved in our Party and succeed in Local Government.

Local Government is the cornerstone of our democracy; delivering services that people rely on and serving our communities. Like many colleagues in Parliament, Local Government is where I started my career and I'm proud of the difference I was able to make as a Councillor.

I want women to have more opportunities to make a difference and start a political journey, but to do this we need to break down the barriers where we can.

One barrier is the lack of parental leave for elected members in local authorities. Just 4% of Councils across England have a formal Parental Leave Policy in place for elected members and we know that this impacts the likelihood of women standing for Council and is seen as a barrier to fulfilling their role.

The Conservative Party has a strong tradition of equality and opportunity, giving everybody a fair chance to participate and succeed; from the first woman MP to sit in Parliament to the first, and second, female Prime Ministers. As I announced in my speech, I want Conservative run Councils and Council Groups to lead on extending this equality by introducing a Parental Leave Policy in their Council.

Attached to this letter is an illustrative Council Motion and policies to help each Council create a policy that works for them and their elected members.

I hope that every Council across the country will take action on this important matter and I'm asking you to keep me updated on your progress by contacting cca@conservatives.com

Yours ever,

THE RT. HON. BRANDON LEWIS MP
Chairman of the Conservative Party

Parental Leave Policy for Elected Members of Local Authorities.

Illustrative Council Motion:

The Council notes that [Name of Authority] Council does not currently have a formalised policy relating to Parental Leave for elected Members. At present there is no legal right to Parental Leave for those elected to public office.

It is proposed that this Council should adopt a Parental Leave Policy for elected Members.

This council resolves to set up a working group to consider the attached policy proposals on Parental Leave and where necessary to convene an Independent Remuneration Panel to consider proposals which relate to Member allowances.

Notes:

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors. Therefore councils may only take action on a voluntary basis.

According to an analysis by the Fawcett Society:

- Just 4% of local councils in England currently have a formal Parental Leave policy in place for elected representatives.
- It identified that one third of female councillors of child-bearing age found a lack of maternity leave to be a barrier to fulfilling their role.
- Fewer than 1 in 5 council leaders are women.
- From 1997 to 2017 female councillor representation only rose by from 27 per cent to 32 per cent whilst the female proportion of the House of Commons rose 14 percentage points to 32 per cent.¹

Illustrative Policy:

- i) Within this policy, Parental Leave refers to the period of absence taken by an elected Member following the birth or adoption of a child. (*Individual political groups would be encouraged to formulate their own policy for a member of that Group to cover the Member's roles/work.*)
- ii) Under Section 85 of the Local Government Act 1972 Members are required to attend at least one meeting of the authority in any six month period. This requirement still applies to Members on Parental Leave.²

The Council will ensure that Members on leave are aware of this requirement and are provided with information on qualifying meetings and the process by which they may apply for dispensation.

¹ Fawcett Society, 10 March 2017, [link](#).

² Legislation.gov.uk, *Local Government Act 1972*, [link](#).

The Council may exercise its right to waive the expulsion if non-presence relates to Parental Leave, constituting ‘some reason approved by the authority before the expiry of that period’ with prior agreement between the Councillor and the Council.

- iii) Absences from Council meetings during any period of Parental Leave will be noted as such, rather than being attributed to general absence.
- iv) Members are entitled to up to 52 weeks Maternity/Adoption leave. The requirements for notification of the intention to take leave and the date on which the leave will commence will reflect the Council’s policy for paid employees.
- v) Members shall be entitled to take 2 weeks Paternity Leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren). During this period Members will continue to receive their basic allowance and any special responsibility allowances without deduction.
- vi) Where councillors have made Shared Parental Leave arrangements, the Council will make every effort to replicate such arrangements in terms of leave from Council.
- vii) Members on Parental Leave will continue to receive their basic allowance without deduction for a period of between 39 and 52 weeks dependent on the recommendation of an Independent Remuneration Panel.
- viii) The Council will determine a policy relating to any Special Responsibility Allowances. *(We suggest that the Conservative Group formulate a proposal on the payment of Special Responsibility Allowances and arrangements for covering a Member’s absence from their role during a period of leave.)*
- ix) The Council will facilitate any arrangements made by relevant Members which allow for the case work of a Member on Parental Leave to be completed by a Ward/Division colleague or another Member of the relevant Council Group. *(We suggest that the Conservative Group discuss the format of these arrangements and recommend a structure as part of their proposed policy.)*
- x) The Council will periodically review its Member Allowance Scheme to ensure adequate provisions relating to Parental Leave, including any Dependents’ Carers’ Allowance available during the period of leave and upon returning to their role. Members will be provided with information on the allowance available and how they may make a claim.³
- xi) The Council will ensure that Members have access to adequate IT provision to allow them to work from home while on Parental Leave and upon returning to their role.

³ Legislation.gov.uk, *The Local Authorities (Members’ Allowances) (England) Regulations 2003*, [link](#).

- xii) With the introduction of these policies, all Councillors to be formally provided with details of pastoral care, illness or bereavement leave entitlements and other associated resources available to all members.

Parental Leave Policy for Councils

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors, and has been the subject of lengthy debate. These policies can therefore only currently be implemented on a voluntary basis, although Labour Councils are encouraged to implement them as per the Labour Party Democracy Review which has called for Labour-controlled councils and Labour Groups to adopt a parental leave policy. Discussions are ongoing about changing the law to enable compulsory provision, but until then these policies constitute best practice which Labour Groups (and the councils they control) are strongly advised to adopt.

Legal advice has been taken on these policies, and they conform with current requirements.

1. Leave Periods

1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

2. Basic Allowance

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the

next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from Office and Elections

4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

NORTH YORKSHIRE COUNTY COUNCIL**EXECUTIVE****14 JANUARY 2020****SCHOOLS BUDGET****Report of the Corporate Director – Children and Young People’s Services****1.0 PURPOSE OF THE REPORT**

- 1.1 This report asks the Executive to agree a number of recommendations relating to school funding for 2020-21, as required by guidance issued by the Department for Education (DfE).
- 1.2 These recommendations include:
- Continuing to use the DfE National Funding Formula (NFF) principles as the basis for funding schools from April 2020;
 - Adopting the mandatory Minimum Per Pupil Level (MPPL) of funding as a key factor within the formula which in 2020-21 will mean that secondary schools will receive a minimum of £5,000 per pupil and primary schools will receive a minimum of £3,750 per pupil
 - Depending on the decision from the Secretary of State in relation to the disapplication request to transfer 0.5% funding from the Schools Block to the High Needs budget, adopting a Minimum Funding Guarantee (MFG) for 2020-21 of either 0.5% or the lowest MFG applicable to a 0% transfer (indicative 1.37% based on the modelling undertaken on 2019/20 data but subject to final calculation using 2020/21 data)
- 1.3 These recommendations have been endorsed by schools during a county-wide consultation and agreed by the North Yorkshire Schools Forum.
- 1.4 The report also asks the Executive to agree to continue to lobby central government for a fairer and more equitable funding settlement for schools in North Yorkshire.

2.0 BACKGROUND

- 2.1 The Government has proposed that a National Funding Formula (NFF) will set every school’s budget (LA maintained and academies) in due course, but for a period before then, the NFF would be used to calculate notional school budgets. These notional budgets provide an overall total for each Local Authority area. LAs, and their Schools Forums, have some discretion in allocating funds at individual school level. The DfE has confirmed its intention to move to a single, ‘hard’ NFF to determine every school’s budget. The timescale, or any transition period, is not yet known.
- 2.2 The key elements of the NFF for 2020-21 include:
- the mandatory minimum per-pupil level is set at £3,750 for primary schools and £5,000 for secondary schools. The primary level will rise to £4,000 per-pupil in 2021-22;
 - local authorities are able to continue to set the Minimum Funding Guarantee (MFG) for mainstream schools and academies between +0.5% and +1.84% in conjunction with a local gain cap;

- the DfE confirmed that local authorities will continue to be able to transfer up to 0.5% of their schools block to other blocks of the DSG, with schools forum approval. A disapplication is required for transfers above 0.5%, or any amount without schools forum approval;
 - the DfE are introducing a new formulaic approach to the mobility factor
 - teachers' pay grant and teachers' pension employer contributions grant will both continue to be paid separately from the NFF in 2020-21.
- 2.3 During the Autumn 2019 term, officers have been in discussion with the North Yorkshire Schools Forum over the continued soft implementation of the NFF and the potential transfer of funding from Schools Block to assist with significant High Needs Budget financial pressures. At its meeting in November, the Schools Forum endorsed a move to continue to use the NFF as a basis for funding schools in North Yorkshire from April 2020. The Schools Forum are supportive that the Council should continue to lobby DfE on the overall quantum of funding. As is required by DfE regulations, this recommendation was subject to a consultation exercise with all schools and academies in the county. Further details about this consultation are set out below in section 6.
- 2.4 In practical terms, the Council will adjust the NFF formula factors as issued by the DfE in published notional budgets to calculate school budgets within the constraints of the final agreed funding envelope.
- 2.5 As part of the transitional funding arrangements, the formula will use a Minimum Funding Guarantee (MFG) of either +0.5% or the lowest MFG applicable to a 0% transfer (indicative 1.37% based on the modelling undertaken on 2019/20 data for the funding consultation with schools) (dependent on the decision from the Secretary of State in relation to the disapplication request to transfer 0.5% funding from the Schools Block to the High Needs budget), and each school will receive at least the Minimum Per Pupil Level of funding (MPPL).
- 2.6 As can be seen below, a majority of schools supported Option 1 – a 0% transfer, 100% funding gains cap and an indicative MFG of +1.37%. The majority of schools did not support a transfer of funding from the Schools Block to the High Needs budget.

| Options supported in respect of the transfer of funding to High Needs in 2020/21 and the level of Minimum Funding Guarantee protection, and associated funding gains cap to be applied in the calculation of school budgets for 2020/21 (support could be indicated for more than one option): | | |
|--|---|---|
| Option | | Number of responses received in support of the option |
| Option 1 | High Needs Transfer: 0% MFG: 1.37% Funding Gains Cap: 100% | 23 |
| Option 2 | High Needs Transfer: 0% MFG: 1.84% Funding Gains Cap: 34.33% | 16 |
| Option 3 | High Needs Transfer: 0.5% MFG: 0.5% Funding Gains Cap: 13.81% | 11 |
| Option 4 | High Needs Transfer: 0.5% MFG: 0.5% Funding Gains Cap: 13.81% | 15 |
| Option 5 | High Needs Transfer: 1.0% | 2 |

| | | |
|----------|---|---|
| | MFG: 0.5% Funding Gains Cap: 10.61% | |
| Option 6 | High Needs Transfer: 1.0% MFG: 1.84% Funding Gains Cap: 8.50% | 2 |

- 2.7 Marginal majority support was indicated through the responses received to the Consultation for an MFG of less than the maximum allowed level of +1.84%. The implementation of a lower level of MFG protection facilitates a quicker transition for schools to the NFF funding principles within the constraints of the overall NFF transitional funding levels received by North Yorkshire LA from the DfE.
- 2.8 At its meeting on 13 November 2019 to consider the results of the consultation, the Schools Forum recommended to the Council that, in setting budgets for 2020-21, North Yorkshire County Council uses the values set out in the DfE's National Funding Formula, including the various transitional arrangements, and a Minimum Funding Guarantee of +0.5% or the lowest MFG applicable to a 0% transfer (indicative 1.37% based on the modelling undertaken on 2019/20 data) (dependant on the outcome of the Block transfer disapplication request) as a basis for funding schools in 2020-21.

High Needs

- 2.9 Previously, Schools Forum have agreed to transfer 0.5% of Schools Block funding into the High Needs Block for 2018-19. This amount represented £1.66m and was consulted with schools and agreed with Schools Forum. The transfer was agreed following recognition of an unprecedented increase in the numbers of requests for Education, Health and Care Plans (EHCPs) and the level of financial pressure in the High Needs system. In 2019-20, following consultation with schools and subsequent approval by Schools Forum, 0.5% of Schools Block funding was agreed to be transferred to the High Needs Block. This equated to £1.6m. However, given the scale and pace of the demand pressures and consequent financial issues, the local authority felt bound to submit a disapplication request to the Secretary of State seeking a 1% transfer from Schools Block to the High Needs Block. The disapplication request was successful and is significantly assisting with the 2019-20 financial position - £3.3m of the £8m financial pressure has been funded by the 1% transfer. The transfer has not been adequate to counter the cost pressure for a number of reasons:
- High Needs Block funding provided by the Department of Education is simply insufficient. Despite the Block transfer and the temporary funding announced in December 2018, the local authority has had to cross-subsidise the High Needs Dedicated Schools Grant (DSG) by £7m (£3.3m in 2018-19 and £3.7m in 2019-20) over the last two years.
 - There has been an unprecedented increase in Education, Health and Care Plans (EHCPs). Since 2014, there has been a 68% rise in EHCPs and this trend has continued throughout 2018 and 2019. This is an unfunded burden on schools and the local authority.
 - Tackling the financial pressure requires a system-wide approach to the development of plans and will not provide immediate relief in sustainable savings.
- 2.10 The number of EHCPs is a major driver of the financial pressure above, which has seen a 68% rise since 2014. The resulting in-year financial pressure of £8.0m overspend is offset, in part, by:
- the planned contribution of £1.6m from the Schools budget block transfer;

- the £1.2m temporary funding announced from December 2018;
- £3.7m LA cross-subsidisation.

The balance is funded by the supplementary 0.5% transfer from Schools Block agreed by Secretary of State in February 2019.

- 2.11 In December 2018, temporary funding of £1.24m was announced by the Government for both 2018-19 and 2019-20. In October 2019, this funding was confirmed again for 2020-21. An additional £5.4m has been allocated in the High Needs Block of the Dedicated Schools Grant for North Yorkshire for 2020-21. Additional funding is welcome but is insufficient to address the scale and pace of the financial pressure. With an £8m underlying overspend position in 2019-20, the local authority had anticipated that further cross-subsidisation of the DfE funding shortfall would be necessary (in 2019-20, this amounted to a net investment of £3.7m). However, with a further DfE consultation effectively prohibiting LA support to high needs through a tightening of the DSG ringfence - but without any indication of how this will be funded – the LA has felt it necessary to consult on some contribution from the Schools Block in 2020-21. Even with a full 1.0% transfer, it is likely that the accumulated deficit will rise by March 2021.
- 2.12 In October/ November 2019, the local authority consulted on 0%, 0.5% and 1.0% transfers from the Schools Block. The results of the consultation showed greatest support for a 0% transfer, some support for a 0.5% transfer and limited support for a 1.0% transfer. Schools Forum discussion in November endorsed this view with voting resulting in a collective Forum view not to support any transfer. The local authority acknowledged this view given well documented financial pressures facing some schools. However, given the continued significant budget pressures on the High Needs Block, the LA has submitted a disapplication request to the Secretary of State seeking a 0.5% transfer. A response has not yet been received as to whether the 0.5% transfer request has been approved by the Secretary of State at the time of the publication of this report.
- 2.13 It is important to recognise that the 1.0% transfer in 2019-20 has been insufficient in addressing the High Needs financial pressure. Costs within the High Needs Block have continued to exceed the funding allocation for the following reasons:
- the indicative increase in High Needs funding of 11.1% for 2020-21 and the 1.0% increase between 2017-18 and 2019-20 has been insufficient in the context of demand increases.
 - A significant element of the funding formula is based on historic spending. This bears no reflection to the actual cost drivers creating financial pressure and penalises the local authority (and schools) for past efficiencies.
 - There has been an unprecedented increase in demand as a direct consequence of the 2014 SEND legislative reforms. The number of Education, Health and Care Plans (EHCPs) have risen by 68% since 2015 from c.1,700 to c.3,000 plans and is expected to continue to rise by c.250-300 plans each financial year.
 - Information on trends and pressures in SEND were highlighted at the September 2019 Schools Forum meeting and are provided as Appendix 4 to this paper for ease of reference.
- 2.14 In the event that a disapplication request to the Secretary of State is unsuccessful, the default position is a 0% transfer to the High Needs budget.

3.0 FINANCIAL IMPLICATIONS

- 3.1 All funding discussed in this paper is part of the Dedicated Schools Grant (DSG). There is no direct impact on the Council's budget as a result of the recommendations to adopt the mandatory Minimum Per Pupil Level of Funding or the Minimum Funding Guarantee.
- 3.2 There is an impact on individual schools in terms of how the funding will be allocated. No school will receive less than the mandatory Minimum Per Pupil Level of funding. A comparison of the impact on schools for each of the proposed options was shown at school level as part of the consultation.
- 3.3 The recommendation to transfer 0.5% funding from the Schools Block to the High Needs Budget will help to reduce the level of council funding required to meet the High Needs Budget financial pressures. Based on the assumption that no transfer will be approved, it is expected that £5.1m of council funding will be required to support the financial pressures on the High Needs Budget, after taking into account the recently announced additional funding of £5.4m for 2020/21. If a 0.5% transfer is approved by the DfE the funding requirement from the council will reduce to £3.5m.

4.0 LEGAL IMPLICATIONS

- 4.1 Whilst the Schools Block is ring-fenced in 2020-21, it is possible to transfer up to 0.5% of schools block funding out with the agreement of the Schools Forum. Transfers of more than 0.5% of the schools block require the local authority to make a Disapplication Request to the Secretary of State as does the position where the Schools Forum turn down a proposal from the authority to move funding out of the Schools Block, but the authority wishes to proceed with the transfer. The DfE acknowledge that most requests to transfer funding from the Schools Block will arise as a result of pressures on their High Needs Budgets.
- 4.2 Schools Forum approval to transfer 0.5% of Schools Block funding to the High Needs Block has been not been given.
- 4.3 The deadline for Disapplication Requests to transfer funding from the Schools Block to the High Needs Block was 28th November 2019. The DfE also have a deadline of 21st January 2020 for the submission of school budgets (following political approval). At the time this paper was submitted to Executive, a response from DfE on whether to approve the requested 0.5% transfer is unknown. Therefore, recommendations in this report provide Executive with an opportunity to approve a transfer of 0.5% if approval is received; and to approve a 0% transfer, if approval from DfE is not received.

5.0 EQUALITIES IMPLICATIONS

- 5.1 An Equality Impact Assessment (EIA) has been completed. It is anticipated that there will be no impact on any persons with protected characteristics as defined by the Equality Act 2010.
- 5.2 The Equality Impact Assessment has assessed the impact of the proposal namely
- To change how we use the Council's DSG (Dedicated Schools Grant) and specifically the funding blocks for High Needs and Schools Block
 - To consider transfers of 0%, 0.5% and 1% from the School Block to High Needs Block for 2020/21.
 - To hold consultation with all schools and academies in North Yorkshire over these proposals
 - To report findings, conclusions and recommendations to the School Forum

- 5.3 At this stage of the EIA there is no evidence to suggest that the proposal made will significantly disadvantage one or more protected characteristics, rather it will assist in supporting targeted funding to children with SEND.
- 5.4 The EIA was presented to the meeting of the Schools Forum on the 13th November 2019. No comments were received on the EIA.

6.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 6.1 A consultation was undertaken with all schools and academies in North Yorkshire, following discussions with the North Yorkshire Schools Forum.
- 6.2 This consultation lasted from Friday 18th October 2019 until Thursday 7th November 2019. There were 39 school responses (an increase of 11 compared with 2018), as shown below:

| | |
|------------------------------|----|
| LA Maintained Primary | 20 |
| LA Maintained Secondary | 5 |
| LA Federation – Primary | 3 |
| LA Federations – cross phase | 1 |
| Primary Academy | 8 |
| Academy Trust | 2 |
| | 39 |

(Response Rate: 16.43% - 57 school schools and academies are represented in the responses received)

7.0 RECOMMENDATIONS

- 7.1 The Council's Executive is asked to agree that:
- i. The Council continues to use the principles of the DfE's National Funding Formula, including the various transitional arrangements, and a Minimum Funding Guarantee of +0.5% in the event of the disapplication request being approved, or the lowest MFG applicable to a 0% transfer (indicative +1.37% based on the modelling undertaken on 2019/20 data but subject to final calculation using 2020/21 data) if the disapplication is not approved, as a basis for funding schools in 2020-21; and
 - ii. Subject to approval being received by the Secretary of State, 0.5% of the Schools Block will be used to support High Needs costs in 2020-21. In the event of the 0.5% transfer request being refused by the Secretary of State, that there is no transfer of the Schools Block to support High Needs costs in 2020-21, as agreed by the North Yorkshire Schools Forum; and
 - iii. The Council will continue to push for a fairer and more equitable funding settlement for schools in North Yorkshire. We will also continue to lobby for a fairer settlement of High Needs resources.

Stuart Carlton
 Corporate Director – Children and Young People's Service
 County Hall
 Northallerton
 January 2020

Report Author: Howard Emmett, Assistant Director – Strategic Resources

Background Documents:

Reports to the North Yorkshire Schools Forum/ North Yorkshire Education Partnership:

- 14th March 2019
- 23rd May 2019
- 26th September 2019
- 13th November 2019
- 12th December 2019

<http://cyps.northyorks.gov.uk/nyep-meetings-and-agendas>

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated April 2019)

School Funding 2020-21 (School & High Needs Block Funding)

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

| | |
|---|---|
| Name of Directorate and Service Area | North Yorkshire County Council: Central Services |
| Lead Officer and contact details | Howard Emmett - Assistant Director – Strategic Services |
| Names and roles of other people involved in carrying out the EIA | Sally Dunn – Head of Finance (Schools & Early Years) Catriona Lowin - Accountant (Schools and Early Years) |
| How will you pay due regard? e.g. working group, individual officer | The proposal has been subject to a school wide consultation process from 18 th October ending 7 th November 2019 and updated during and following the consultation responses. The item was discussed at the North Yorkshire School Forum meeting on 13 th November. |
| When did the due regard process start? | In setting School Funding in 2019/20, due regard was given to the recognition of the increased budget pressures in High Needs for children meeting these needs as part of their educational provision. As a result the Secretary of |

| | |
|--|--|
| | <p>State gave permission to transfer 1% (£3.39m) of the Schools Block funding to support High Needs.</p> <p>This EIA considers the same issue in respect of 2020-21 School and High Needs Funding.</p> |
|--|--|

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The EIA considers the need to change how we use the Council's DSG (Dedicated School Grant) and specifically the funding blocks for High Needs and Schools Block

In 2019/20, the DfE acknowledged the increasing pressures related to High Needs budgets faced nationally and allowed LAs, with the permission of their School Forums to use up to 0.5% of the Schools Block funding to support High Needs, plus they allocated additional funding to all local authorities. However, with significant budget pressures of £6.8m, in 2019-20, North Yorkshire successfully applied for a disapplication request to the Secretary of State for Education to transfer 1% of the Schools Block to the High Needs Block in recognition of this financial pressure.

For 2020/21, the DfE is continuing to allow the transfer of up to 0.5% of the School Block funding to the High Needs Block. The approval of the Schools Forum is required for this transfer and the views of local schools and academies will need to be considered in determining this decision. Any proposal to transfer more than 0.5%, or transfers of 0.5% where Schools Forum approval has not been given require the approval of the Secretary of State.

Given the demand for High Needs Services for children & young people (0-25) and the resulting financial pressures in North Yorkshire (see 2.) transfers of 0%, 0.5% and 1% are considered from the School Block to High Needs Block for 2020/21.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The proposal seeks to meet the increasing demand for High Needs Services through a transfer in 2020/21 of up to 1% of the School Block funding to the High Needs budget for North Yorkshire County Council – up to approx. £3.52m to assist in meeting the increasing demands and financial pressures of High Needs.

For 2019/20, the Council received an overall funding allocation of £49.55m for High Needs, with an underlying pressure of £8.0m. Future demand predictions indicate that based on current trends the underlying financial pressure of £8.0m will increase in 2020-21.

This is evidenced by the following increase in activity:

- A significant increase in the number of children receiving SEN Support with a 16% increase in Primary School pupils and a 23% increase Secondary School pupils between January 2016 and January 2019
- Numbers of children with Education Health and Care Plans (EHCP) increasing by 68% between 2014/15 and 2018/19 (financial years)

The purpose of making this transfer to the High Needs Block is to provide funding towards the financial pressures. The Council's five year Strategic Plan for SEND (Education Provision 0-25) 2018-23, identifies the re-shaping of the High Needs Budget as one of the three core areas of the Council's Plan. A number of developments have been implemented in 2019/20 to address the unsustainable overspend position on the High Needs budget. These developments include:

- The replacement of the CAN-DO Resource Allocation System with a Banded System

- Moving to study programmes of 600 planned hours per academic year for post-16 study for young people with EHCPs.
- The transformation of Pupil Referral Services (PRS) and Alternative Provision establishments with a reduced funding allocation.

Further progress on the Strategic Plan will include:

- Consulting on implementing a medical tuition model;
- Development of targeted in-reach provision within mainstream schools;
- Implementation of the free Special School in Selby

However, this is not sufficient to address the underlying projected overspend and further measures will be considered in order for future financial sustainability to be achieved for the High Needs budget

Section 3. What will change? What will be different for customers and/or staff?

The impact of the proposal will be to reduce the overall quantum of funding remaining in the Schools Block and allow for a corresponding increase in the overall funding available in the High Needs Block, dependent that is upon the preferred percentage that emerges from the consultation, the views of the School Forum and the decision taken by the Council. The funding will remain ring-fenced to the overall Dedicated Schools Grant.

The shift of funding from one block to another will have an impact on children and young people including those with protected characteristics (e.g. targeting of resources for children with SEND) in both the donor and recipient blocks. The Council's SEND Strategy sets out these details in terms of ensuring a continuum of SEND education across the County for children and young people aged 0-25.

From an individual school perspective, the benefits of this shift will be dependent upon the cohort and characteristics of the children in the schools. As each school will make a contribution to the transfer of funds but certain schools may benefit more than others in terms of their funding requirements from the High Needs Block.

The impact on individual schools may also vary in relation to the proposed level of the Minimum Funding Guarantee (MFG) to be implemented in 2020/21.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The DfE released their 2020/21 funding announcement and the associated detailed funding information required to model funding formula options for the next financial year on the 11th October 2019; this is later than usual. This has resulted in a much shorter timescale being available to consult on local school funding developments than would normally be the case; the DfE have acknowledged this position.

In order to report the results of the consultation to the meeting of the North Yorkshire Schools Forum on the 13th November 2019 and to meet the DfE deadline of the 28th November 2019 for the submission of any formula disapplication requests, the consultation period is 18th October 2019 – 7th November 2019 - just under 3 weeks and it has been necessary to run the consultation over the half term holiday period.

The consultation document was sent to all schools and academies (see link) inviting responses to be returned to the LA by 7th November. The responses and results from the consultation exercise will be presented at the Schools Forum on 13th November 2019. This EIA was updated during

and following the consultation responses. Schools will be notified of the outcome of this process before the end of November.

Link:

<https://r1.dmtrk.net/4BPJ-OPXA-022EF6J396/cr.aspx>

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

The specific proposal in the EIA is cost neutral as the overall quantum stays the same; rather there is a movement of funding from one block to another. This EIA does refer to the pressures in the High Needs Budget and the Council's SEND Strategy identifies actions that will enable the Council to operate within its available funding

| Section 6. How will this proposal affect people with protected characteristics? | No impact | Make things better | Make things worse | Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc. |
|--|------------------|---------------------------|--------------------------|---|
| Age | ✓ | | | There are almost 161,000 children and young people aged 0-25 in North Yorkshire. The proposal to move funds from the Schools Block to High Needs Block within the Dedicated Schools Grant (DSG) will mean that the funding quantum will continue to be for the benefit of children and young people. No other age bands will be affected. |
| Disability | | ✓ | | 10.9% of the school population in North Yorkshire is at SEN Support and 2.5% of the school population have Education Health and Care Plans (EHCPs). There are currently 1100 more children with EHCPs funded by North Yorkshire than at the beginning of 2016. By transferring funding from the Schools Block in 2020/21, interim funding will ensure appropriate needs are met and children with these characteristics are less disadvantaged receiving the universal, targeted or specialist educational support they need. |
| Sex | | ✓ | ✓ | The SEND population of young people in North Yorkshire with an EHCP is higher among boys, (61%), so proportionally there may be a greater benefit from these proposals for boys than girls but this will be in line with assessed need. |
| Race | ✓ | | | It is anticipated there would be no identifiable impact as a result of this proposal for this characteristic |

| | | | | |
|-------------------------------|---|--|--|--|
| Gender reassignment | ✓ | | | It is anticipated there would be no identifiable impact as a result of this proposal for this characteristic |
| Sexual orientation | ✓ | | | It is anticipated there would be no identifiable impact as a result of this proposal for this characteristic |
| Religion or belief | ✓ | | | It is anticipated there would be no identifiable impact as a result of this proposal for this characteristic |
| Pregnancy or maternity | ✓ | | | It is anticipated there would be no identifiable impact as a result of this proposal for this characteristic |
| Marriage or civil partnership | ✓ | | | It is anticipated there would be no identifiable impact as a result of this proposal for this characteristic |

| Section 7. How will this proposal affect people who... | No impact | Make things better | Make things worse | Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc. |
|---|------------------|---------------------------|--------------------------|--|
| ..live in a rural area? | ✓ | | | It is anticipated there would be no identifiable impact as a result of this proposal for this characteristic |
| ...have a low income? | ✓ | | | No data available at time of writing to show there is a greater impact on those children with SEND and families with low incomes |
| ...are carers (unpaid family or friend)? | ✓ | | | It is anticipated there would be no identifiable impact as a result of this proposal for this characteristic |

| Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply) | |
|--|---|
| North Yorkshire wide | ✓ |
| Craven district | |
| Hambleton district | |
| Harrogate district | |
| Richmondshire district | |
| Ryedale district | |
| Scarborough district | |
| Selby district | |
| If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below. | |
| | |

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

None identified other than a potential positive impact for boys with SEND by targeting DSG funding in this way.

| Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us) | Tick option chosen |
|---|---------------------------|
| 1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified. | ✓ |
| 2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people. | |
| 3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services) | |
| 4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped. | |
| <p>Explanation of why option has been chosen. (Include any advice given by Legal Services.)</p> <p>No significant adverse impacts have been identified from the EIA affecting one or more protected characteristic.</p> <p>The proposal does not recommend a reduction to the level of funding for children and young people rather it seeks to target that available to the area of High Needs identified as an area of growing demand, The EIA identifies that the Council has a Strategy in place to re-shape High Needs Budgets (parts of which are to receive a separate EIA) and that this funding in 2020/21 will provide interim financial support to protect those children with special educational needs and disabilities.</p> <p>The consultation with schools concluded on the 7th November. This EIA was updated during and following the consultation responses.</p> | |

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

In addition to the regular monitoring and reporting of finances to the School Forum, the Strategic SEND Plan sets out a comprehensive countywide North Yorkshire Inclusion Partnership model which will make sure there is a strategic vision across North Yorkshire.

The membership will include as well as LA senior officers both senior representatives from education providers across the 0-25 age range and parents/carers. The new model will include local area groups and panels to ensure the efficient and fair use of financial resources

| Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics. | | | | |
|--|---|--------------------------------|-----------------|--|
| Action | Lead | By when | Progress | Monitoring arrangements |
| 1. To undertake a formal consultation with schools | Howard Emmett – Asst. Director | 7 th November 2019 | Completed | School Forum |
| 2. To report outcomes to School Forum | Howard Emmett – Asst. Director | 13 th November 2019 | Completed | School Forum |
| 3. To seek Corporate Director approval for a disapplication request | Howard Emmett – Asst. Director | 26 th November 2019 | Completed | Corporate Director – Children & Young People's Service |
| 4. Pending outcome from 1.& 2. write to DfE for a disapplication request | Sally Dunn Head of Schools & Early Years | 28 th November 2019 | Completed | Assistant Director – Strategic Resources |
| 5. Review via North Yorkshire Inclusion Governance Groups | | | | |

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The Equality Impact Assessment has assessed the impact of the proposal namely:

- To change how we use the Council's DSG (Dedicated Schools Grant) and specifically the funding blocks for High Needs and Schools Block
- To consider transfers of 0%, 0.5% and 1% from the School Block to High Needs Block for 2020/21.
- To hold consultation with all schools and academies in North Yorkshire over these proposals
- To report findings, conclusions and recommendations to the School Forum

At this stage of the EIA there is no evidence to suggest that the proposal made will significantly disadvantage one or more protected characteristics rather it will assist in supporting targeted funding to children with SEND.

The EIA was presented to the meeting of the Schools Forum on the 13th November 2019. No comments were received on the EIA.

Section 14. Sign off section

This full EIA was completed by:

Name: Catriona Lowin

Job title: Accountant

Directorate: Central Services

Signature:

Completion date: 3 January 2020

Authorised by relevant Assistant Director (signature):

Howard Emmett

Date: 3 January 2020

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North Yorkshire County Council

Executive

14 January 2020

Appointments to Committees and Other Bodies

1.0 Purpose of the Report

- 1.1 To enable any appointments to Committees or major outside bodies to be considered.

2.0 North Yorkshire Health & Wellbeing Board

- 2.1 Siobhan McArdle, formerly Chief Executive of South Tees NHS Foundation Trust, had been the representative of Acute and Community Hospitals on the Board. Following her recent resignation, the organisations concerned have nominated Steve Russell, Chief Executive of Harrogate and District NHS Foundation Trust, as their representative. The Executive is asked to approve this nomination.
- 2.2 The Executive is asked to approve the nomination of Fiona Bell-Morrith, Lead Officer, Primary Care, as the nominated substitute for Phil Mettam, Accountable Officer, Vale of York CCG.
- 2.3 The Executive is asked to approve the nomination of Wendy Balmain, Director of Strategy and Integration, as the nominated substitute for Amanda Bloor, Accountable Officer, North Yorkshire CCGs.

3.0 Recommendations

- 3.1 That the Executive approve the following appointments with regard to the North Yorkshire Health and Wellbeing Board
- a) Steve Russell, Chief Executive of Harrogate and District NHS Foundation Trust as the representative of Acute and Community Hospitals.
 - b) Fiona Bell-Morrith, Lead Officer, Primary Care, as the nominated substitute for Phil Mettam, Accountable Officer, Vale of York CCG.
 - c) Wendy Balmain, Director of Strategy and Integration, as the nominated substitute of Amanda Bloor, Accountable Officer for the North Yorkshire CCGs.

Barry Khan
 Assistant Chief Executive (Legal and Democratic Services)
 County Hall, Northallerton
 17 December 2019

Report Author: Daniel Harry

Background documents: None

Appendices: None

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FORWARD PLAN

The decisions likely to be taken by North Yorkshire County Council in the following 12 months are set out below:

Publication Date: 23 December 2019

Last updated: 2 January 2020

Period covered by Plan: up to 31 December 2020

PLEASE NOTE:-

In accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012, at least **28 clear days' notice**, excluding the day of notification and the day of decision taking, must be published on the Forward Plan of any intended key decision. It is also a requirement that **28 clear days' notice** is published of the intention to hold a Executive meeting or any part of it in private for the consideration of confidential or exempt information. For further information and advice please contact the Democratic Services and Scrutiny Manager on 01609 533531.

| FUTURE DECISIONS | | | | | | | | |
|-------------------------|--|--|----------------------------|--|---|---|--|---|
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| THE EXECUTIVE | | | | | | | | |
| Standing Item | Executive | TRO's | Yes in most instances | Introduction of Traffic Regulation Orders | Executive Members, local Members, public | Statutory consultation | In writing to the Corporate Director Business and Environmental Services | |
| Standing Item | Executive | Area Constituency Committee Feedback | | As required, but usually for noting | N/A | N/A | N/A | N/A |
| Standing Item | Executive | Appointments to Outside Bodies and/or recommendations to Council re Committee appointments | | Approval of appointments to Outside Bodies and/or making of recommendations to Council re Committee appointments | N/A | N/A | N/A | N/A |
| Standing Item | Executive | Potential purchase of land for investment purposes This item will contain exempt information. | Yes | Following the Executive decision of 15 August 2017 the Executive have agreed an investment strategy of purchasing land of up to £5m where it would provide a suitable return on investment. These opportunities have a | Internal. | None. | Gary Fielding, Corporate Director - Strategic Resources | Once a relevant opportunity is identified the relevant reports will be drafted & circulated to the Executive. |

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| | | | | quick turnaround time therefore a standard item is included on the Forward Plan to give notice that such a decision may be requested by the Executive. | | | | |
| TBC | Executive | Recommissioning of the Universal and Mandated Healthy Child Programme - Health Visiting and School Nursing Services | YES | Approval and authorisation of the use of Section 75 Agreement to deliver the Healthy Child Programme as part of an integrated 0-19 service | Public and interested parties | Online 4 week consultation period via the Council's website | Victoria Ononeze 01609 797045 Emma Lonsdale 01609 535770 | Executive 13 August 2019 |
| TBC | Executive | To consider a proposal to formalise the relationship between NYCC and Brierley Homes Limited in relation to selling sites for development and to set out an initial list of sites that are to be considered. | Yes | Whether or not to enter into a promotion and option agreement with Brierley Homes Limited in relation to several sites owned by NYCC. | None | None | | None |

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| | | The final report may contain information of a commercially sensitive nature and so the whole or part of the report may need to be exempt. | | | | | | |
| 14 January 2020 | Executive | Consideration of proposed amendments to the Council's Constitution. | YES | Subject to any comments Members may have, to recommend the proposed amendments to the Constitution to full Council for approval. | Relevant NYCC Officers and Members The Members' Working Group on the Constitution | Correspondence and meetings | Daniel Harry, Democratic Services and Scrutiny Manager | |
| 14 January 2020 | Executive | Extra care housing in Bedale – outcome of procurement and consideration of scheme proposal. THE APPENDICES TO THE REPORT ARE EXEMPT FROM PUBLICATION | Yes | Approval of funding required from the Council to support the development of an extra care housing scheme in Bedale. | People in receipt of any services that may be affected, relatives and staff. | A 12 week consultation would be carried out with consultees at the point where planning permission for the extra care scheme is obtained. Following completion the results of the consultation will be presented back to | Dale Owens, Assistant Director, Care and Support | 19 August 2014: NYCC ECH and Regeneration Programme Executive Report 17 March 2015: Care and Support Where I Live |

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| | | AS THEY CONTAIN INFORMATION RELATING TO THE BUSINESS AFFAIRS OF A POTENTIAL CONTRATOR OF THE TYPE DEFINED IN PARAGRAPH 3 OF PART 1 OF SCHEDULE 12A LOCAL GOVERNMENT ACT 1972 (AS AMENDED) | | | | Executive for consideration | | Executive Report |
| 14 January 2020 | Executive | Schools Budgets | YES | To approve final details of the Schools Block/DSG budgets for 2020/21 for submission to the Department for Education including Minimum Funding Guarantee (MFG), gains cap and whether to apply any Block Transfer | All schools and Governing Bodies, North Yorkshire Education Partnership | Consultation with all mainstream schools and mainstream academies and discussion at North Yorkshire Schools Forum | In writing to Howard Emmett, Assistant Director, Strategic Resources (email to howard.emmett@northyorks.gov.uk) | |

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| 14 January 2020 | Executive | Consideration of a proposed draft Parental Leave Policy for County Councillors | NO | Recommendation by the Executive to County Council at their meeting of 19 February 2020 | Member Working Group on the Constitution, Member Workforce Planning Group, Independent Remuneration Panel | Consultation has taken place at the meetings of these groups on 29 March 2019, 4 September 2019 and 29 November 2019 respectively | Daniel Harry, Democratic Services and Scrutiny Manager | None |
| 4 February 2020 | Executive | To consider and recommend to County Council the Revenue Budget 2020/21 and the Medium Term Financial Strategy (MTFS). Also to consider: <ul style="list-style-type: none"> • Revenue Plan • Capital Plan • Treasury Management • Prudential Indicators | | Approval of the Revenue Budget/MTFS | Proposals will be subject to the appropriate consultation process | Budget Consultation Process | Gary Fielding, Corporate Director - Strategic Resources | County Council consideration of Budget savings proposals |
| 4 February 2020 | Executive | Council Plan 2020 - 2024 | Yes | To consider draft Council Plan 2020 - 2024 | Corporate and Partnerships Overview and Scrutiny Committee | Meetings | Assistant Director, Policy and Partnerships | None |

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| | | | | | Management Board | | | |
| 4 February 2020 | Executive | Admission Arrangements 2021/2022 | Yes | To seek views from members on the response to the proposed admission arrangements for Community and Voluntary Controlled schools for the school year 2021/2022 and approval for recommendation to the County Council for determination. | Public consultation | Public consultation via the website | William Burchill via email: William.burchill@northyorks.gov.uk | |
| 18 February 2020 | Executive (Performance Monitoring) | Q3 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> • Revenue Plan • Capital Plan • Treasury Management • Prudential Indicators | | | Management Board | | Corporate Director - Strategic Resources | Previous quarterly reports |
| 18 February 2020 | Executive | Annual Report of the Looked After | No | To approve the Annual Report of the Chair of the LAC Group | LAC Members Group | LAC group meeting on 17 October 2019 | Via Cllr Annabel Wilkinson, Chair of LAC Members | Young Peoples Overview |

| FUTURE DECISIONS | | | | | | | | |
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| | | Children Members Group | | | | | Group & Principal Scrutiny Officer – Ray Busby | and Scrutiny Committee meeting 6 Dec 2019 |
| 10 March 2020 | Executive | Review of Extra Care provision The report will contain exempt information | Yes | Decision to agree to commence a consultation on extra care provision. | Employees and existing providers of Extra Care Provision | Online and face to face engagement and consultation | Michael Rudd Michael.rudd@northyorks.gov.uk | N/A |
| 24 March 2020 | Executive No items identified yet | | | | | | | |
| 21 April 2020 | Executive | Revised Library Strategy | | To consider and recommend to County Council a revised library strategy | Community libraries and internal stakeholders | Consultation document | Assistant Director, Policy, Partnerships and Communities | None |
| 21 April 2020 | Executive | A59 Kex Gill Diversion contract award Includes commercially sensitive information | YES | To inform members of the outcome of the tendering process and seek approval to award the contract subject to full funding approval from DfT. | Not applicable | Not applicable | Email Kenneth.moody@northyorks.gov.uk | |
| 19 May 2020 | Executive (Performance Monitoring) | Q4 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> Revenue Plan | | | Management Board | | Corporate Director - Strategic Resources | Previous quarterly reports |

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| | | <ul style="list-style-type: none"> Capital Plan Treasury Management Prudential Indicators | | | | | | |
| 9 June, 23 June and 7 July 2020 | Executive No items identified yet | | | | | | | |
| 18 August 2020 | Executive (Performance Monitoring) | Q1 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> Revenue Plan Capital Plan Treasury Management Prudential Indicators | | | Management Board | | Corporate Director - Strategic Resources | Previous quarterly reports |
| 1 September 22 September and 13 October 2020 | Executive No items identified yet | | | | | | | |
| 24 November 2020 | Executive (Performance Monitoring) | Q2 Performance Monitoring and | | | Management Board | | Corporate Director - | Previous quarterly reports |

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| | | Budget report including: <ul style="list-style-type: none"> • Revenue Plan • Capital Plan • Treasury Management • Prudential Indicators | | | | | Strategic Resources | |
| 8 December 2020 | Executive No items identified yet | | | | | | | |

Should you wish to make representation as to the matter being discussed in public please contact Daniel Harry
Email: (daniel.harry@northyorks.gov.uk) Tel: 01609 533531.

NORTH YORKSHIRE COUNTY COUNCIL

EXECUTIVE
14th January 2020

EXTRA CARE DELIVERY IN BEDALE

Appendix A and B of this report contains information of the type defined in paragraph 3 of Part 1 of Schedule 12A Local Government Act 1972 (as amended).

Report of the Corporate Director – Health and Adult Services

1.0 PURPOSE OF REPORT

- 1.1 This report seeks to gain approval to award the funding required from the Council to support the development of a new extra care housing scheme in Bedale.

2.0 EXECUTIVE SUMMARY

- 2.1 The Council has undertaken a procurement through its Extra Care Housing Framework to seek an extra care housing scheme in Bedale.
- 2.2 Tender submissions were received in April 2018, the evaluation of this submission was completed in July 2018. This report details the process adopted, provides details of the proposed scheme to be taken forward and outlines the next steps required in order to deliver a successful extra care scheme in Bedale.
- 2.3 This is a significant achievement in ensuring that we adhere to a robust procurement process that ensures we achieve value for money in the delivery of extra care developments across the county in line with the Care and Support Where I Live Strategy.

3.0 BACKGROUND AND PROPOSALS

- 3.1 The Council established a Framework of providers to develop extra care across the county in September 2015. The purpose of the Framework was to ensure that the Council adopted an open, robust and transparent approach to delivering extra care housing whilst also meeting legislative requirements in relation to state aid and procurement.
- 3.2 The Council sought expressions of interest from the six extra care Framework providers for the delivery and operation of an extra care scheme in Bedale on the 15 December 2017.
- 3.3 A specification of requirement was drawn up and agreed by the Extra Care Programme Board. The Council conducted a mini competition under the Extra Care

Framework on the 17 January 2018 with a submission deadline set for the 11 April 2018. An additional expression of interest stage was completed to reflect the request for grant funding from NYCC in October 2019.

- 3.4 The first stage evaluation consisted of a desktop scoring phase for the submitted documents which included plans, responses to a questionnaire and artists impressions of the scheme to be developed along with an in depth financial appraisal of the development. The second stage consisted of presentations to an interview panel in response to two questions issued. Scores were awarded throughout each element of the process and weighted in favour of 60% quality and 40% cost.
- 3.5 Work has been undertaken to ensure that any submission as part of the Framework can be delivered in the context of meeting need, value for money and ability to deliver. Following completion of the tender evaluation and clarification on certain aspects of the submission we are confident that the submission presented meets the requirements set out by the Council for the delivery of the scheme in Bedale. An assessment of the Provider's financial viability was undertaken as part of the tender evaluation and the outcome was that the successful provider for the proposed scheme is financially suitable to carry out the requirements of the contract. The successful bidder for the scheme in Bedale is Galliford Try in partnership with Broadacres Housing Association.
- 3.6 In summary the submitted scheme will deliver the following:

Bedale

- A site brought forward for development by provider;
 - A scheme of 59 units, broken down as follows;
 - 59 affordable rent units – 6 Open plan, 16 x 1 bed and 37 x 2 bed;
 - The scheme proposals include a cluster of 6 studio apartments and 16 x 1 bed apartments with their own small communal lounge/dining area, quiet lounge and secure garden on the ground floor. Whilst specifically designed to support people living with more complex needs such as dementia, this area will be fully integrated into the scheme and operated in a similar manner to the Broadacres Housing Association Scheme at Kirkwood Hall in Leyburn;
 - NYCC will have rights to nominate tenants to 15 of the affordable rental apartments at first let;
 - At practical completion Galliford Try Partnerships will hand over ownership of the building to Broadacres Housing Association who will manage scheme operation and service delivery.
- 3.7 The Council would like to enable the provision of intermediate care, through development of intermediate care units as part of the schemes. This could involve the Council exploring the potential to lease/licence accommodation within these schemes.

4.0 PERFORMANCE IMPLICATIONS

- 4.1 The development of the proposed extra care scheme will provide new high quality accommodation with care and support in Bedale. This will support the Council's ambition, as set out in the Care and Support Where I Live Strategy, to allow people to remain safe and independent in their own homes.
- 4.2 The extra care scheme when built will be owned and managed by Broadacres Housing Association. They will manage scheme operation and service delivery as above but have indicated that they would like to extend the current partnership it has with the Council in relation to care provision for this scheme. The Council will need to work with the provider to consider and agree the best value care provision arrangements for the scheme.
- 4.4 Partnership working arrangements will need to be established with the Council and scheme operation and service delivery monitored in accordance with the contract requirements and conditions.
- 4.5 The scheme will be subject to a Section 106 agreement with Hambleton district Council ensuring that priority access to the scheme is given to local residents or those with an existing local connection.
- 4.6 The Council has the potential to achieve a total of £175k per annum savings for the Health and Adult Services savings profile if, following consultation, a decision is made to replace Benhill Lodge Elderly Persons' Home via this extra care development.

5.0 POLICY IMPLICATIONS

- 5.1 This proposal meets with the requirements to develop extra care housing which where practicable will replace local authority operated residential care provision as set out in the Care and Support Where I Live Strategy.

6.0 FINANCIAL IMPLICATIONS

- 6.1 Confidential Item – see Appendix A of this report.

7.0 LEGAL IMPLICATIONS

- 7.1 A full procurement process has been undertaken in relation to this exercise. Whilst this did not expressly include provision for intermediate care units it is recognised that there was potential for the Council to enable access to intermediate care units.
- 7.2 The provision of intermediate care units could involve exploring potential for the Council to licence/lease accommodation within these schemes which would be subject to the Council's Property Procedure Rules. This is not considered to be grant funding, and any provision of funding for intermediate care units will be subject to the Council obtaining value for money. Therefore, it is unlikely that the provision of intermediate care units would constitute unlawful state aid. For this option to be pursued delegation is sought to the Corporate Director Strategic Resources to negotiate appropriate legal arrangements with the providers, and the legal implications of this option will be considered further at this stage.

8.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 8.1 A process of engagement was undertaken with stakeholders and residents in the Bedale locality, see Appendix B, prior to the procurement of a scheme and the feedback from this helped shape the specification that was issued as part of the tender process. As a result of this feedback, the plans for the scheme were amended and the general massing reduced. A 2nd community consultation event was held in September 2019 prior to submission of planning application. The scheme was presented originally to executive on 4th September 2018. At this point no funding was requested from the County Council, however, due to amendment in the scheme design to alleviate community and planning concerns, this has increased the overall cost of the development and grant funding is now required to make the scheme viable.
- 8.2 Planning consultation about the proposed scheme will be undertaken by the provider as per the requirements of the planning legislation for the area.
- 8.3 The Care and Support Where I Live Strategy says that we will carry out formal consultation with residents, people using services, relatives and staff in an elderly person's home at the point where an extra care housing opportunity is available. Subject to approval by Executive it is proposed we undertake a consultation at Benkhill Lodge Elderly Persons' Home for this opportunity. The process will be to undertake a 12-week consultation at the point that planning permission is granted for this extra care development. Once completed the results of the consultation will be presented back to Executive pending a formal decision on replacement.

9.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 9.1 The development of extra care has been proven to improve the 'community offer' and also provide accommodation that allows people to live in the scheme with significant health and social care needs. This reduces demand on statutory social care and health services and provides residents with choice and control on how they live independently.

10.0 RISK MANAGEMENT IMPLICATIONS

- 10.1 Significant risks for the development are as follows:

- Planning permission is not granted for the development on the proposed site – the provider for the scheme has had preliminary discussions with planners to discuss key planning principles and requirements for development on the site. The planning application has been submitted, Galiford Try are currently awaiting the outcome of that planning application.
- Delays to the delivery programme – the provider is required to provide the Council with a Programme of Works and a Partnership Project Steering Group will be established to monitor scheme delivery utilising a project management approach. As per specification, a start on site must be achieved by April 2020.
- Homes England grant money has already been awarded for the scheme, however the provider has indicated that they are in further discussions with Homes England for additional funding, due to design changes to the scheme.

11.0 HUMAN RESOURCES IMPLICATIONS

11.1 TUPE issues for existing staff currently working in Benkhill Lodge Elderly Persons' Home may apply dependent on the outcome of the consultation detailed in paragraph 8.3 and further advice and guidance will be sought from the legal teams as appropriate.

12.0 EQUALITIES IMPLICATIONS

12.1 An Equalities Impact Assessment on the Care and Support Where I Live strategy has been completed and is in place which includes the provision of extra care housing.

13.0 ENVIRONMENTAL IMPACTS/BENEFITS

13.1 All new build developments such as extra care are built to lifetime homes standards and have increased levels of insulation and energy efficiency reducing the carbon footprint and in turn energy costs to residents. The provider operates an Environmental Policy with a commitment to implementing enhanced standards of sustainability across the entirety of their working operations.

14.0 COMMUNITY SAFETY IMPLICATIONS

14.1 The developers are part of the Considerate Constructors build scheme which is a code of practice that focuses on site safety during the build stage of the project. The scheme will incorporate Secured by Design principles.

15.0 REASONS FOR RECOMMENDATIONS

15.1 The opportunity presented for extra care development in Bedale provides exciting investment projects for the town.

15.2 The development will provide excellent housing with care offers and enable the people of Bedale to remain independent and living in their own property within the community for generations to come.

15.3 The proposal is in line with the Council's objectives and ambitions that are set out in the Care and Support Where I Live Strategy – e.g. to roll out more extra care schemes and provides an opportunity for Elderly Persons' Home replacement where practicable and subject to consultation.

15.4 The proposal has been assessed in terms of financial viability and offers value for money in comparison to other extra care developments.

16.0 RECOMMENDATIONS

16.1 The Executive is recommended to approve the level of funding as detailed in Appendix A of this report.

16.2 If the need for intermediate care units is required, the Executive is recommended to delegate the negotiation of the appropriate legal arrangements to the Corporate Director for Strategic Resources, in consultation with the Assistant Chief Executive (Legal and Democratic Services).

Richard Webb
Corporate Director – Health and Adult Services
COUNTY HALL
NORTHALLERTON

Report Author – Dale Owens Assistant Director – Health and Adult Services
Presenter of report – Richard Webb Corporate Director – Health and Adult Services

Confidential Appendices:

Appendix A – Financial Implications
Appendix B – Consultation Feedback & Developer Response etc