

Meeting Executive

Venue: Meeting Room 3, County Hall, Northallerton DL7 8AD

- 2) To approve the publication of the required statutory notices notifying of the variation approved in recommendation 14.1 above.

6. Tour of Britain 2026 and 2027

(Pages 37 - 50)

Recommendations

That the Executive

- 1) Approves the allocation of £200,000 (£100,000 per year over two years) funding from the Strategic Capacity Reserve for operational costs associated with the delivery of the Tour of Britain Cycling Race in 2026 and 2027.
- 2) Delegates responsibility to the Corporate Director Environment to manage a contingency fund of £25K in each of 2026 and 2027 to support event delivery if the existing annual budget is exceeded.
- 3) Delegate responsibility to the Corporate Director Environment to agree the race routes with British Cycling for the 2026 and 2027 Tour of Britain Cycling Races

7. Introduction of a Civil Financial Penalty Policy aligned with Renters' Rights Act

(Pages 51 - 102)

Recommendations

- 1) Adopt the Housing Civil Financial Penalty Policy
- 2) It is also recommended that authority be delegated to the Assistant Director of Housing, in consultation with the Executive Member for Culture, Arts and Housing to make minor amendments to the Housing Civil Financial Penalty Policy as required, including updates necessary to ensure ongoing alignment with nationally updated model policies.
- 3) Confirm the delegation of the Council's statutory duties, functions, responsibilities and enforcement powers under the Renters' Rights Act 2025 to the Corporate Director of Community Development, to ensure the Council can lawfully, consistently, and effectively discharge its statutory enforcement duties, including the issue of civil (financial) penalties under the new legislative regime.

8. Introduction of a new Enforcement Policy aligned with Renters' Rights Act

(Pages 103 - 136)

Recommendations

- 1) Adopt the proposed Housing Authority Enforcement Policy.
- 2) Delegate authority to the Assistant Director of Housing, in consultation with the Executive Member for Culture, Arts and Housing to make minor amendments to the Housing Enforcement Policy as required, including updates necessary to ensure ongoing alignment with nationally updated model policies.
- 3) Confirm the delegation of the Council's statutory duties, functions, responsibilities and enforcement powers under the Renters' Rights Act 2025 to the Corporate Director of Community Development, to ensure the Council can lawfully, consistently, and effectively discharge its statutory enforcement duties, including the issue of civil (financial) penalties under the new legislative regime.

9. Targeted Healthy Child Service Section 75 agreement - planning and delivering Community based emotional wellbeing support for Children and Young People (Pages 137 - 156)

Recommendations

- 1) Support the preferred option to establish a new Section 75 agreement between North Yorkshire Council and NHS Humber and North Yorkshire Integrated Care Board for the joint planning and delivery of community-based emotional wellbeing support for children and young people.
- 2) Approve progressing to a formal 60-day public consultation on the proposed new Section 75 agreement.
- 3) Agree that, subject to the outcome of the consultation, Executive delegate final sign-off the new Section 75 agreement to the Executive Director of Children and Young People Services in consultation with Children and Young People Service Executive Members.

10. Regional Care Cooperative (Pages 157 - 170)

Recommendations

That, subject to any comments Members may have, the Executive:

- i. except as set out below, delegates all functions in relation to the progression of work to establish a Regional Care Cooperative to the Corporate Director Children and Young People's Service, in consultation with the Executive Member for Children and Families, following review of recommendations with other Directors of Children and Social Care across the region;
- ii. agrees that the decision to submit an Expression Of Interest to test a Regional Care Cooperative be taken by the Corporate Director of Resources (or their sub-delegated officer), if they deem it appropriate, in consultation with the Executive Member for Finance, Executive Member for Children and Families, and the Corporate Director for Children and Young People's Service, following review of recommendations with other Directors of Children and Social Care across the region;
- iii. agrees that the decision to join the White Rose Framework (to support a decision to submit an Expression of Interest to test a Regional Care Cooperative should be that the outcome of regional discussions) be taken by the Corporate Director for Children and Young People, in consultation with the Corporate Director Resources and the Monitoring Officer.

11. Amendments to the Council's Constitution (Pages 171 - 344)

Recommendations

That, subject to any comments Members may have, the following proposed amendments to the Constitution are recommended by the Executive to full Council for approval:

- (a) The management of amendments at meetings of full Council, as referenced in section 4.0 of, and Appendix A to, this report;
- (b) The process for the cancelling or postponing of a committee meeting at a time after the summons for the meeting has been issued, as referenced in section 5.0

of, and Appendix A to, this report;

- (c) The Terms of Reference for the Chief Officers Appointments and Disciplinary Committee and Sub-Committee and the Staff Employment Procedure Rules and clarification of the process for approving Chief Officer appointments, as referenced in section 6.0 of, and Appendix B to, this report;
- (d) The removal of the reference to the Local Transport Plan in the Policy Framework in Article 4 of the Constitution, as detailed at section 7.0 of the report;
- (e) The Terms of Reference for the Audit Committee and Pension Board, as detailed at section 8.0 of the report and at Appendix 1;
- (f) The Procurement and Contract Procedure Rules (PCPR) and the: 1) Procurement Financial Thresholds; 2) the Key Decision Limit; and 3) the Grant Application and Acceptance Process., as detailed at section 9.0 of the report and at Appendices 2 to 7.

12. Area Committee Feedback Report (Pages 345 - 350)
Recommendation

That the Executive notes the report and considers any matters arising from the work of the six Area Committees, that merits further scrutiny, review or investigation at a county-level.

13. Appointments to Committees and Outside Bodies (Pages 351 - 352)
Recommendation

That the Executive appoints to Groundwork Yorkshire LTD and Groundwork North Yorkshire LTD, as stated at paragraph 2.3.

14. Forward Plan (Pages 353 - 372)

15. Any Other Items

Any other items which the Leader agrees should be considered as a matter of urgency because of special circumstances

16. Date of Next Meeting - 26 May 2026 (Performance Monitoring)

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. You may be interested in [subscribing to updates](#) about this or any other North Yorkshire Council committee.

Recording is allowed at 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. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

Anyone wishing to record is asked to contact the Democratic Services Officer (details below) prior to the start of the meeting.

Contact Details

For enquiries relating to this agenda and meeting please contact:

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Barry Khan

Assistant Chief Executive Legal and Democratic Services

County Hall

Northallerton

Friday 1 May 2026

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North Yorkshire Council

Executive

Minutes of the meeting held on Tuesday 21 April 2026 commencing at 11.00 am.

Councillor Carl Les in the Chair. Councillors Mark Crane, Gareth Dadd, Richard Foster, Michael Harrison, Simon Myers, Heather Phillips, Janet Sanderson, Malcolm Taylor and Annabel Wilkinson.

In attendance: Councillors Lindsay Burr (R), Melanie Davis (R), Keane Duncan, Paul Haslam (R), Janet Jefferson (R), David Staveley (R) and Andrew Williams.

Officers present: Richard Flinton, Karl Battersby, Gary Fielding, Nic Harne, Abigal Barron, Barry Khan, Daniel Harry, Elizabeth Jackson, Rachel Joyce, Howard Emmett, Nigel Smith, Barrie Mason, Sarah Ridley, Michael Leah, Paul Jeeves, Mike Rudd, Hannah Brown, Margaret Wallace (R), Hazel Smith (R), Will Boardman (R), Harry Briggs (R), Andrew Whelan (R) and John Burroughs (R).

Copies of all documents considered are in the Minute Book

882 Apologies for Absence

There were no apologies for absence.

883 Minutes of the Meeting held on 31 March 2026

Resolved

That the public Minutes of the meeting held on 31 March 2026, having been printed and circulated, be taken as read and confirmed by the Chair as a correct record.

884 Declarations of Interest

Councillor Carl Les declared a non-pecuniary interest in Minute 891 on the basis that he was a trustee of North Yorkshire Citizens advice and Law Centre.

885 Exclusion of the Public

It was noted that there were exempt appendices relating to Minutes 889 – North Yorkshire Council (NYC)/NY Highways (NYH) – Highway Officer Integration and Transfer of 7.5t Mechanical Sweeping Responsibility to NY Highways, and 892 – Bidding for Homes England funding from the Social and Affordable Homes Programme for specific schemes. As the contents of the appendices were not discussed the public was not excluded from the meeting.

886 Public Questions and Statements

A public statement was read out by Councillor Garrod on behalf of service users at

Cauwood Day Centre in relation to Minute 893.

Forthcoming closure of Cauwood Day Centre, Malton, North Yorkshire.

I am speaking to you today with regards to the planned closure of Cauwood Day Centre in Malton. This centre specialises in offering essential activities to disabled adults to enable them to access the community in a safe and secure environment.

The centre cares for adults of which most have severe disabilities some of which have attended since it opened in 1991, others over 20 years. They cannot and should not be moved to another service which does not meet their needs. They, all visit regularly, and are supported by an outstanding team of carers. This centre is a lifeline for them as it is the only one of its kind within the area of Ryedale. Activities include a dedicated art room, kitchen, sensory room, separate break out rooms, a large communal room for when users want to mix with their peers. There are also dedicated changing facilities and the only fully acceptable facilities in Malton. The centre also has National Autism Accreditation Status. The garden complete with raised beds so that the users can access this during the warmer summer months. I as a parent feel safe in the knowledge that my daughter is safe and cared for when she is there and I am sure I speak for all of the service users when I say this.

We were told at a recent meeting that other arrangements would be made, ideally in the community for those who attend Cauwood should the centre be closed. The primary reason the service users go to Cauwood is that they are not able to access activities in the community due to the severity of their disabilities and needs.

There are currently 5 Day Centres operating in North Yorkshire, will these be closed as well as you say that 'community based provision' is the way forward, it is not as others do not meet need.

I am therefore asking you to all think very carefully about this decision as it could prove catastrophic, at the end of the day its not down to money its about the long term care and future of its attendees. There may only be a small amount of them but with the right thought process Cauwood could be a thriving asset to North Yorkshire's portfolio especially if they are planning to build a new elderly peoples residence on the land. Incorporate Cauwood into that, I am sure it will get used.

Conclusion:

- Cauwood is paramount to the community and all of its Service Users, and this provision needs to be retained and not just terminated or replaced with lesser community-based services.
- Current Service Users will not be suited to community-based services as proposed and will not meet the needs of any of the existing service users at Cauwood.
- The rationale behind this closure is deeply flawed and needs to be reassessed openly.
- Costs for refurbishment should be achievable within the wider NYC budget and not just taking the easy choice of permanent closure.
- The Service Users use Malton, Cauwood as a base for a reason and excessive travel would be detrimental to their experience.
- 6 months notice for impending closure leaves families and service users very little time to choose, commence and transition into another provision/that if a suitable provision can be found within the vicinity of Malton.

887 Transfer of Ripon Town Hall to Ripon City Council

Considered – A report of the Corporate Director Resources seeking approval in principle for the transfer of Ripon Town Hall to Ripon City Council and seeking to delegate the final

decision to the Corporate Director Resources in consultation with the Assistant Chief Executive Legal and Democratic Services and Executive Member for Resources if conditions were met.

The Executive Member for Corporate Services, Councillor Heather Phillips, introduced the report and emphasised the cultural, historic and community value of Ripon Town Hall. While the proposal represented a financial undervalue, this was justified by the wider community benefit, heritage protection and opportunities for regeneration of the Grade II listed building.

Councillor Andrew Williams, who was also Mayor elect of Ripon City Council, welcomed the proposal and thanked officers for their work in bringing the project forward. He referred to the historic significance of the building and the City Council's ambition to restore it, including reuse of the Council Chamber and wider public access.

Members welcomed the proposal which was in line with the Council's approach to double devolution and transfer of community assets. Other town and parish councils were encouraged to come forward with similar projects.

Resolved (unanimously)

That the Executive approve in principle the transfer of the site at undervalue to Ripon City Council on terms to be agreed with the Corporate Director Resources in consultation with the Assistant Chief Executive Legal and Democratic Services and Executive Member for Finance and Resources if appropriate conditions are met.

Reasons for recommendations

To utilise a prominent Grade II listed building to provide the community benefits as described in the report.

Alternative options considered

No other options are currently being pursued in relation to this property at this stage. Should the transfer to RCC not proceed then NYC will continue to hold the asset.

888 Review of the Public Convenience Service

Considered – A report of the Corporate Director Environment in relation to the findings of a Task and Finish Group of the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee, which met to review the challenges facing the public convenience service. The Group had developed a set of guiding principles and associated 'findings' for future service delivery, which were now presented for consideration by Executive.

The Executive Member for Managing Our Environment, Councillor Richard Foster, introduced the report and thanked Councillor David Staveley and members of the Task and Finish Group for their detailed work. The service inherited inconsistencies following local government reorganisation and faced an ongoing financial challenge. Councillor Foster highlighted that while public conveniences were a valued and important service, they were non-statutory and must operate within available resources. He proposed amending the recommendations of the Task and Finish Group to remove point 7 relating to integrating toilet costs into car parking tariffs and point 9 relating to ringfencing disposal receipts. In relation to point 2 the Executive Member suggested adopting a 40p entry fee as an initial, proportionate approach.

Councillor David Staveley, as Chair of the Task and Finish Group, emphasised the

significant variation in condition and operation across the estate and urged that officers retain flexibility to explore all options set out in the report. In a county with a large rural geography and visitor economy public toilets were important for public health, accessibility and tourism.

Councillor Melanie Davis raised concerns about provision in Selby and supported the proposals contained in the report. Councillor Paul Haslam suggested exploring alternative funding opportunities. Councillor Keane Duncan referred to the free to pee campaign in Malton and supported the view that public conveniences should be free to access, with charging only as a last resort.

Executive Members supported the proposals and welcomed the ambition to bring all public conveniences to a decent standard by 2030. The proposals represented a fairer way of funding the service and ensuring that decent facilities were available for residents and visitors.

The Assistant Chief Executive Legal and Democratic advised that in relation to point 8 certain decisions could not be delegated directly to an Executive Member and would instead require delegation to the Corporate Director in consultation with the Executive Member.

Resolved (unanimously)

- 1) That Executive note each of the 'findings' put forward by the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee
- 2) Executive accept each finding as set out below, with the exception of 7 and 9, which were rejected. Findings 2 and 8 were amended as detailed above.
 1. As a priority collaborate with others, including the Combined Authority, to identify opportunities for financial support in operating tourist infrastructure and to actively pursue external funding to enhance and sustain the service.
 2. To set a consistent entry fee, the Group recommends the entry fee for 2026-27 to be set at 40p per user, with the final value decided by Executive.
 3. To endorse a capital allocation to expand the locations where a charge is levied.
 4. To endorse a capital allocation to enable officers to explore alternative funding streams, including honesty boxes, app-based donations, advertising, sponsorship, and community partnerships.
 5. To continue to offer free access for disabled users, through the National RADAR key scheme.
 6. To maintain and seek to expand Changing Places provision to meet the needs of people with profound disabilities, supported by external funding.
 7. *REJECTED: To implement as part of the next car park tariff review, an increase to the per ticket price across all off-street parking to fund all revenue costs for toilets within the immediate vicinity of any NYC car park. In addition to the revenue costs, the uplift in the tariff should include a contribution towards a capital modernisation programme - should be funded through the overall car park tariff income. If this is approved, the group would like consideration to be given to how this could also support ongoing revenue contributions to Parish and Town councils interested in devolution of any public conveniences.*
 8. Consider closure of sites which are in a poor condition, have low footfall and/or are in close proximity to other sites, subject to consultation with Parish/Town Councils, Division Members, Area Committee, Executive and with the final decision to be taken by the Corporate Director Environment in consultation with the Executive Member for Managing Our Environment.
 9. *REJECTED: To ring-fence proceeds from the disposal of any public conveniences for reinvestment into the wider toilet network.*

10. To commit to a capital improvement programme to ensure that by 2030 all sites are in a good or excellent condition. Enhancements will aim to include:
 - Water bottle refill stations
 - Baby changing facilities and Sanitary waste disposal options in both male and female spaces
 - Improve signage within and externally to promote network visibility, responsible use of the space and relevant contact details.
 - Environmental initiatives such as greywater recycling, renewable energy generation, and efficient energy use that support the council's ambition to achieve net-zero carbon neutrality by 2030.
- 3) A capital allocation of £177,000 is set aside, funded from the Strategic Capacity Reserve, to deliver the findings should they be approved.

889 North Yorkshire Council (NYC)/NY Highways (NYH) - Highway Officer Integration and Transfer of >7.5t Mechanical Sweeping responsibility to NY Highways

Considered – A report of the Assistant Director Highways and Infrastructure providing an update on work relating to the future operating model for mechanical sweeping and the proposed alternative operating model for duties currently undertaken by Highway Officers, Assistant Highway Officers and certain Maintenance Managers in NYC's Highways Operation Area teams. It was proposed that these officers, along with responsibility for mechanical street sweeping, move to North Yorkshire Highways in order to improve efficiency, consistency and value for money.

North Yorkshire Highways formed part of the Council's Brierley Group of companies and Executive were also asked to approve a number of matters on behalf of NYC in its capacity as Shareholder of NY Highways. These included recommendations relating to the TUPE transfer of staff which were set out in exempt Appendix A.

The Executive Member for Highways and Transportation, Councillor Malcolm Taylor, explained that the proposals would provide for more effective and efficient service delivery following reorganisation. The proposals would bring about significant revenue savings, while maintaining engagement with local communities and performance standards. Members acknowledged the human resources implications for the staff involved.

Resolved (unanimously)

- 1) The Executive approves the transfer of staff and functions from NYC to NY Highways with effect from the 1 July 2026 for street sweeping and Highway Operations
- 2) The Executive approves the Council disposing of the street sweeper vehicles and highway maintenance vehicles as detailed in the report and delegate negotiation and agreement of the final price of the vehicles and terms of the asset transfer agreement to the Assistant Director Environment and Transport.
- 3) The Executive delegate any other necessary steps to implement this decision including but not limited to entering contracts detailed in this report (excluding the asset transfer) to the Assistant Director Highways and Infrastructure, Environment Directorate.
- 4) To amend the Environment Directorate organisational structure and move the responsibility for those functions outlined earlier, to sit within NY Highways. This will include some Business Support functions yet to be confirmed.

- 5) Subject to Member approval of the above, Executive are asked to approve the following on behalf of NYC in its capacity as Shareholder of NY Highways:
- i. The acquisition by NY Highways of all the vehicles detailed in this report from NYC.
 - ii. To open the LGPS pension scheme via a variation to the Deed of Accession for NY Highways to allow pension continuation for all transferring NYC staff to NY Highways.
 - iii. To agree the matters referred by the Board of Directors as detailed in confidential Appendix A; and
 - iv. To delegate any other shareholder decisions necessary to facilitate the transfer from NYC to NY Highways to the Chief Executive as Shareholder Representative.

Reasons for recommendations

The recommendations contained in this report are to enable this proposed change in service delivery model to be advanced and realise savings under the revised delivery model.

Alternative options considered

A number of options have been considered:

Do nothing – retaining the status quo would not make use of the opportunities for closer working / further integration with NY Highways, nor would it assist in the realisation of savings from the Council's Revenue Budget

Transfer only part of the HO / AHO / MM function to NYH – this has been discussed at length in the engagement sessions. Highway Officers in particular were not supportive of this option as they felt it would remove variety from their role but also might see one HO passing another to undertake different functions in the same geographical areas, resulting in inefficient practices.

Transfer all HO / AHO and some MM functions to NYH – this has been deemed the most viable and efficient option. Maintenance Manager functions can be more easily undertaken remotely in many cases and given the necessary interface between NYH and NYC to ensure the HOs' / AHOs' duties are being discharged effectively. Whilst there will be a different focus/emphasis on NYH MM duties and NYC MM duties, there will inevitably be ongoing dialogue alongside a matrix management arrangement between NYC and NYH outlined in the overarching SLA or variation to NYH 2021 Highway Maintenance Contract.

The entire mechanical sweeping fleet, including assets associated with pavements and pedestrianised areas, could move across to NYH; this could be considered as a second phase and moving the largest fleet first does not impact the viability of any future changes.

890 Council Plan 2026-2030

Considered – A report of the Assistant Chief Executive Local Engagement seeking the agreement of the Executive to submit the Council Plan 2026-30 to the Council for adoption. The Executive Member for Corporate Services, Councillor Heather Phillips, introduced the report which set out the Council's ambitions and how they would be delivered.

Resolved

That the Executive approves the Council Plan and recommends it to the Council for approval.

891 Crisis and Resilience Fund (CRF) Proposed Approach, Housing Payments Policy Approval and Transition Arrangements 2026/27

Considered – A report of the Corporate Director Resources setting out the proposed approach to implementing the Government's Crisis and Resilience Fund (CRF), including fuel support and replacement of discretionary housing payments. The Council's allocation confirmed by the Government was £6,644,811.48 for 2026/27. Within the overall allocation was £1,061,623 to support low-income households reliant on heating oil which were experiencing financial hardship through rising costs. Approval was sought for a CRF Delivery Plan to be submitted to the Department for Work and Pensions. Approval was also sought for the Housing Payments (Crisis and Resilience Fund) Policy which would formally replace the Council's Discretionary Housing Payments Policy from 1 April 2026.

The Executive Member for Corporate Services, Councillor Heather Phillips, introduced the report and explained that the CRF replaced the Household Support Fund and reflected new Government priorities, including recognition of rurality and off-gas households reliant on LPG and heating oil. A number of people had been helped already through partnership with Citizens Advice and the Council's "no wrong door" and "one front door" approach.

The Director of Resources confirmed measures to raise awareness of the fund to ensure eligible residents could access support, which included working with the Citizens Advice Bureau and information on the website. The funding was only for those experiencing financial hardship, the council held data on those who may be eligible and proactive communication was taking place.

Resolved (unanimously)

- 1) That Executive notes the Crisis and Resilience Fund (CRF) allocation confirmed by Government for North Yorkshire Council for the 2026/27 financial year of £6,644,811.48, and the national transition from existing discretionary support arrangements to the new CRF framework.
- 2) That Executive notes and approves the inclusion, within the overall CRF allocation, of targeted discretionary fuel related support to assist low income households experiencing financial hardship and rising living costs, including those living in off gas properties reliant on LPG, heating oil or other alternative fuels. This includes additional one off Government funding of £1,061,623 for 2026/27, to be delivered through the Crisis and Resilience Fund in line with national guidance.
- 3) That Executive approves North Yorkshire Council's approach to implementing the Crisis and Resilience Fund (CRF) from 1 April 2026, including the use of interim delivery arrangements to ensure continuity of crisis and housing support for residents while a longer term No Wrong Door / One Front Door operating model is finalised, in line with CRF guidance which anticipates a phased implementation approach and requires the Council's CRF Delivery Plan to be submitted to the Department for Work and Pensions by 1 July 2026.
- 4) That Executive approves the Housing Payments (Crisis and Resilience Fund) Policy (Appendix A), which formally replaces the Council's Discretionary Housing Payments (DHP) policy with effect from 1 April 2026, consistent with national arrangements and CRF grant conditions.
- 5) That Executive approves and delegates authority to the Corporate Director – Resources (Section 151 Officer), in consultation with the relevant Executive Member, to operate and apply the approved CRF framework and Housing Payments Policy, including:

- a) administering individual CRF awards (including Housing Payments and fuel related support);
- b) managing and monitoring expenditure across CRF strands to ensure compliance with grant conditions and value for money; and
- c) making minor operational amendments required during the interim period, reporting back to Members as appropriate.

Reasons for recommendations

The proposed interim delivery option provides a time-limited approach (up to six months) to delivering the CRF from April 2026, while the Council completes the design and approval of the permanent CRF operating model in line with national guidance.

Alternative options considered

In developing the proposed approach, the following alternative options were considered:

- Delay implementation until the full CRF model is approved. This option was rejected as the CRF replaces both the Household Support Fund and DHP from 1 April 2026. Delaying implementation would risk disruption to crisis and housing support, causing hardship for residents and exposing the Council to financial and reputational risk.
- Preferred option: The recommended approach is to approve a time-limited interim delivery model, ensuring continuity of support from April 2026 while enabling the proper design of a fully integrated No Wrong Door / One Front Door CRF model to return to Executive in July 2026.

892 Bidding for Homes England funding from the Social and Affordable Homes Programme for specific schemes

Considered – A report of the Corporate Director Community Development seeking approval in principle to submit a bid to Homes England to support acquisition of 30 homes to use as affordable housing for the Housing Revenue Account. The 30 properties were still to be identified and would be subject to further approvals.

The Executive Member for Culture, Arts and Housing, Councillor Simon Myers, introduced the report and explained that grant funding was essential to enable delivery of council housing in high house price areas such as Harrogate and Richmondshire. Acquisitions would be in the form of buybacks of previously owned council properties. Each acquisition would still be subject to a business case requiring payback in 40 years.

Resolved

- 1) That Executive approve the principle of an acquisition programme of up to 30 affordable homes to take into the Housing Revenue Account subject to individual business cases and approvals in line with the Council's constitution
- 2) That Executive approve the submission of an application for grant funding to Homes England as set out in the confidential Appendix A to support the acquisition of these homes.

Reasons for recommendations

Acquiring these homes and claiming Homes England grant will allow the council to deliver

up to an additional 30 affordable homes, which will be for social rent and will be a mix of 1-, 2-, 3- and 4-bedroom homes. These will support the Council in meeting our target for delivering a minimum of 500 new affordable homes and will support the replacement of properties lost through RTB sales.

Alternative options considered

Not applying for Homes England grant would see the council miss out on the opportunity to deliver up to additional 30 affordable homes.

The Council can continue to acquire “buyback” properties without grant. However, this would mean being restricted to only acquiring properties, which would be viable without grant, which would be very difficult to achieve in higher value areas where there is high need. It would also mean that we could acquire sufficient properties to replace the ones lost through Right to Buy.

893 Health and Adult Services Provision in Ryedale

Considered – A report of the Corporate Director Health and Adult Services providing an update on development of an Extra Care Housing scheme in the Malton and Ryedale area and sustainability issues at Cauwood Day service in Malton. The report outlined strategic proposals for adult care provision in Ryedale, including the future of Cauwood Day Service.

The Leader, Councillor Carl Les, referred to an email letter he had received from Mrs Caroline Garrod, which he had circulated to all Members.

The Executive Member for Health and Adult Services, Councillor Michael Harrison, introduced the report and acknowledged significant concern among service users, families and staff, particularly regarding the proposed closure of Cauwood Day Service. He stated that having reflected on representations received, he would not support a decision at this stage and proposed instead that a full consultation be undertaken.

Caroline Garrod made a public statement on behalf of service users at Cauwood Day Service as detailed at Minute 886. Councillors Keane Duncan and Lindsay Burr, local division members, made representations at the meeting in support of retention of Cauwood emphasising the importance of the service to the community and requesting further consultation with families and staff before any decisions were taken.

Resolved (unanimously)

That, whilst noting the contents of the report, the Executive supports making a decision on the Cauwood Day Service only after consultation with the adults who use the service, their families and the colleagues who provide the care.

894 Library Strategy Mid-Term Review and National Year of Reading

Considered – A report of the Corporate Director Community Development presenting the Mid-Term Review of the Library Strategy and seeking approval to progress it to Council for publication on the Council's website. Approval was also sought for actions to support the National Year of Reading.

The Executive Member for Culture, Arts and Housing, Councillor Simon Myers, referred to the mid-term review of the Library strategy and highlighted improved performance, increased usage and successful integration of libraries with wider council services. He proposed that the Council formally endorse the National Year of Reading pledge.

Members welcomed the positive progress of the Library Service when faced with funding and investment challenges. The work of volunteers and mobile library services was welcomed, and the importance of literacy across all ages was emphasised.

Resolved

- 1) That the Mid Term Review of the Library Strategy be progressed to Full Council for publication on the North Yorkshire Council website
- 2) That the National Year of Reading Pledge be agreed as follows:

“That this Council declares its formal support for the National Year of Reading 2026 by:

- a. promoting the National Year of Reading activities and events through Council communications, both internally and externally.
- b. working with the Library Service, Children and Young People Services, the Adult Learning and Skills Service, local schools and partners, including the National Literacy Trust, the Reading Agency and Booktrust to increase engagement with target audiences.”

Reasons for recommendations

To ensure that there is an up-to-date version of the Library Strategy available on the Council website to share with internal and external partners and residents.

Alternative options considered

One option considered was to leave the current Library Strategy to run in its current form until the end of its term (2020-2030). However, this would mean the public document and wording on the website is out of date and does not reflect the current service.

895 Appointments to Committees and Outside Bodies

Considered – A report of the Assistant Chief Executive Legal and Democratic Services in relation to a vacancy on the Ouse and Derwent Internal Drainage Board.

Resolved

That the Executive appoints Parish Councillor Catherine Leng to the vacant seat on the Ouse and Derwent Internal Drainage Board.

896 Forward Plan

Considered – The Forward Plan for the period 10 April 2026 to 30 April 2027 was presented.

Resolved

That the Forward Plan be noted.

897 Date of Next Meeting - 12 May 2026

North Yorkshire Council

Executive

12 May 2026

Review of Maximum Hackney Carriage Fares

Report of the Assistant Director – Regulation and Harbours

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to consider requests to vary the Council's Hackney Carriage Table of Maximum Fares.

2.0 BACKGROUND

- 2.1 In accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the Council may fix the maximum rates of fares to be paid in respect of the hire of Hackney Carriages within North Yorkshire by means of a table (hereafter referred to as a "table of fares"). The table of fares may comprise charges for time, distance and all other charges in connection with the hire of a hackney carriage vehicle.
- 2.2 A hackney carriage vehicle can be hailed by passengers on the roadside, it can stand on a rank to await the approach of passengers, and it can be pre-booked by telephone. In contrast, private hire vehicles are licensed to perform pre-booked work only, which must be obtained through a licensed private hire operator. The Council's table of fares applies only to hackney carriage vehicles. The Council has no power to set maximum fares in respect of private hire vehicles.
- 2.3 The current table of fares came into effect in 1 July 2024 following consultation and consideration by the Executive. The current table of fares is attached at Appendix A (with proposed changes detailed in yellow, see para 3.9). It should be noted that drivers may agree to charge a lower amount than the maximum fares at their own discretion.
- 2.4 A further review was carried out in 2025 and, following a comprehensive consultation, Executive decided on 24 September 2025 to make no change to the maximum fares at that time.
- 2.5 Any proposed variation to the table of fares must be advertised at the Council offices and by way of a notice in a local newspaper stating a period (not less than 14 days from the date of publication) within which interested parties may lodge objections. Where there are no outstanding objections, the proposed table of fares shall come into effect upon the expiration of the period specified in the notice. If objections are received, the Council shall set a further date (not later than two months from the first specified date), at which time the table of fares shall come into force with or without modifications as determined by the Council after consideration of the objections.
- 2.6 If Members propose a variation to the table of fares, approval will be required for the publication of statutory notices, subject to further consideration in the event of any objections being lodged.

3.0 REQUESTS FOR REVIEW

3.1 The requests

Since the war in the Middle East, we have seen a steady increase in fuel prices and there is no current prospect of prices going down. Three requests have been received from the hackney carriage trade to review the table of current fares. They can view in Appendix B. An email was sent to drivers and operators further to these requests asking for views. The responses are also contained in Appendix B.

3.2 Comparisons

The existing table of fares was compared against the maximum daytime, night-time and Christmas holiday rates set by neighbouring authorities. The comparison charts are attached at Appendix C.

3.3 Other factors for consideration

There are other factors that affect a driver's ability to make a fair income:

- a. Change in average fuel costs since the last fare increase (source RAC)
 - Majority of licensed Hackney Carriage vehicles are still diesel or petrol fuelled with an increasing proportion being hybrid or fully electric.
 - Unleaded 1 July 2024 134.64p
 - Unleaded 15 April 2026 158.31p
 - Diesel 1 July 2024 134.64p
 - Diesel 15 April 2026 191.54p
 - Petrol has increased by 17.58% since the last increase in maximum fares.
 - Diesel has increased by 42.26% since the last increase in maximum fares.
- b. Cost of living (source Office for National Statistics)
 - The latest consumer price inflation rates over the last 12 months is 3.0%.
- c. The cost of running a vehicle (source Office for National Statistics)
 - The cost of running a petrol or diesel vehicle is unchanged at an average of £3,356.

3.4 Consultation

Paragraph 2.5 of this report details the requirement to place a statutory notice in a local newspaper. In addition, all drivers and operators will be emailed directly for their views and any responses presented to the Executive. Should there be no responses, the proposed revised fares would take effect with no further action required.

3.5 Options available

The Executive can decide to:

- Make no change to the maximum fares
- To increase the maximum fares for each tariff band by a specified amount
- To decrease the maximum fares for each tariff band by a specified amount
- To make any other change to the maximum fares

3.6 The proposal

It is recommended to increase the maximum Hackney Carriage fares for each tariff band by 5% and make no change to the additional charges at the bottom of the tariff card. Appendix A details the changes to the tariff card in yellow.

3.7 An increase of 5% will have the following effect:

- Tariff 1 increases from £2.22 to £2.33 per mile, £20.23 to £21.24 per hour waiting time.
- Tariff 2 increases from £3.15 to £3.31 per mile, £28.90 to £30.35 per hour waiting time.
- Tariff 3 increases from £4.20 to £4.41 per mile, £38.54 to £40.47 per hour waiting time.

- 3.8 It is important to note that the percentage rises in fuel do not directly correspond to the increases needed in tariffs to recover these costs. An average taxi achieving 40 miles per gallon achieves 8.799 miles per litre of fuel. Increasing tariff 1 therefore increases income by 97p per litre of fuel consumed.

4.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 4.1 The Council is committed to protecting communities, safeguarding children and ensuring the safety and wellbeing of the public.
- 4.2 A regular review of the table of fares supports economic growth and incentivises work in the hackney carriage industry, which delivers significant public protection benefits.

5.0 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The Council is not legally obligated to set the maximum rates of charges. However, the vast majority of licensing authorities do set maximum fares to provide certainty, consistency and, particularly in relation to occasional passengers, protection from unfair or unreasonable charges.
- 5.2 The Council may consider retaining the existing table of fares. However, this may impact on the ability of the hackney carriage trade to deliver a vital service.

6.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 6.1 The Council's Integrated Passenger Transport Service (IPT) is responsible for arranging and managing school and social care transport for children and vulnerable adults across North Yorkshire. It is in the public interest to ensure that the table of fares does not adversely affect the Council's ability to secure transport via hackney carriage services. The table of fares was adjusted last year to reflect this. The adjustments have worked successfully over the last year so no changes to this element are proposed.

7.0 FINANCIAL IMPLICATIONS

- 7.1 Costs relating to the statutory public notice, consultation and any subsequent meetings are recovered from licence fees charged by the council and paid by the hackney carriage trade. Otherwise, the financial implications are largely for taxi users, although the Council could be impacted through any taxi usage costs incurred by services.
- 7.2 Any increase in fares would have a financial impact on taxi-users throughout North Yorkshire, although drivers may agree to charge a lower amount than the maximum fares at their own discretion.
- 7.3 Any hackney carriage proprietors wishing to charge fares at the increased rates would incur a small, one-off cost for the meter calibration.

8.0 LEGAL IMPLICATIONS

- 8.1 The legislative framework for setting maximum hackney carriage fares has been explored at paragraph 2 of this report.
- 8.2 Section 9D of the Local Government Act 2000 provides that any function of a local authority which is not specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 is to be the responsibility of an executive of the authority under executive arrangements. The power to fix maximum hackney carriage fares under section 65 of the Local Government (Miscellaneous Provisions) Act 1976 is not specified in the regulations and is therefore the responsibility of North Yorkshire Council's Executive in this instance.

9.0 EQUALITIES IMPLICATIONS

- 9.1 Disability is a protected characteristic within the meaning of the Equality Act 2010. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not, the Council must endeavour to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic and take steps to meet their needs.
- 9.2 A balance must be sought to allow hackney carriage drivers to make a reasonable living from their trade whilst also removing or minimising disadvantages suffered by persons who have relevant protected characteristics.
- 9.3 The maximum table of fares applies equally to all licensed hackney carriage vehicles. Drivers of hackney carriage vehicles are not permitted to make any additional charges for carrying mobility aids or for providing reasonable assistance to disabled passengers.
- 9.4 An Equalities Impact Screening document is attached at Appendix D.

10.0 CLIMATE CHANGE IMPLICATIONS

- 10.1 Regular reviews of the hackney carriage table of fares ensure that drivers and proprietors are able to plan for future investment in new vehicles, which should mitigate the environmental impact of licensed vehicles in North Yorkshire. Climate change impacts are currently being considered in the review of the Hackney Carriage and Private Hire Licensing Policy. An initial climate change impact assessment form is attached at Appendix E.

11.0 POLICY IMPLICATIONS

- 11.1 In its Best Practice Guidance published in November 2023, the Department for Transport recommends that “in reviewing fare rates, authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers the ability to earn a sufficient income and so incentivise them to provide a service when it is needed. There is likely to be a case for higher fare tariffs at times of higher demand to encourage more drivers to make themselves available or when the journeys are required at anti-social times”.

12.0 COMMUNITY SAFETY IMPLICATIONS

- 12.1 Hackney carriage drivers play a particularly important role in the night-time economy by transporting members of the public home safely late at night. On that basis, it is in the interests of the public to ensure that drivers are fairly rewarded for working during anti-social hours and encouraged to continue providing a vital public service.

13.0 REASONS FOR RECOMMENDATIONS

- 13.1 The Council is expected to set and regularly review the maximum fares to be charged by hackney carriage drivers with a view to protecting the public and ensuring that licensees are fairly rewarded for their work.

14.0 RECOMMENDATIONS

- 14.1 To approve the variation to the Council's Hackney Carriage Table of Fares as set out in Appendix A.
- 14.2 To approve the publication of the required statutory notices notifying of the variation approved in recommendation 14.1 above.

APPENDICES:

Appendix A – Current table of fares

Appendix B – Requests for an increase in maximum fares

Appendix C – Fare comparison charts

Appendix D - Equalities Impact Screening document

Appendix E - Initial climate change impact assessment form

BACKGROUND DOCUMENTS:

Local Government (Miscellaneous Provisions) Act 1976

Taxi and Private Hire Vehicle Licensing Best Practice (Department for Transport)

Callum McKeon

Assistant Director for Regulation and Harbours

County Hall

Northallerton

DL7 8AD

Report Author: Gareth Bentley, Head of Licensing

Presenter of Report: Gareth Bentley, Head of Licensing

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SECTION 65 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Tariff 1 (Between 7am and 10pm)

Flag fall for the first 440 yards or part thereof	£4.00 £4.20
Drop at 440 yards and every 158.56 151.00 yards or part thereof:	£0.20
Waiting time for each period of 35.59 33.90 seconds or part thereof:	£0.20

Tariff 2 (Between 10pm and 7am & Public holidays*)

Flag fall for the first 440 yards or part thereof	£6.00 £6.30
Drop at 440 yards and every 167.62 159.64 yards or part thereof:	£0.30
Waiting time for each period of 37.36 35.58 seconds or part thereof:	£0.30

*All public holidays other than those listed in tariff 3, tariff 2 applies throughout the 24-hour period.

Tariff 3 (Christmas and New Year**)

Flag fall for the first 440 yards or part thereof:	£8.00 £8.40
Drop at 440 yards and every 167.62 159.64 or part thereof:	£0.40
Waiting time for each period of 37.36 35.58 seconds or part thereof:	£0.40

**From 6pm 24th December to 7am 27th December and 6pm 31st December to 7am 2nd January.

Fouling charge	Maximum charge	£100.00
Extra charges	Extra charge per head which can be charged for ALL PASSENGERS when carrying 5 or more (only chargeable if agreed at the time of booking)	£2 per person
Call out or summoning charge	Maximum to be added to any journey where the vehicle has been called out or summoned from another location (only chargeable if agreed at the time of booking).	£1.50 per mile
North Yorkshire Council contract surcharge	Maximum surcharge for each hiring under the terms of a contract with North Yorkshire Council.	£50
	Maximum surcharge for the provision of each passenger assistant where applicable under the terms of a contract with North Yorkshire Council.	£50

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Requests for an increase in maximum fares

Initial requests:

From Kevin O'Boyle who operates Central Radio Cars

I would like you to put before the Licencing Committee a fare increase of 10%, to affect both tariff one and tariff two. The Committee decided in their wisdom that no increase was required. I understand that licence fees are to be increased. I am aware that this is a legal obligation and that the Council cannot subsidise this through general rates and it must be paid for by the taxi trade. There is a question mark over where the savings were made during the amalgamation of the seven Councils. There is also a question over the service provided by your department, which falls well below the standard expected but we shall leave that for another day.

My expenses since the last increase have gone up dramatically. There has not been an increase in tariff two since it was first introduced. I too need to balance my books, but the Council will not allow me to increase my fares. There have been three increases in the minimum wage amounting to approximately £4 per hour, which I have to absorb. Within the trade there is a great fear regarding UBER. A lot of the trade think they need to keep their prices low to protect their business. This does not make economic sense when expenses are becoming dangerously close to exceeding income. As you are aware, any fare set by the Council is a maximum. Those wishing to charge less, it is their prerogative to do so, but those trying to run a professional service require that increase.

From Lisa Ridsdale, Contracts Manager for Take Me Group

Local fuel prices are currently averaging approximately 140p per litre for unleaded petrol and up to 175p per litre for diesel this was 126.9 and around 140.9 in north Yorkshire. These levels are materially higher than historical norms and are having a direct and substantial impact on cost per mile.

Based on current real-world conditions, total vehicle running costs are now estimated as follows:

- Petrol vehicles: approximately 50–57 pence per mile
- Diesel vehicles: approximately 54–60 pence per mile

This reflects an increase from mid-2024 levels of approximately 43–50 pence per mile and 44–52 pence for diesel, representing a rise of at least 5–7 pence per mile under average conditions.

However, when factoring in:

- Above-average local petrol and diesel pricing (up to 185p per litre)
- Continued increases in insurance premiums
- Rising maintenance and repair costs
- General inflationary pressures across all operating expenses the true operational increase is realistically in the region of 7–9 pence per mile.

Notably, fuel alone now accounts for approximately 16 pence per mile, and diesel vehicles—previously more economical—no longer provide any cost advantage. This removes a key efficiency that many operators historically relied upon.

The current tariff structure does not reflect these increases and is no longer sufficient to cover the real cost of operation. Without adjustment, this places operators under unsustainable financial pressure and risks the long-term viability and availability of services.

In light of the above, I respectfully request that the council implements a tariff increase equivalent to 10 pence per mile or 5 percent on each tariff, ensuring that rates are aligned with current economic conditions and allow for sustainable operation going forward.

I would be happy to provide further supporting information or discuss this matter in more detail if required.

Thank you for your time and consideration.

From Richard Fieldman

I would like to submit a tariff increase to be implemented on 1st April 2026. At this time, it will be 21 months since our last increase, which really is a totally unacceptable period of time, given the current climate, cost of living, and increase in expenses experienced by the trade.

As I have stated previously, it is vitally important that those drivers that need it, are given the opportunity to keep their businesses running in a profitable manner, as well as attaining the high level of standards that this council expects in its taxi fleet.

I therefore submit the following request.

- A 10% increase in the flag fall, from £4.00 to £4.40
- 10% increase in the running mile and waiting time.
- Call out charge to increase from £1.50 per mile, to £2.00
- Tariffs 2 & 3 to equate to time and a half and double time of tariff 1. And all implementation times and dates to remain as is.

Responses to email consultation sent on 2 April 2026

Fares in Scarborough 7am till 10pm are literally 50% cheaper than any private hire firm. £1 on flag would help both the fuel crisis and huge gap in prices.

I have already expressed my view by requesting a 10% increase and it is now a matter of urgency. The trade is on its knees at the moment. There really should be no need for further consultation on this, are council officers truly so short sighted to the effects these fuel prices are having on the trade????

I think we should be able to add 1 extra per fare during this time until the price drops back below 1.50 per litre (diesel). This would mean meters don't have to be recalibrated.

Hi, I would like us to receive a increase in tariff urgently currently working 80+hours a week to get by which is ridiculous. Whoever in the past has said the fares are ok are idiots I'm my opinion.

Our opinion has been sent but we reiterate that we urgently need a fare rise on all 3 tariffs and a higher call out allowance, many thanks.

I would like to put forward a proposal for a fare increase of up to 10%. Running costs are continuing to increase and it can't possibly be absorbed by the licence's drivers. The invasion of out-of-town Uber drivers must also be addressed in order to protect the interests of the remaining licenced NYCC taxi drivers Regards,

I do not agree there should be any permanent uplift to the fares as standard but would agree that a temporary measure should be brought in to combat the rise in fuel costs. This measure should be a figure of 50p per job and as a temporary measure should be reviewed monthly until the costs return to levels that they were pre the Iran war. I would also like to see tariffs introduced for 5 passengers and above rather than the current £2 per person. This typically would be fare+50% on all tariffs.

I'm guessing that it's become obvious that the HCV trade is no longer financially viable due to the massive increase in fuel costs thanks to the Middle East Conflict.

It is now, no longer viable, to do a Manchester Airport on the meter rate that we currently have. 82 miles from Selby at £2. plus, flag. £168, as an independent HCV driver in my 7 seat WAV, it is now costing me £61 in fuel (Selby-Manchester-Selby) £7.50 a day insurance, then there's all the other costs involved, BEFORE, I take my wages out to cover my mortgage and bills. At the end of the financial year 24/25 it was costing me £0.57p per mile to run my WAV, I've worked it that currently its costing ne £0.81p per mile, BEFORE my time/labour. It is now absolutely bloody essential that the meter rates are increased immediately, even if it's just a temporary surcharge. This needs to be implemented ASAP, as we need to get Geoff the meter man to cover ALL 7 areas and that's a tough call.

Hi, I Believe fares should rise by ten percent this is unfortunate but necessary due to rising costs which are fast becoming unsustainable. I am currently looking at alternative employment given the current issues we are facing. I have to say we have had no backing by the council whatsoever they come up with changes that will cost drivers a fortune e.g. vehicle changes no grants or support announced.

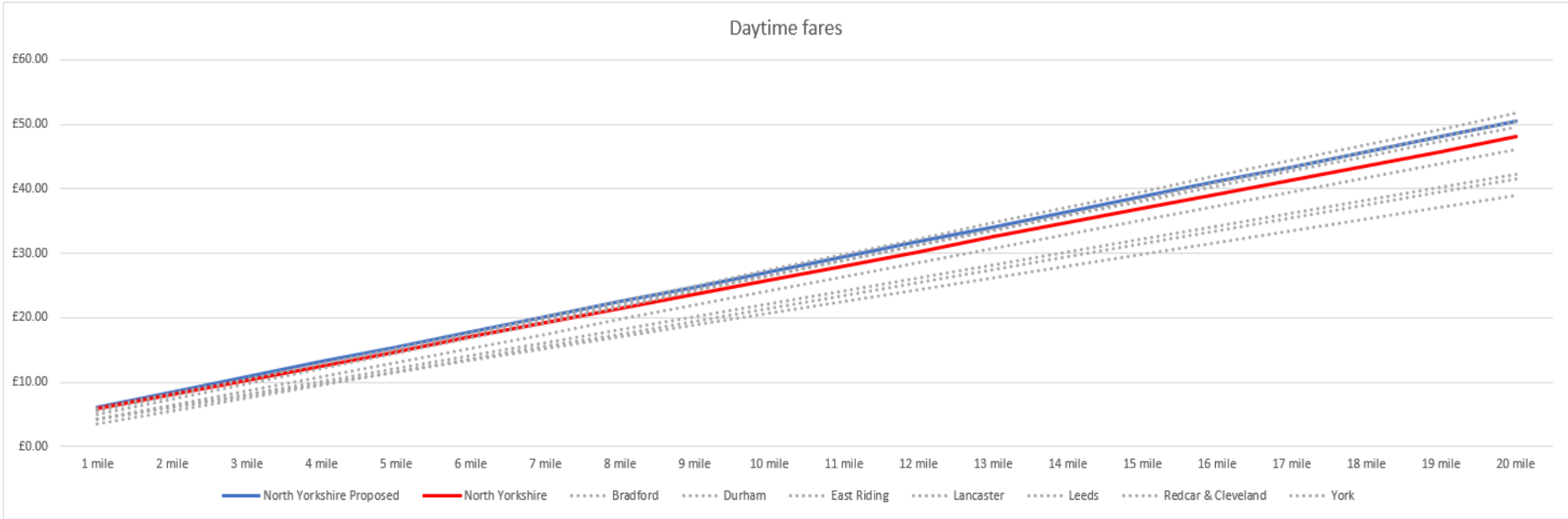
At this present time, I would like to add my concerns over fuel prices. My fuel costs have risen £0.34p per litre and will probably escalate further. This will be a long, drawn-out issue as well, as prices do not come down as quick and it looks like it's going to get worse in Iran. My costs have increased by 23% in five weeks. (basically, my profit margin)

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Fare comparisons (April 2026) – Daytime fares

	1 mile	2 mile	3 mile	4 mile	5 mile	6 mile	7 mile	8 mile	9 mile	10 mile	11 mile	12 mile	13 mile	14 mile	15 mile	16 mile	17 mile	18 mile	19 mile	20 mile
North Yorkshire Proposed	£6.15	£8.48	£10.81	£13.14	£15.47	£17.80	£20.14	£22.47	£24.80	£27.13	£29.46	£31.79	£34.12	£36.45	£38.78	£41.12	£43.45	£45.78	£48.11	£50.44
North Yorkshire	£5.86	£8.08	£10.30	£12.52	£14.74	£16.96	£19.18	£21.40	£23.62	£25.84	£28.06	£30.28	£32.50	£34.72	£36.94	£39.16	£41.38	£43.60	£45.82	£48.04
Bradford	£4.23	£6.07	£7.90	£9.73	£11.57	£13.40	£15.23	£17.07	£18.90	£20.73	£22.57	£24.40	£26.23	£28.07	£29.90	£31.73	£33.57	£35.40	£37.23	£39.07
Durham	£4.90	£7.30	£9.70	£12.10	£14.50	£16.90	£19.30	£21.70	£24.10	£26.50	£28.90	£31.30	£33.70	£36.10	£38.50	£40.90	£43.30	£45.70	£48.10	£50.50
East Riding	£4.18	£6.18	£8.18	£10.18	£12.18	£14.18	£16.18	£18.18	£20.18	£22.18	£24.18	£26.18	£28.18	£30.18	£32.18	£34.18	£36.18	£38.18	£40.18	£42.18
Lancaster	£4.30	£6.50	£8.70	£10.90	£13.10	£15.30	£17.50	£19.70	£21.90	£24.10	£26.30	£28.50	£30.70	£32.90	£35.10	£37.30	£39.50	£41.70	£43.90	£46.10
Leeds	£5.91	£8.21	£10.52	£12.82	£15.12	£17.42	£19.72	£22.02	£24.32	£26.62	£28.92	£31.22	£33.52	£35.82	£38.12	£40.42	£42.72	£45.03	£47.33	£49.63
Redcar & Cleveland	£3.50	£5.50	£7.50	£9.50	£11.50	£13.50	£15.50	£17.50	£19.50	£21.50	£23.50	£25.50	£27.50	£29.50	£31.50	£33.50	£35.50	£37.50	£39.50	£41.50
York	£5.53	£7.96	£10.39	£12.83	£15.26	£17.69	£20.12	£22.55	£24.98	£27.41	£29.84	£32.27	£34.70	£37.14	£39.57	£42.00	£44.43	£46.86	£49.29	£51.72

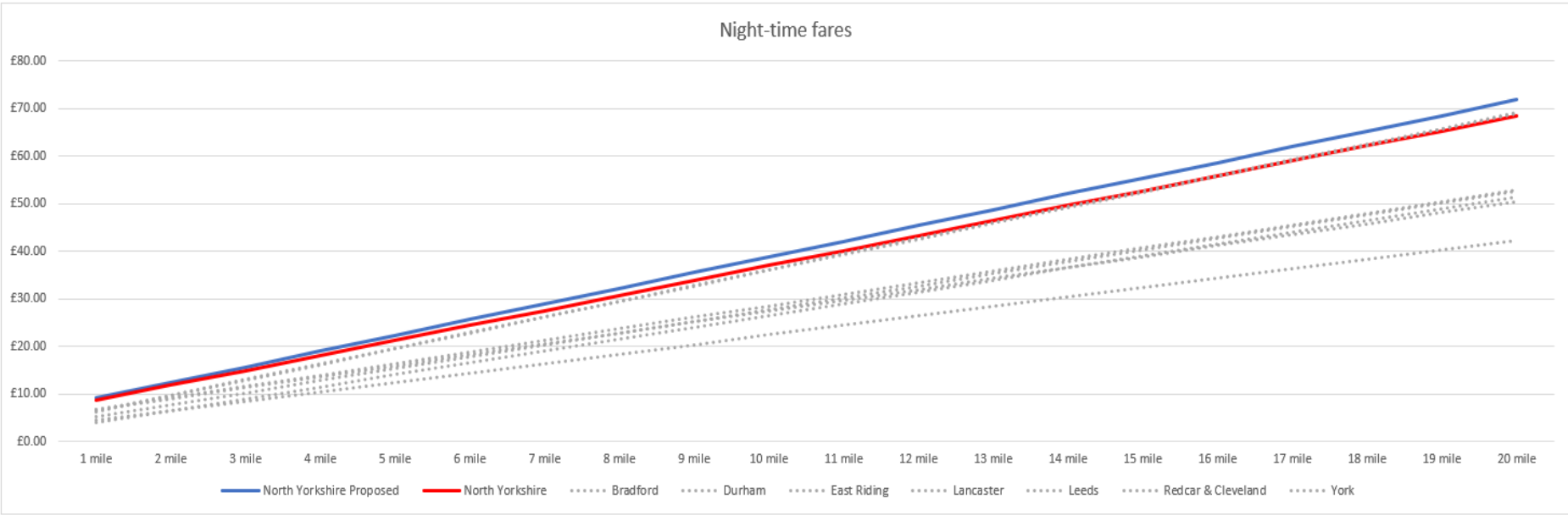
Daytime fares



Fare comparisons (April 2026) – Night-time fares

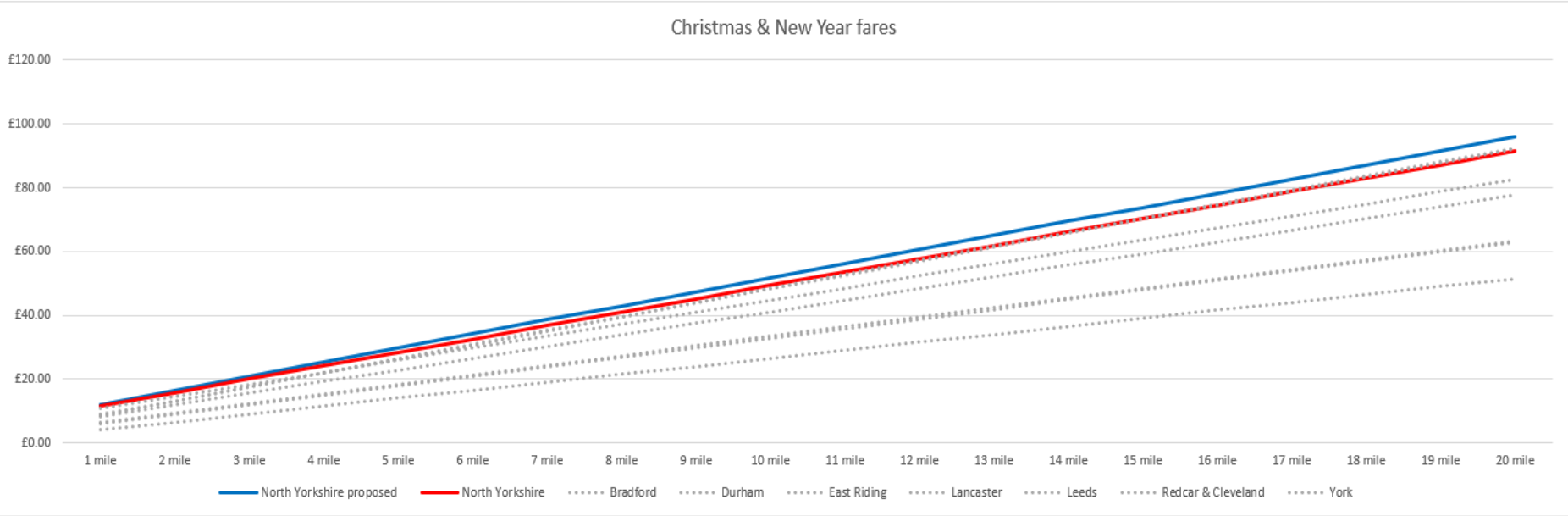
	1 mile	2 mile	3 mile	4 mile	5 mile	6 mile	7 mile	8 mile	9 mile	10 mile	11 mile	12 mile	13 mile	14 mile	15 mile	16 mile	17 mile	18 mile	19 mile	20 mile
North Yorkshire Proposed	£9.08	£12.39	£15.70	£19.00	£22.31	£25.62	£28.93	£32.23	£35.54	£38.85	£42.15	£45.46	£48.77	£52.08	£55.38	£58.69	£62.00	£65.31	£68.61	£71.92
North Yorkshire	£8.66	£11.81	£14.96	£18.11	£21.26	£24.41	£27.56	£30.71	£33.86	£37.01	£40.16	£43.31	£46.46	£49.61	£52.76	£55.91	£59.06	£62.21	£65.36	£68.51
Bradford	£4.40	£6.40	£8.40	£10.40	£12.40	£14.40	£16.40	£18.40	£20.40	£22.40	£24.40	£26.40	£28.40	£30.40	£32.40	£34.40	£36.40	£38.40	£40.40	£42.40
Durham	£6.30	£9.60	£12.90	£16.20	£19.50	£22.80	£26.10	£29.40	£32.70	£36.00	£39.30	£42.60	£45.90	£49.20	£52.50	£55.80	£59.10	£62.40	£65.70	£69.00
East Riding	£5.25	£7.75	£10.25	£12.75	£15.25	£17.75	£20.25	£22.75	£25.25	£27.75	£30.25	£32.75	£35.25	£37.75	£40.25	£42.75	£45.25	£47.75	£50.25	£52.75
Lancaster	£6.45	£9.75	£13.05	£16.35	£19.65	£22.95	£26.25	£29.55	£32.85	£36.15	£39.45	£42.75	£46.05	£49.35	£52.65	£55.95	£59.25	£62.55	£65.85	£69.15
Leeds	£6.71	£9.01	£11.31	£13.61	£15.91	£18.21	£20.51	£22.81	£25.11	£27.41	£29.72	£32.02	£34.32	£36.62	£38.92	£41.22	£43.52	£45.82	£48.12	£50.42
Redcar & Cleveland	£4.00	£6.50	£9.00	£11.50	£14.00	£16.50	£19.00	£21.50	£24.00	£26.50	£29.00	£31.50	£34.00	£36.50	£39.00	£41.50	£44.00	£46.50	£49.00	£51.50
York	£6.66	£9.09	£11.52	£13.95	£16.38	£18.81	£21.25	£23.68	£26.11	£28.54	£30.97	£33.40	£35.83	£38.26	£40.69	£43.12	£45.55	£47.99	£50.42	£52.85

Night-time fares



Fare comparisons (April 2026) – Christmas & New Year fares

	1 mile	2 mile	3 mile	4 mile	5 mile	6 mile	7 mile	8 mile	9 mile	10 mile	11 mile	12 mile	13 mile	14 mile	15 mile	16 mile	17 mile	18 mile	19 mile	20 mile
North Yorkshire proposed	£12.11	£16.52	£20.93	£25.34	£29.75	£34.16	£38.57	£42.98	£47.39	£51.80	£56.21	£60.62	£65.03	£69.44	£73.85	£78.26	£82.67	£87.08	£91.49	£95.90
North Yorkshire	£11.55	£15.75	£19.95	£24.15	£28.35	£32.55	£36.75	£40.95	£45.15	£49.35	£53.55	£57.75	£61.95	£66.15	£70.35	£74.55	£78.75	£82.95	£87.15	£91.35
Bradford	£5.85	£8.85	£11.85	£14.85	£17.85	£20.85	£23.85	£26.85	£29.85	£32.85	£35.85	£38.85	£41.85	£44.85	£47.85	£50.85	£53.85	£56.85	£59.85	£62.85
Durham	£8.80	£13.20	£17.60	£22.00	£26.40	£30.80	£35.20	£39.60	£44.00	£48.40	£52.80	£57.20	£61.60	£66.00	£70.40	£74.80	£79.20	£83.60	£88.00	£92.40
East Riding	£6.36	£9.36	£12.36	£15.36	£18.36	£21.36	£24.36	£27.36	£30.36	£33.36	£36.36	£39.36	£42.36	£45.36	£48.36	£51.36	£54.36	£57.36	£60.36	£63.36
Lancaster	£8.60	£13.00	£17.40	£21.80	£26.20	£30.60	£35.00	£39.40	£43.80	£48.20	£52.60	£57.00	£61.40	£65.80	£70.20	£74.60	£79.00	£83.40	£87.80	£92.20
Leeds	£10.83	£14.60	£18.37	£22.14	£25.91	£29.68	£33.45	£37.23	£41.00	£44.77	£48.54	£52.31	£56.08	£59.85	£63.63	£67.40	£71.17	£74.94	£78.71	£82.48
Redcar & Cleveland	£4.00	£6.50	£9.00	£11.50	£14.00	£16.50	£19.00	£21.50	£24.00	£26.50	£29.00	£31.50	£34.00	£36.50	£39.00	£41.50	£44.00	£46.50	£49.00	£51.50
York	£8.30	£11.95	£15.59	£19.24	£22.88	£26.53	£30.18	£33.82	£37.47	£41.12	£44.76	£48.41	£52.06	£55.70	£59.35	£63.00	£66.64	£70.29	£73.93	£77.58



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Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Environment		
Service area	Licensing		
Proposal being screened	Review of maximum Hackney Carriage fares		
Officer(s) carrying out screening	Gareth Bentley		
What are you proposing to do?	The purpose of this report is to consider a request to increase the maximum Hackney Carriage fares.		
Why are you proposing this? What are the desired outcomes?	To strike a balance between drivers' income and affordability of journeys for customers.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics As part of this assessment, please consider the following questions: - To what extent is this service used by particular groups of people with protected characteristics? - Does the proposal relate to functions that previous consultation has identified as important? - Do different groups have different needs or experiences in the area the proposal relates to? If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		√	
Disability		√	
Sex		√	
Race		√	
Sexual orientation		√	
Gender reassignment		√	
Religion or belief		√	
Pregnancy or maternity		√	
Marriage or civil partnership		√	
People in rural areas		√	
People on a low income		√	
Carer (unpaid family or friend)		√	
Are from the Armed Forces Community		√	
Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	No. Reviews have just concluded considering this, with a particular focus on wheelchair accessible vehicles. These are currently under consideration. This report is only to review the maximum fares which protects customers from excessive charges.		

	On 13 March 2026, the Executive of North Yorkshire County Council resolved to continue to waive the fees relating to wheelchair accessible vehicles. It also approved a new Inclusive Service Plan, and amendments to the Hackney Carriage and Private Hire Licensing Policy. This approach is intended to encourage the provision and retention of licensed wheelchair accessible vehicles in North Yorkshire. The costs associated with applications in respect of wheelchair accessible vehicles have been subsidised by the Council's general fund (not by other licence holders) since 1st April 2023. The formulation of a new Inclusive Service Plan is underway with a view to identifying potential methods of improving service provision for wheelchair users. Its recommendations will be considered alongside the full review of the Hackney Carriage and Private Hire Licensing Policy. The proposed review of licence fees recommends a continuation of existing arrangements, including in relation to wheelchair accessible vehicles to make the necessary provision while the policy review progresses.			
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No.			
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:	
Reason for decision				
Signed (Assistant Director or equivalent)	Callum McKeon			
Date	24/04/2026			

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Review of maximum Hackney Carriage fares
Brief description of proposal	The purpose of this report is to consider a request to increase the maximum Hackney Carriage fares.
Directorate	Environment
Service area	Licensing
Lead officer	Gareth Bentley
Names and roles of other people involved in carrying out the impact assessment	None

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following.

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact, then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	☒	Continue to full CCIA:	☐
Reason for decision	This report only considers requests to increase the maximum Hackney Carriage fare. Please refer to the ongoing review of Hackney Carriage and Private Hire Licensing Policy which considers the Councils climate change duties.			
Signed (Assistant Director or equivalent)	Callum McKeon			
Date	24/04/2026			

North Yorkshire Council

Executive

12 May 2025

Tour of Britain 2026 and 2027

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 To seek approval from the Executive to allocate £200,000 (£100k per annum) funding towards the operational costs associated with the delivery of the Tour of Britain Cycling Race in 2026 and 2027.

2.0 SUMMARY

- 2.1 The report provides an update on the decision made by York and North Yorkshire Combined Authority (YNYCA) to host a stage of the Tour of Britain Cycling Race in 2026 and 2027.
- 2.2 The report provides an overview of the how the event will be funded, including a request for an allocation for £200K of funding (£100k in 2026/27 and £100k in 2027/28) from corporate reserves to act as the Council's contribution to the event.
- 2.3 An overview of the roles and responsibilities of North Yorkshire Council in delivering the event is also provided.

3.0 BACKGROUND

- 3.1 YNYCA agreed at their March 2026 meeting to fund the hosting of two stages of the Tour of Britain Cycling Race, one in each of 2026 and 2027.
- 3.2 YNYCA have agreed with British Cycling to host a full stage of the men's Tour of Britain race in 2026 and a future stage in 2027. The men's race is due to take place between 02 and 06 September 2026.
- 3.3 As with previous cycle events, there is a requirement to pay a hosting fee to the race organisers as well as covering a range of operational costs associated with hosting the event.
- 3.4 The Combined Authority has confirmed that it will fund the hosting fee for both stages, which accounts to £350K. This will be funded from the Mayoral Investment Fund.
- 3.5 In addition the combined authority has allocated a further budget of £100K per race for operational costs. Again, this is funded from the Mayoral Investment Fund. There is a requirement for North Yorkshire Council to contribute to operational costs, with a further £100k of funding per race (£200K total) requested.
- 3.6 North Yorkshire has a strong recent history of hosting major international cycling races over the past 12 years, with stages of the Tour de France, Tour de Yorkshire, Tour of Britain (men and women) as well as the UCI Road World Cycling Championships, all being successfully hosted in the County.

4.0 BENEFITS OF HOSTING THE RACE

- 4.1 The combined authority has identified a range of benefits of hosting the race, that link to wider economic and social objectives which are outlined below
- Promotion of Active Travel
 - Inward investment and place promotion
 - Economic development
- 4.2 Previous events have shown the benefits of hosting large scale events, particularly around press and media coverage. The race is broadcast in 100+ countries with free to air coverage planned in the UK. Additionally, events can act as a catalyst for community based activities and can enhance a sense of pride in the local area.

5.0 PROPOSED ROUTE

- 5.1 Discussions are ongoing with British Cycling to understand proposed host locations and routes. It is the intention that the full route remains within North Yorkshire. It is our understanding that British Cycling are looking at proposed routes for 2026 that are hilly in order to provide a challenging route for the riders and an entertaining sporting spectacle. 2027 route design would commence early in 2027.
- 5.2 NYC and YNYCA officers will be involved in the route design and selection process to ensure that disruption to the wider transport network (both road and rail) is minimised as much as possible whilst also ensuring the objectives of a challenging race route are met. A range of start and finish location proposals are being looked at including locations that are on private land. The route will not include any roads within City of York.
- 5.3 The vast majority of the stages will be managed under rolling road closures which are typically in place for less than 30 minutes. Dependent on the start and finish locations, there may be a requirement for longer road closures to enable the safe build, operation and removal of the start and finish locations. Additionally dependent on the race route, there may be longer closures on some climbs and other sections of the route to ensure event safety. Parking suspensions will be in place across the race route.
- 5.4 NYC officers have provided recommendations on possible areas the route could go and just as importantly advised on locations the route should avoid. The date of the North Yorkshire stage falls within the last weekend of the school summer holidays 2026, therefore is likely to have implications on key tourism businesses and destinations.

6.0 ROLES AND RESPONSIBILITIES OF NORTH YORKSHIRE COUNCIL

- 6.1 NYC has effectively been put forward by YNYCA as the local delivery partner for both races (2026 and 2027) to work alongside British Cycling. NYC would be responsible for the delivery of the operational requirements associated with hosting the race as outlined by British Cycling within their hosting agreements with the Combined Authority.
- 6.2 Roles and responsibilities are split down to three distinct areas, Start, race route and finish.

6.3 Start requirements include the following

- Parking area for team vehicles
- Start straight and technical area adjacent to the start area
- First Aid provision for spectators
- Policing support
- NYC staff / project lead on site
- Stewarding 15-20 trained paid stewards
- Supply of toilets
- Barriers for crowd management in team parking area
- Water supply
- Refuse collection and commercial waste bins
- Civic dignitary to start the race
- Traffic management in start location to support the delivery of the start event, including road closures, parking suspensions and removal of vehicles from race route
- Stakeholder publicity and notification of road closures associated with the start
- Permission to erect structures over the highway (closed road only)
- Safety Advisory Group (SAG) process
- Counter Terrorism Overlay under guidance from Counter Terrorism North East Advisors

6.4 Finish requirements

- Removal of obstructions and parking for final 8km of race route, including traffic islands
- Team parking area
- Technical zone adjacent to finish line
- TV production area
- Tour village area to allow for erection of stalls and gazebos
- Press office located close to finish line (can be council building or function room)
- Supply of toilets
- Barriers for crowd management in team parking area
- Water supply
- Refuse collection and commercial waste bins
- First Aid provision for spectators
- NYC staff / project lead on site
- Stewarding 30 trained paid stewards
- Permission to erect structures over the highway (closed road only)
- SAG process
- Traffic management in finish location to support the delivery of the start event, including road closures, parking suspensions and removal of vehicles from race route
- Representative from local authority in event control
- Stakeholder publicity and notification of road closures associated with the finish location
- CT Overlay under guidance from Counter Terrorism North East Advisors

6.5 Route Requirements

- Road defect repairs on race route in line with relevant local standards. Repair of all defects on last 200m of race route
- Repair team to be available on the day of the event to make any emergency repairs.
- Conduct street cleansing, litter removal prior to, during and post-race as agreed with
- Conduct grass cutting, hedge trimming and tree pruning as required.
- Provide suitable portable roadways as required to combat soft/waterlogged ground at the finish area.
- Implement and cover the costs of all associated fixed road closures within the host authority's boundary. (The race will be managed on a rolling-road basis by the Police Central Escort Group).
- Implement all road closure signage along the race route.
- Provision and deployment of 'No Parking' restrictions on the race route as needed.
- Removal of illegally parked vehicles within the agreed and defined finish area to ensure safe passage of the race.
- Implement bus stop suspensions and bus route rerouting (as required).
- Stakeholder publicity and notification of road closures associated with the race route.

6.6 The costs etc associated with the activities outlined above will be impacted by the host locations and race route. Working with British Cycling and YNYCA we are seeking to minimise the impact of the race route, where possible, to keep associated costs as low as possible. Similarly selecting an appropriate start or finish location can help to reduce costs. This is balanced against getting the right mix of both community engagement and sporting challenge for the race.

6.7 Another aspect that will need to be considered as part of the planning of the host locations and race route is counter terrorism (CT) requirements. Dependent on the host location and requirements raised by NY Police as per any CT assessment. The requirements at the ToB in 2022 in Helmsley were relatively straightforward to deliver, however requirements are likely to have changed since then. Further discussion is planned with British Cycling and North Yorkshire Police.

6.8 It is not envisaged that any large-scale highway repairs will be required. Once the route is confirmed a route risk assessment will be carried out by British Cycling, which will be reviewed by NYC to identify if any small-scale highway repairs are required in line with our highway safety inspection manual.

6.9 Based on the above requirements we anticipate that the £200K operational funding (£100K NYC and £100K YNYCA) should be sufficient to deliver each of the two races (2026 and then 2027). As outlined above we are seeking to reduce costs wherever possible through route design and host location selection. It is proposed that a further £25K contingency fund is allocated for each of the two races. The Corporate Director Environment would have delegated responsibility to allocate this funding should it be required.

6.10 The funding requested does not include grants or support for local community groups to host events on or close to the route. For previous races, small scale grants, typically £500 - £1000 were made available. Discussions are ongoing with the combined authority to identify if further funding is available to support local community events.

7.0 ALTERNATIVE OPTIONS CONSIDERED

7.1 No alternative options were considered

8.0 FINANCIAL IMPLICATIONS

- 8.1 There is a requirement for £100k of funding from NYC in both 2026 and 2027 to support the delivery of the race – a total requirement of £200k. It is proposed that this unbudgeted cost will be met from the Strategic Capacity Reserve.
- 8.2 YNYCA have agreed to fund the hosting fee £350k over two years and £100k of funding per year in 2026 and 2027.
- 8.3 There is a risk that operational costs will exceed the £200k per annum budget once further details are known. As outlined in 6.9 a further contingency has been identified of £25k for each year, 2026 and 2027. The Corporate Director Environment would have delegated responsibility to allocate this funding should it be required. No funding above this amount would be available from the Council and if forecast costs were above this, additional funding would either need to be sought from the YNYCA or the route amended to bring costs within the available budget.
- 8.4 There may be further costs which will indirectly be met by NYC in terms of an impact on income, particularly in relation to parking services through the closure of car parks, parking spaces etc which will be reported as part of quarterly financial reporting.

9.0 LEGAL IMPLICATIONS

- 9.1 YNYCA will enter into a grant funding agreement with British Cycling in respect of the relevant hosting fees.
- 9.2 A funding agreement will be produced between NYC and YNYCA for the £100K per annum contribution from YNYCA to NYC for operational costs.
- 9.3 NYC will produce the relevant temporary traffic regulation orders (TTROs)
- 9.4 Any procurement activity will be carried out in line with NYC's Contract Procurement Rules and Grant Rules

10.0 EQUALITIES

- 10.1 See Appendix A

11.0 CLIMATE CHANGE IMPACT ASSESSMENT

- 11.1 See Appendix B

12.0 REASONS FOR RECOMMENDATIONS

- 12.1 To facilitate the delivery of a stage of the Tour of Britain Cycle race in 2026 and 2027

13.0 RECOMMENDATION

13.1 That the Executive

- approves the allocation of £200,000 (£100,000 per year over two years) funding from the Strategic Capacity Reserve for operational costs associated with the delivery of the Tour of Britain Cycling Race in 2026 and 2027.
- Delegates responsibility to the Corporate Director Environment to manage a contingency fund of £25K in each of 2026 and 2027 to support event delivery if the existing annual budget is exceeded.
- Delegate responsibility to the Corporate Director Environment to agree the race routes with British Cycling for the 2026 and 2027 Tour of Britain Cycling Races

APPENDICES:

Appendix A – EIA – to be added ahead of Executive Meeting

Appendix B – Climate Change to be added ahead of Executive Meeting

BACKGROUND DOCUMENTS: None

Karl Battersby
Corporate Director Environment
County Hall
Northallerton
14 April 2026

Report Author – James Gilroy Team Leader Highway Asset Management
Presenter of Report James Gilroy

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Initial equality impact assessment screening form This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate		Environment	
Service area		Highways and Infrastructure	
Proposal being screened		To seek approval from the Executive to allocate £200,000 (£100k per annum) funding for operational costs associated with the delivery of the Tour of Britain Cycling Race in 2026 and 2027	
Officer(s) carrying out screening		James Gilroy	
What are you proposing to do?		Confirm funding for the Tour of Britain cycle race to enable NYC to work with YNYCA and British Cycling to deliver the race in 2026	
Why are you proposing this? What are the desired outcomes?		To ensure the safe and effective delivery of the race and ensure that delivery remains in line with proposed budgets.	
Does the proposal involve a significant commitment or removal of resources? Please give details.		An allocation of £100k pa from the Council's strategic reserve is being sought.	
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics As part of this assessment, please consider the following questions: - To what extent is this service used by particular groups of people with protected characteristics? - Does the proposal relate to functions that previous consultation has identified as important? - Do different groups have different needs or experiences in the area the proposal relates to? If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		✓	
Disability		✓	
Sex		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
People in rural areas		✓	

People on a low income		✓	
Carer (unpaid family or friend)		✓	
Are from the Armed Forces Community		✓	
Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	No		
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No.		
Decision (Please tick one option)	EIA not relevant or proportionate:	✓?	Continue to full EIA:
Reason for decision	The recommendations of this report will allow for the delivery of a safe and successful event. Full review of the race route once conformed will be carried out to assess and manage any specific equalities impacts		
Signed (Assistant Director or equivalent)	Barrie Mason		
Date	23/04/2026		

Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision-making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance, please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission

Environmental Impact Assessment

Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Highway Maintenance Capital Funding 26/27 to 29/30
Brief description of proposal	To seek approval from the Executive to allocate £200,000 (£100k per annum) funding for operational costs associated with the delivery of the Tour of Britain Cycling Race in 2026 and 2027
Directorate	Environment
Service area	Highways and Infrastructure
Lead officer	James Gilroy
Names and roles of other people involved in carrying out the impact assessment	
Date impact assessment started	15.04.2026

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

No.

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, detailing estimated savings or costs where this is possible.

No impact in terms of the funding proposals. Once the route is confirmed a revised assessment will be carried out

How will this proposal impact on the environment?					Explain why will it have this effect and over what timescale?	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
N.B. There may be short term negative impact and longer-term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.		Positive impact (Place a X in the box below where)	No impact (Place a X in the box below where)	Negative impact (Place a X in the box below where)	Where possible/relevant please include: • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents		
Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel		x				
	Emissions from construction		x				
	Emissions from running of buildings		x				
	Other		x				

How will this proposal impact on the environment? N.B. There may be short term negative impact and longer-term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.	Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	Explain why will it have this effect and over what timescale? Where possible/relevant please include: • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		x				
Reduce water consumption		x				
Minimise pollution (including air, land, water, light and noise)		x				
Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating		x				

How will this proposal impact on the environment? N.B. There may be short term negative impact and longer-term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.	Positive impact (Place a X in the box below where)	No impact (Place a X in the box below where)	Negative impact (Place a X in the box below where)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
effects of drier, hotter summers						
Enhance conservation and wildlife		x				
Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape		x				
Other (please state below)		x				

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

N/A

Summary Summarise the findings of your impact assessment, including impacts, the 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.

No Climate change impacts based on the fact that the recommendation is seeking funding only. A revised assessment will be carried out once the route is confirmed

Sign off section

This climate change impact assessment was completed by:

Name	James Gilroy
Job title	Team Leader Highway Asset Management
Service area	Highways and Transport
Directorate	Environment
Signature	J Gilroy
Completion date	12.04.2026

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 23/04/2026

North Yorkshire Council

Executive

12 May 2026

Introduction of a Civil Financial Penalty Policy aligned with Renters' Rights Act

1.0	PURPOSE OF REPORT
1.1	To seek Executive approval to adopt a new Housing Civil Financial Penalties Policy for private sector housing, ensuring compliance with the Renters' Rights Act 2025 and associated housing legislation.
1.2	To seek confirmation of the appropriate delegations to support the effective implementation of the Civil Financial Penalty Policy and the Council's statutory duties, functions, responsibilities and enforcement duties under the Renters' Rights Act 2025.

2.0 SUMMARY

- 2.1 Civil penalties are intended to give councils a flexible enforcement option instead of prosecution, allowing effective action without the cost, delay, and evidential burden of court proceedings. Guidance states that a civil penalty is "an alternative to prosecution" for specified housing offences, and that authorities must choose one route or the other, they cannot do both for the same offence.
- 2.2 As a result, civil financial penalties are therefore a key enforcement tool enabling the Council to take proportionate, timely and effective action against serious or persistent non-compliance in the private rented sector, without relying solely on prosecution.
- 2.3 The policy is based on the Association of Chief Environmental Health Officers in England (ACEHO) Model Civil Financial Penalties Policy, which provides a clear, transparent and legally robust framework for determining when civil penalties should be applied, which offences are eligible, and how penalty levels are calculated. It incorporates statutory guidance and includes a structured penalty matrix to ensure that penalties are applied consistently, fairly, proportionately and in a manner that is effective and deterrent. The proposed policy is set out at Appendix A.
- 2.4 Adoption of the policy will support effective enforcement of new Renters' Rights Act 2025 offences, selective licensing requirements, Housing in Multiple Occupation licensing, and wider housing standards, while reducing legal and reputational risk for the Council.

3.0 BACKGROUND AND POLICY APPROACH

- 3.1 North Yorkshire has a large, diverse and geographically dispersed private rented sector, with significant variation between urban centres, market towns and rural and coastal communities. The sector plays a critical role in meeting local housing need but is characterised in parts by affordability pressures, variable property standards and a higher concentration of vulnerable households.

- 3.2 The Renters' Rights Act 2025 represents the most significant reform of the private rented sector in a generation and places strengthened duties on local authorities to take a more proactive, consistent and effective approach to enforcement. Central government has made clear that civil financial penalties are intended to be a primary enforcement tool under the new regime, enabling councils to take timely and proportionate action without relying solely on prosecution.
- 3.3 The Council has powers under a range of housing legislation to impose civil financial penalties as an alternative to prosecution. The Renters' Rights Act 2025 significantly expands the range of breaches and offences for which civil penalties may be imposed and increases the statutory maximum penalties to £7,000 or £40,000, depending on the offence.
- 3.4 Statutory guidance requires local authorities to publish a clear and transparent policy setting out how civil financial penalties will be determined. In the absence of an adopted policy, the Council would be exposed to inconsistency in decision-making, increased risk of challenge and reduced effectiveness of enforcement action.
- 3.5 The Civil Financial Penalties Policy applies once the Council has decided to pursue civil penalty proceedings and covers breaches and offences under housing legislation, including:
- Renters' Rights Act 2025
 - Housing Act 1988
 - Housing Act 2004 (including HMO and selective licensing offences)
 - Protection from Eviction Act 1977
 - Housing and Planning Act 2016
 - Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
 - Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
- 3.6 The policy explicitly allows for separate penalties to be imposed per offence and per offender, including circumstances where multiple landlords are responsible for the same breach or where multiple breaches occur at the same property.
- 3.7 The policy identifies offences subject to statutory maximum penalties of £7,000, primarily relating to tenancy reform and discrimination offences under the Renters' Rights Act, and £40,000 for more serious offences including unlawful eviction, licensing offences, breaches of banning orders, electrical safety offences and failure to comply with statutory notices. The offences covered and the relevant penalty thresholds are clearly set out within the policy.
- 3.8 A core principle of the policy is that operating unlawfully must be financially disadvantageous. Civil penalties are intended not only to punish non-compliance, but also to remove any financial benefit gained as a result of the offence and to deter both the offender and others from committing future breaches.
- 3.9 The policy establishes a structured five-stage civil penalties matrix, requiring officers to assess:
- the seriousness of the breach or offence
 - the type, scale and experience of the landlord, with higher expectations placed on professional and corporate landlords
 - mitigating and aggravating factors
 - financial considerations and ability to pay
 - the totality principle, to ensure outcomes are just and proportionate
- 3.10 Clear parameters are set for upward and downward adjustments to penalty levels, ensuring consistency across cases while allowing discretion where this is justified and supported by evidence.

- 3.11 The policy places strong emphasis on evidence-based decision-making. Mitigation will only be applied where claims are supported by reliable and sufficient evidence, and the Council may draw adverse inferences where relevant information is withheld or not provided.
- 3.12 Aggravating factors include, but are not limited to, previous non-compliance, deliberate or reckless conduct, failure to cooperate with the Council, harm to occupants, the vulnerability of tenants, and the duration of offending.
- 3.13 The policy sets out the statutory process for the imposition of civil penalties, including:
- service of a Notice of Intent
 - a 28-day period for written representations
 - issue of a Final Notice where appropriate
 - rights of appeal to the First-tier Tribunal (Property Chamber)
- 3.14 A discount for prompt payment may be applied where full compliance has been achieved and a civil financial penalty is paid in full within the specified period, without undermining the overall deterrent effect of the sanction. A local amendment has been applied to this provision to ensure alignment with the Council's existing policy and the Sentencing Council's guidelines. This amendment reduces the maximum discount from 15% to one third and introduces an explicit requirement that the landlord must have fully remedied the breach or offence in order to qualify for the discount.
- 3.15 The Government has issued statutory guidance entitled *Civil penalties under the Renters' Rights Act 2025 and other housing legislation*. The Council has had regard to this guidance in exercising its functions in relation to civil financial penalties.
- 3.16 In developing this Policy, the Council has taken account of the factors set out in statutory guidance to ensure that penalties are appropriate, proportionate and effective. These factors include the severity of the breach or offence, the culpability and track record of the offender, and whether the offender knew, or ought reasonably to have known, that they were acting unlawfully.
- 3.17 The Council also considers the harm caused, or the potential for harm, to the tenant and, where relevant, the wider community. Greater actual or potential harm will result in a higher civil penalty. Civil penalties are intended to punish the offender, deter repeat offending and deter others from committing similar breaches, reinforcing that compliance with housing legislation is the sensible financial choice.
- 3.18 In addition, the Council will seek to ensure that any financial benefit gained by an offender as a result of committing a breach or offence is removed. The absence of a financial benefit does not, in itself, mean that a lower penalty will be appropriate.

4.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 4.1 Although a public consultation is not required to implement this policy, key internal and external partners have been engaged in its development. Legal Services have been consulted, and their advice has been incorporated into both the policy and this report. Housing staff involved in service delivery locally and nationally have also contributed to ensure the policy reflects current practice and recognised good practice across the sector. The policy is based on the nationally endorsed model Housing Authority Enforcement Policy produced by the Association of Chief Environmental Health Officers in England (ACEHO).

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 5.1 Working alongside the council enforcement policy, the Civil Financial Penalties Policy supports the Council's Place and Environment priority by providing a clear and proportionate framework for tackling poor housing conditions, non-compliance and rogue landlord activity, thereby improving standards in the private rented sector across North Yorkshire.
- 5.2 It also contributes to the Health and Wellbeing priority by enabling robust enforcement action where serious hazards such as damp, mould, excess cold or overcrowding place residents at risk, helping to protect vulnerable households and reduce health inequalities associated with unsafe or poor-quality housing.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 Retaining the existing approach to civil penalties is not a viable option. The current arrangements do not fully reflect the legislative changes introduced by the Renters' Rights Act 2025, including expanded enforcement powers, revised offences and strengthened expectations on local authorities. Failure to adopt an updated policy would expose the Council to legal, operational and reputational risk and weaken the defensibility of civil penalty decisions.
- 6.2 The Council could develop a bespoke civil penalties policy independent of the national model. This approach is not recommended, as it would risk divergence from nationally recognised good practice, reduce consistency with other authorities, and increase the likelihood of challenge or appeal against civil penalty notices.

7.0 IMPACT ON OTHER SERVICES

- 7.1 Implementation of the Civil Financial Penalties Policy is expected to increase demand on support services, particularly Legal Services, due to a higher volume of formal enforcement action, civil penalty notices, representations and appeals. There may also be increased demand on finance and debt recovery functions linked to penalty recovery. These impacts will be monitored as the Renters' Rights Act is implemented and enforcement activity increases.

8.0 FINANCIAL IMPLICATIONS

- 8.1 The Civil Financial Penalties Policy is expected to increase the use of financial penalties as an alternative to prosecution. Income generated from civil penalties is ring-fenced in legislation and will be reinvested in further housing enforcement activity, supporting additional capacity, training and investigative work.
- 8.2 While civil penalties will be used more frequently, prosecution will remain an option for the most serious offences or where it is the most appropriate and proportionate response, in line with the policy.
- 8.3 The Council has received approximately £200,000 in burdens funding from central government to support implementation of the Renters' Rights Act. This funding is being used to strengthen capacity within the Private Sector Housing Standards Team to meet increased enforcement and regulatory demands, including the application and administration of civil penalties.

9.0 LEGAL IMPLICATIONS

- 9.1 Adoption of the Civil Financial Penalties Policy will provide the Council with a clear, transparent and legally robust framework for the use of civil penalties under housing legislation. The policy reflects the requirements of the Renters' Rights Act 2025 and aligns with the nationally endorsed ACEHO model, strengthening the Council's ability to issue consistent, proportionate and defensible financial penalties.
- 9.2 Having an adopted policy that demonstrates fairness, transparency and consistency will assist the Council in responding to representations, appeals and any legal challenges relating to civil penalty decisions.

10.0 EQUALITIES IMPLICATIONS

- 10.1 An Equality Impact Assessment Screening tool has been completed (Appendix B). The Civil Financial Penalties Policy applies to landlords and relevant persons and does not directly disadvantage any protected group. Indirect positive impacts are anticipated through improved housing conditions for residents.

11.0 CLIMATE CHANGE IMPLICATIONS

- 11.1 An initial Climate Change Impact Assessment has been completed (Appendix C). The adoption of the Civil Financial Penalties Policy does not introduce new operational activity that would increase carbon emissions. The policy provides a framework for enforcement decision-making and does not materially affect the Council's carbon footprint. A full Climate Change Impact Assessment is therefore not required.

12.0 PERFORMANCE IMPLICATIONS

- 12.1 There is a clear expectation from central government that local authorities will significantly increase the rate of enforcement activity, including the use of Civil Financial Penalties (CPNs), following the introduction of the Renters' Rights Act 2025. The Act is intended to drive more proactive and consistent regulation of the private rented sector, with civil penalties positioned as a primary enforcement tool rather than an exceptional measure. The adoption of this policy will support the Council in meeting those expectations and demonstrating effective, visible enforcement activity under the new regulatory framework.

13.0 RISK MANAGEMENT IMPLICATIONS

- 13.1 The Civil Financial Penalties Policy strengthens the Council's risk management arrangements by ensuring that financial penalties are applied within a clear, consistent and legally robust framework. The policy supports proportionate responses to serious non-compliance, repeat offending and deliberate breaches of housing legislation, reducing risks to residents and minimising the likelihood of successful challenge to enforcement action.

14.0 ICT IMPLICATIONS

- 14.1 The increased use of civil penalties and new statutory reporting requirements will need to be supported by the Council's housing enforcement database. ICT support will be required to ensure appropriate recording of penalty decisions, calculations, payments and outcomes, and to facilitate accurate reporting to central government.

15.0 CONCLUSIONS

- 15.1 Adoption of the model Civil Financial Penalties Policy, with appropriate local amendments, will provide the Council with a clear, legally robust and nationally aligned framework for the use of civil penalties under housing legislation.

The policy strengthens the Council's ability to:

- Apply financial penalties consistently and proportionately
- Take firm action against serious and repeat non-compliance
- Use civil penalties as an effective alternative to prosecution
- Recover costs and reinvest income into housing enforcement
- Reduce legal, reputational and governance risk

- 15.2 A key local amendment included, strengthens the application of prompt payment discounts by requiring landlords to have achieved compliance before any reduction is applied and by aligning the level of discount with the approach taken by the sentencing courts. This ensures that financial penalties continue to act as an effective deterrent while supporting timely compliance.

16.0 REASONS FOR RECOMMENDATIONS

- 16.1 The adoption of the Civil Financial Penalties Policy is required to support the Council's strengthened enforcement duties under the Renters' Rights Act 2025 and to ensure a clear, consistent and legally robust approach to the use of civil penalties. The policy will enable effective and proportionate enforcement action, improve housing standards and protect residents across North Yorkshire.

17.0 RECOMMENDATION

- 17.1 Adopt the Housing Civil Financial Penalty Policy
- 17.2 It is also recommended that authority be delegated to the Assistant Director of Housing, in consultation with the Executive Member for Culture, Arts and Housing to make minor amendments to the Housing Civil Financial Penalty Policy as required, including updates necessary to ensure ongoing alignment with nationally updated model policies.
- 17.3 Confirm the delegation of the Council's statutory duties, functions, responsibilities and enforcement powers under the Renters' Rights Act 2025 to the Corporate Director of Community Development, to ensure the Council can lawfully, consistently, and effectively discharge its statutory enforcement duties, including the issue of civil (financial) penalties under the new legislative regime.

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Appendices

Appendix A : Civil penalties under the Renters' Rights Act 2025 and other housing legislation -
Policy for adoption by local authorities in England

Appendix B : Equalities Impact Assessment

Appendix C : Climate Impact Assessment

Background papers

None

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North Yorkshire Council

Civil penalties under the Renters' Rights Act 2025 and other housing legislation

This policy should be read in conjunction with The North Yorkshire Council's Private Housing Standards Enforcement Policy published by the Council.

This policy applies as a means of enforcement by the Council once the council has decided to commence civil penalties action.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, corporate landlords, directors of corporate landlords, registered providers of social housing and any other person involved in the letting or management of accommodation.

In this policy, the term 'corporate landlord' should be read as referring to a body corporate that meets the definition of 'landlord' above.

In this policy, the terms 'House in Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

The following breaches are subject to a civil penalty with a statutory maximum of £7,000:

- Failure to give a written statement of terms and any other prescribed information under section 16D of the Housing Act 1988.
- Attempting to let a property for a fixed terms under section 16E of the Housing Act 1988.
- Attempting to end a tenancy by service of a notice to quit under section 16E of the Housing Act 1988.
- Attempting to end a tenancy orally or requiring that it is ended orally under section 16E of the Housing Act 1988.
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988.
- Relying on a ground where the landlord does not reasonably believe that the landlord is / will be able to obtain possession under section 16E of the Housing Act 1988.
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988.
- Failure to give an existing tenant prescribed information about changes made by the Renter's Rights Act 2025 in the prescribed form and timeframe under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025.
- Discrimination relating to children in the lettings process under section 33 of the Renters' Rights Act 2025.
- Discrimination relating to benefits in the lettings process under section 34 of the Renters' Rights Act 2025.
- Failure to specify proposed rent within a written advertisement or offer under section 56 of the Renters' Rights Act 2025.
- Inviting, encouraging or accepting any offer of rent greater than the stated rate under section 56 of the Renters' Rights Act 2025.

The following breaches are subject to a civil penalty with a statutory maximum of £40,000:

- Breach of duty under Regulation 3, 3B, 3C and 3D of The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England Regulations 2020).
- The following offences are subject to a civil penalty with a statutory maximum of £40,000:
- Unlawful eviction and harassment of occupier under section 1 of the Protection from Eviction Act 1977.
- Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn under section 16J of the Housing Act 1988.
- Conduct giving rise to liability under s.16I, where within the preceding five years the landlord has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct under section 16(J) of the Housing Act 1988.
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988.
- Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 under section 16J of the Housing Act 1988.
- Breach of a banning order under section 21 of the Housing and Planning Act 2016.
- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004.
- Contravention of an overcrowding notice under section 139 of the Housing Act 2004.
- Failure to obtain a selective licence under section 95 of the Housing Act 2004.
- Failure to obtain an HMO licence under section 72 of the Housing Act 2004.
- Knowingly permitting over-occupation of an HMO under section 72 of the Housing Act 2004.
- Failure to comply with management regulations in respect of HMOs under section 234 of the Housing Act 2004.
- Failure to comply with HMO licence conditions under section 72 of the Housing Act 2004.
- Failure to comply with selective licence conditions under section 95 of the Housing Act 2004.

When determining the amount of a civil penalty the Council will take into account all relevant factors, particularly but not limited to, the severity of the offence, culpability and track record of a landlord and harm/risk of harm caused/likely to be caused. Whilst the overriding principle is that the landlord should not make any financial gain from their failure to comply with the relevant legislation, the imposition of a civil penalty should also, in a way that is fair, punish the landlord and act as a deterrent to prevent future offending by the landlord and by others. Therefore, the level of the penalty is set at a level that is likely to have a significant deterrent effect.

If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence. In each case, the level of any civil penalty imposed will be determined in accordance with this policy.

If multiple landlords have committed the same breach or offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in accordance with this policy.

This policy outlines the Council's methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty.

When applying the civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. Where the final amount reached following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.

The Council considers the need for transparency and consistency to be of primary importance to ensure fairness in the discharge of its functions. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation (a) know how the Council will generally penalise relevant breaches and offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.

The Council recognises that, despite its best efforts, landlords may operate unlawfully for a significant period without detection, and that only a proportion of those committing relevant breaches and offences will be identified. Accordingly, the Council seeks to ensure that civil penalties are set at a level that makes it clear to the landlord concerned and to others that operating unlawfully as a landlord is financially disadvantageous when compared to operating lawfully.

The Council has a duty to act fairly, transparently and consistently when assessing civil penalties. To maintain fairness between all landlords, the Council will not give weight to claims advanced as factors that might reduce the amount of a civil penalty unless those claims are supported by evidence that the Council reasonably considers to be relevant, reliable, credible, and sufficient in scope and detail to enable proper assessment of the claim, having regard to the nature of the claim, the information ordinarily available to the landlord, and the need for consistent and fair decision-making. The onus is on the landlord to provide any information s/he seeks to rely upon to the Council. Allowing inadequately evidenced assertions to influence outcomes would risk rewarding those who provide incomplete or misleading information and would create an unfair advantage over landlords who provide a

full and properly evidenced account. Accordingly, the Council expects landlords against whom a civil penalty is being considered to provide all documents and records that would ordinarily exist if their account were accurate. Where such evidence is not provided, and no explanation that the Council considers adequate is given, the Council may draw an adverse inference.

Where claims are advanced without sufficient supporting evidence, the Council may request specified supporting material before determining whether to issue a final notice or whether any mitigation has been sufficiently evidenced so as to justify a lower civil penalty.

The further objectives of using financial penalties in particular as a means of enforcing the above breaches and offences are explained below.

Statutory Guidance

The Government has issued statutory guidance entitled "Civil penalties under the Renters' Rights Act 2025 and other housing legislation". The Council has regard to this guidance in the exercise of their functions in respect of civil penalties.

The Council has considered the following factors in developing this civil penalty policy to help ensure that the civil penalty is set at an appropriate level.

- **Severity of the breach or offence.** The more serious the breach or offence, the higher the penalty should be.
- **Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.
- **The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the actual harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.
- **Punishment of the offender.** The penalty should, in a way that is fair, both punish the offender and demonstrate the consequences of not complying with their responsibilities.
- **Deter the offender from repeating breaches or offences.** The ultimate goal is to prevent any further offending and help ensure that the offender fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a level that it is likely to have a very significant deterrent effect.
- **Deter others from committing similar breaches or offences.** While the fact that someone has received a civil penalty may not be in the public domain, the civil penalty policy itself will be and local authorities should consider how their formal enforcement activity can be effectively publicised.

An important part of deterrence is the realisation on the part of landlords that the local housing authority is proactive in levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.

Remove any financial benefit the offender may have obtained as a result of committing the breach or offence. The principle here is that it should not be in the offender's financial interest to commit a breach or offence rather than comply, for example that the penalty for breaching licensing conditions in respect of occupancy of a property is less than the additional rent received as a result of the over crowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

Civil Penalties Matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out below. The matrix consists of the following sequential steps:

1. Determining the starting point based on the seriousness of the breach or offence.
2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")
3. Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.
4. Financial considerations.
5. Applying the totality principle.

Step 1 - Starting point based on seriousness of the breach or offence

The Ministry of Housing, Communities & Local Government has provided statutory guidance that prescribes starting points for all breaches and offences based on the seriousness of the breach or offence. The exception to this prescription is for breaches of licensing conditions under sections 72(3) and 95(2) of the Housing Act 2004, where the Council has determined its own starting levels based on the seriousness of the specific licence condition or type of licence condition that has not been complied with.

Step 2 - Adjustment for factors relating to the type of landlord, size and type of portfolio controlled, owned or managed, experience of the landlord ("Landlord Type")

While all landlords are expected to comply fully with their legal obligations, the Council considers that a higher standard of professionalism and regulatory awareness is reasonably expected of landlords who operate at greater scale, who have greater experience, or who are involved in more complex forms of letting. Where such landlords fail to comply with their obligations, this will ordinarily justify a higher civil penalty.

In particular, a higher degree of professionalism is expected of landlords who:

- Control, own, or manage a significant portfolio of properties;
- Have significant experience in the letting or management of property;
- Are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs);
- Are corporate landlords; or
- Are or have been directors of corporate landlords.

An upward adjustment of 20% of the applicable starting point will be applied where the landlord meets any one or more of the following criteria:

- The landlord has, at any point in time, controlled, owned, or managed six or more properties. These properties need not have been held concurrently or at the time civil penalty proceedings are brought.
- The landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently.
- The landlord is, or has previously been, a director of a corporate landlord.
- The landlord is a corporate landlord.
- The landlord has, in the Council's assessment and by reference to the available evidence, significant experience in the letting or management of property.

A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met:

- The landlord has, at any point in time, controlled, owned, or managed no more than two properties.
- The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time.
- The landlord has, in the Council's assessment and by reference to the available evidence, very limited experience in the letting or management of property.

Step 3 - Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlords and the actual or potential harm to the occupants

To promote fairness and consistency in the administration of civil penalties, the Council will apply a structured and consistent framework when determining the extent to which mitigating and aggravating factors affect the quantum of any civil penalty.

General approach

Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below.

Where multiple civil penalties are issued under this policy against the same landlord at the same time, and except where expressly stated otherwise, mitigating and aggravating factors will be considered and applied separately to each civil penalty when determining the quantum of each penalty.

Mitigating factors

The Council may reduce the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of mitigating factors.

Only in exceptional circumstances may the Council depart from the application of this policy in respect of mitigating factors and apply a reduction in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Within the framework of this policy, the Council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation. However, the following generic mitigating factors will be considered in respect of each breach or offence.

Steps taken to remedy the basis of the breach or offence

Non-exhaustive examples include:

- Promptly remedying all elements of the breach or offence after receiving communication from the Council.
- Promptly remedying all the significant elements of the breach or offence leaving only less significant elements of the breach or offence.

A high level of cooperation

Non-exhaustive examples include:

- Proactive provision of significant information the Council reasonably considers relevant beyond that required by statutory notice.
- Acceptance of liability
- Non-exhaustive examples include:
- Accepting liability before or within the period for representations.

Where a landlord relies on a reasonable excuse defence or otherwise contests liability, this mitigating factor will not usually apply.

Health circumstances

Non-exhaustive examples include:

- A serious health condition or medical incident experienced by the landlord during, or in the period immediately preceding, the breach or offence, where there is clear and reliable evidence that the condition had a direct and material impact on the landlord's ability to comply with the relevant legal obligation. Examples may include, but are not limited to, a heart attack, stroke, cancer diagnosis, or other acute or serious medical event causing significant incapacity or impairment.

Diminished culpability (limited responsibility)

Non-exhaustive examples include:

- A joint landlord who has evidenced that compliance arrangements for the subject property were directed and controlled by another joint landlord, and not by them.
- A landlord who became involved only after an unforeseen change in circumstances (such as the death of the previous landlord) and who committed the breach or offence only for a limited period while putting their affairs in order.

The instruction of a managing or letting agent, or reliance on an agent's actions or omissions, will not of itself constitute diminished culpability.

Aggravating factors

The Council may increase the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of aggravating factors.

Only in exceptional circumstances may the Council depart from the application of this policy in respect of aggravating factors and apply an increase in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors.

The following generic aggravating factors will be considered in respect of each breach or offence:

Previous history of non-compliance

Non-exhaustive examples include:

- Previous successful prosecutions (including relevant spent convictions), previous civil penalties, previous rent repayment orders, previous works in default, previous simple cautions.
- Concurrent investigations or proceedings relating to other civil penalties, prosecutions, or rent repayment orders will not be treated as previous non-compliance.

Non-cooperation with the Council

Non-exhaustive examples include:

- Failure to comply with notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 235 of the Housing Act 2004, or section 114 of the Renters' Rights Act 2025.
- Failing to provide a substantive response to a letter of alleged offence.
- Failing to attend previously agreed meetings.

Where the Council has prosecuted, or is pursuing a prosecution, in respect of the same act or omission involving failure to provide legally required information (including failure to comply with a statutory notice), that conduct will not also be treated as an aggravating factor for the purposes of setting the civil penalty, in order to avoid double counting.

Where multiple civil penalties are imposed against the same landlord at the same time, this aggravating factor will be applied only to the civil penalty with the highest starting point, unless there is a clear and reasoned basis for applying it differently.

Deliberate intent or negligence when committing the offence

Non-exhaustive examples include:

- Knowledge that the breach or offence was occurring.
- Continuation of offending after communication from the Council.
- Premeditation or planning, including steps taken to prevent detection or effective investigation.
- Providing false or misleading information to the Council.
- Applying pressure to occupants to deter cooperation with the Council.

The number of occupants affected

Non-exhaustive examples include:

3-5 occupants affected.

Duration of non-compliance

Non-exhaustive examples include:

The offence or breach occurred over a 3–6 month period.

Vulnerability of occupants

Non-exhaustive examples include:

Children and young adults, persons vulnerable by reason of age, disability or sensory impairment, persons with drug or alcohol dependency, victims of domestic abuse, children in care, persons with complex health needs, persons who do not speak English as a first language, victims of trafficking or sexual exploitation, refugees, asylum seekers, and pregnant women.

Step 4 - Financial Considerations

The Council will review the quantum of the civil penalty and consider whether it is sufficient to act as an effective deterrent to future non-compliance. Where the Council has evidence that it considers to be sufficiently reliable regarding rental income and/or asset value from the landlord's, it may determine that an increase in the level of the penalty is appropriate in order to achieve effective deterrence.

It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.

Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination by the council of any final notice.

Where a landlord seeks to rely on a strained or limited financial position as a basis for reducing the level of a civil penalty, that position must be supported by appropriate and verifiable evidence sufficient to enable the Council to assess the landlord's financial position consistently, objectively, and transparently. Unsupported assertions, partial disclosure, or selective provision of information will not be given weight.

At a minimum, and where such information exists, and where the landlord seeks to rely on a strained or limited financial position as a basis for seeking a reduction in the level of the civil penalty, the following should be provided as part of any written representations:

The last three full tax years full self-assessment tax returns filed with HMRC, including all additional and supplemental pages;

- The last three full tax years' SA302 documents & tax year overviews;
- The last three months' payslips;
- The last three years P60 certificates;
- The last twelve months' Universal Credit payment statements;
- A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documentation;
- A list of all property assets owned, or held on a long lease, by any corporate entity in which the landlord has a beneficial interest, together with corresponding Land Registry documentation;

- The most recent annual mortgage statement for each property, or the last twelve months' mortgage statements where the mortgage has been in place for less than twelve months;
- Valuation statements for all ISAs held;
- Statements from any cryptoasset exchange accounts showing balances and valuations;
- A list of all shareholdings;
- Recent bank statements for any account holding a balance in excess of £5,000;
- Recent statements for all secured and unsecured loans;
- Bankruptcy orders and official notifications of bankruptcy.

Where the Council is not satisfied that it has been provided with sufficiently reliable, complete, and accurate information to assess the landlord's financial position, the Council may draw the inference that the landlord is able to pay the civil penalty as imposed.

A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained as a result of the breach or offence.

Step 5 - The Totality Principle

The Council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate. A civil penalty should be fair and proportionate but, in all instances, should act as a deterrent and remove any gain as a result of the offence. If issuing a financial penalty for more than one offence, or where the offender/landlord has already been issued with a financial penalty, the Council will consider whether the total penalties are just and proportionate to the offending behaviour.

In exceptional cases, and having regard to the particular circumstances of the case, the Council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in respect of a specific breach or offence where doing so would render the overall outcome disproportionate.

In general, however, the application of the totality principle will form the final step in the Council's decision-making process, undertaken after any written representations have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this policy.

As a final step before issuing final notices, the Council will consider whether multiple civil penalties being imposed under this policy against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the Council concludes that the aggregate amount would not be just and proportionate, it will consider whether a proportionate reduction of the penalties is appropriate.

The totality principle does not operate across different legal persons who are separately liable in law, nor does it operate across civil penalties imposed at different times. In general, it applies only to multiple civil penalties imposed under this policy on the same person at the same time. Where, however, legislation provides that an officer of a body corporate, or a person concerned in its management, may be separately liable in relation to the same conduct as the body corporate, and that officer also holds a shareholding interest in the body corporate, the Council will, where civil penalties are imposed at the same time on both the body corporate and the officer arising from that same conduct, consider whether the combined outcome results in punitive duplication and is therefore not just and proportionate.

If the aggregate total is not just and proportionate the Council may consider how to reach a just and proportionate civil penalty. There are a number of ways in which this can be achieved.

For example:

Where an offender is to be penalised for two or more offences that arose out of the same incident or where there are multiple offences of a repetitive kind, especially when committed against the same person, it will often be appropriate to impose for the most serious offence a civil penalty. This should reflect the totality of the offending where this can be achieved within the maximum penalty for that offence. No separate penalty should be imposed for the other offences.

Where an offender is to be penalised for two or more offences that arose out of different incidents, it will often be appropriate to impose a separate civil penalty for each of the offences. The Council should add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate amount is not just and proportionate the Council should consider whether all of the civil penalties can be proportionately reduced. Separate civil penalties should then be issued.

This approach reflects the statutory guidance on the application of the totality principle and is intended to promote consistency, transparency, and proportionality, while avoiding arbitrary or selective adjustment of individual penalties.

In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes of assessing the totality of civil penalties under this policy.

Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty

Protection from Eviction Act 1977 offences

Unlawful eviction and harassment of occupier - section 1 of the Protection from Eviction Act 1977

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

Violence or threats of violence.
Disposal of possessions or threats to dispose of possessions.
Breach or evasion of an injunction or undertaking.
Loss of home.

Housing Act 1988 breaches and offences

Failure to give a written statement of terms and any other prescribed information - section 16D of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

Provision of some of the required terms and prescribed information within the required period.

Offence-specific aggravating factors:

None

Attempting to let a property for a fixed term - section 16E(1)(a) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

None.

Attempting to end a tenancy by service of a notice to quit - section 16E(1)(b) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process - section 16E(1)(d) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

None.

Failing to provide a tenant with prior notice that a ground which requires it may be used - section 16E(1)(f) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

None.

Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe - paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

Provision of some of the required prescribed information within the required period.
Provision of prescribed information but not in the prescribed form.

Offence-specific aggravating factors:

None.

Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn — section 16J(3) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

None.

Conduct giving rise to liability under s.16I, where within the preceding five years the person has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct – section 16J(4) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

Offence-specific aggravating factors:

Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

None.

Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 - section 16J(2) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

None.

Housing and Planning Act 2016 offences

Breach of a banning order - section 21(1) of the Housing and Planning Act 2016

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

A single, isolated incident.

Offence-specific aggravating factors:

Concealment or evasion.

Renters Rights Act 2025 breaches

Discrimination relating to children in the lettings process – section 33(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

None.

Discrimination relating to benefits in the lettings process – section 34(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

None.

Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

None.

Offence-specific aggravating:

None.

Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

None.

The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 breach of duties

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (3)(b), (3)(d), (3)(e).

Regulation 3D: (a), (b), (c), (f)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

Offence-specific mitigating factors:

The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

The number or nature or severity of the issues observed on the report or record.

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

The number or nature or severity of the issues observed on the report or record.

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

The number or nature or severity of the issues observed on the report or record.

Housing Act 2004 offences

Failure to comply with an improvement notice - section 30(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

The nature and extent of hazard(s) that are present once the deadline for compliance has passed.

Whether the property is unoccupied once the deadline for compliance has passed.

Access to the property was prevented by the actions or refusal of the occupant(s) and a landlord can evidence that they took steps to obtain access to the property for the purpose of carrying out the required works, but those steps fell short of establishing a reasonable excuse for non-compliance.

Offence-specific aggravating factors:

The nature and extent of hazard(s) that are present once the deadline for compliance has passed.

Failure to comply with an overcrowding notice - section 139(7) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

The level of overcrowding present.

Failure to obtain a selective licence - section 95(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

The landlord has knowledge or experience of licensing requirements.

Failure to obtain an HMO licence - section 72(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

Offence-specific mitigating factors:

None.

Offence-specific aggravating factors:

The landlord has knowledge or experience of licensing requirements.
The condition of the unlicensed property.

Knowingly permitting over-occupation of an HMO - section 72(2) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

There are suitable amenity and space provisions in the HMO.

Offence-specific aggravating factors:

The level of over-occupation present.

Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]
- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]

- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

Where there are multiple breaches of a single Management Regulation at a single HMO, a single civil penalty will be imposed which will cover all the breaches of that Management Regulation.

Where multiple Management Regulations have been breached at a single HMO, a separate civil penalty will be imposed for each Management Regulation that has been breached.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to provide information to occupier	£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

The nature and extent of offences within the specific regulation

The landlord has refused to provide any outstanding contact information more than 48 hours after it has been requested by an occupant or on behalf of an occupant.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to take safety measures	£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

The number, nature and extent of offences within the specific regulation

Civil penalties under the Renters' Rights Act 2025 and other housing legislation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£10,000	£12,000

Offence-specific mitigating factors:

The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

The number, nature and extent of offences within the specific regulation.

Offence-specific aggravating factors:

The number, nature and extent of offences within the specific regulation.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain living accommodation	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

The nature and extent of offences within the specific regulation

The lack of sufficient refuse and/or litter containers either inside and/or outside the property has been previously reported

The refuse and/or litter that requires disposal includes hazardous materials.

Breach of licence conditions – Section 72(3) Housing Act 2004

All granted HMO licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

Failure to comply with licence conditions related to:

- **Signage or the provision of information for tenants**
- **Provision of written terms of occupancy for tenants**
- **Procedures regarding complaints**
- **Procedures regarding vetting of incoming tenants**
- **Compliance with deposit protection legislation**
- **The recording and provision of information regarding rent payments**
- **Procedures relating to rent collection**
- **The provision of information regarding occupancy of the property**
- **The provision of information regarding change of managers or licence holder details**
- **The provision of information related to changes in the property**
- **Requirements relating to the sale of the property**
- **Attending training courses**
- **Requirements to hold insurance**
- **The provision of insurance documentation**
- **The provision of or obtaining of suitable references**
- **The provision of keys and alarm codes**
- **Security provisions for access to the property**
- **The provision of suitable means for occupiers to regulate temperature**
- **Carrying out items on a schedule of works not otherwise mentioned in the HMO licence conditions section of this policy, relating to non-compliance with items on a schedule of works**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

The nature and extent of the licence condition breach

Offence-specific aggravating factors:

The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- Procedures and actions regarding Inspections
- Procedures regarding Repair issues
- Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas
- Safeguarding occupiers and minimising disruption during works
- The provision of information regarding alterations and construction works
- Procedures regarding emergency issues
- Waste and waste receptacles, pests, minor repairs, alterations or decoration.
- Giving written notice prior to entry.
- Allowing access for inspections
- Minimising risk of water contamination
- The compliance of furnishings or furniture with fire safety regulations
- Carrying out items on a schedule of works in relation to provision of mechanical extraction or electrical sockets

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

The nature and extent of the licence condition breach

Offence-specific aggravating factors:

The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- The provision of documentation regarding energy performance certificates,
- fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances

- **Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status**
- **Procedures and actions regarding ASB**
- **Carrying out items on a schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

The nature and extent of the licence condition breach

Offence-specific aggravating factors:

The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- **Minimum floor areas**
- **Occupancy rates**
- **Occupancy of rooms or areas that are not to be used as sleeping accommodation**
- **Limits on number of households allowed to occupy the property or part of the property**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

The nature and extent of the licence condition breach

Offence-specific aggravating factors:

The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements
- The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction
- Carrying out items on a schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

The nature and extent of the licence condition breach

Offence-specific aggravating factors:

The nature and extent of the licence condition breach

Breach of licence conditions – Section 95(2) Housing Act 2004

All granted selective licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

Failure to comply with licence conditions related to:

- Signage or the provision of information for tenants
- Provision of written terms of occupancy for tenants
- Procedures regarding complaints
- Procedures regarding vetting of incoming tenants
- Compliance with deposit protection legislation
- The recording and provision of information regarding rent payments
- Procedures relating to rent collection

- The provision of information regarding occupancy of the property
- The provision of information regarding change of managers or licence holder details
- The provision of information related to changes in the property
- Requirements relating to the sale of the property
- Attending training courses
- Requirements to hold insurance
- The provision of insurance documentation
- The provision of keys and alarm codes
- Security provisions for access to the property
- The provision of suitable means for occupiers to regulate temperature
- Carrying out items on a schedule of works not otherwise mentioned in the selective licence conditions section of this policy, relating to non-compliance with items on a schedule of works

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

The nature and extent of the licence condition breach

Offence-specific aggravating factors:

The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- Procedures and actions regarding Inspections
- Procedures regarding Repair issues
- Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas
- Safeguarding occupiers and minimising disruption during works
- The provision of information regarding alterations and construction works,
- Procedures regarding emergency issues
- Waste and waste receptacles, pests, minor repairs, alterations or decoration.
- Giving written notice prior to entry
- Allowing access for inspections
- Minimising risk of water contamination

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,250	£40,000	£4,200	£5,250	£6,300

Offence-specific mitigating factors:

The nature and extent of the licence condition breach

Offence-specific aggravating factors:

The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances
- Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status
- Procedures and actions regarding ASB
- Minimum floor areas
- Occupancy rates
- Occupancy of rooms that are not to be used as sleeping accommodation
- Limits on number of households allowed to occupy the property or part of the property

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£9,375	£40,000	£7,500	£9,375	£11,250

Offence-specific mitigating factors:

The nature and extent of the licence condition breach

Offence-specific aggravating factors:

The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements
- The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£15,000	£40,000	£12,000	£15,000	£18,000

Offence-specific mitigating factors:

The nature and extent of the licence condition breach

Offence-specific aggravating factors:

The nature and extent of the licence condition breach

Process for imposing a civil penalty and the right to make written representations

Notice of intent

Before imposing a civil penalty on a landlord, the Council will give the landlord a notice of intent. The notice of intent will set out:

- The amount of the proposed civil penalty
- The reasons for proposing to impose the civil penalty
- Information about their right to make written representations

Right to make written representations

A landlord who is given a notice of intent may make written representations to the Council about the proposal to impose a civil penalty. Any representations must be made within a period of 28 days beginning with the day after the date on which the notice of intent was given.

Decision after the representations period

After the end of the period for representations the Council will:

- Decide whether to impose a civil penalty on the landlord; and
- If it decides to impose a civil penalty, decide the amount of the penalty. This amount can be higher or lower than the amount stated in the notice of intent.

A landlord's rectification of the identified breach or offence during the representations period will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. However, compliance at that stage will usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Similarly, an admission of liability will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. An admission of liability will, however, usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Final notice

If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a civil penalty on the landlord, it will give the landlord a final notice imposing that penalty.

The final notice will set out:

- The amount of the civil penalty
- The reasons for imposing the penalty
- Information about how to pay the penalty
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

Discount for prompt payment

Where the council has issued a notice of intent to a landlord for a civil penalty and the landlord has made representations to the council evidencing that all breaches and/or offences have been remedied, which is accepted by the council, the council will apply a discount of one third to the amount of the civil penalty, provided following the issue of a final notice the discounted amount of the civil penalty is paid in full within the period specified in that notice (normally 28 days beginning with the day after the final notice is given).

The availability of the discount is conditional upon full payment being received within the specified period. The discount period will not be extended or suspended by the bringing of an appeal. A landlord who chooses to appeal may still benefit from the discount by paying the civil penalty in full within the specified period; however, where payment is not made within that period, the discount will not apply.

Appeals

A landlord who is given a final notice may appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a civil penalty and/or the amount of the civil penalty. Any appeal must be made within 28 days beginning with the day after the date on which the final notice was given.

Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.

An appeal to the First-tier Tribunal is by way of a re-hearing of the Council's decision. In determining an appeal, the Tribunal may have regard to matters of which the Council was unaware at the time the decision to impose the civil penalty was made.

The Tribunal may dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious, an abuse of process, or has no reasonable prospect of success.

The First-tier Tribunal may invite the parties to consider mediation or another form of alternative dispute resolution. The Council will not generally agree to mediation in relation to the level of a civil penalty, as civil penalties are determined by reference to this Policy to promote fair, consistent, and proportionate outcomes. Agreeing reductions outside the Policy framework would risk undermining consistency and the Council's enforcement objectives.

On determination of an appeal, the Tribunal may:

- Confirm the civil penalty
- Vary the amount of the civil penalty (whether by increase or reduction)
- Cancel the civil penalty

Where the Tribunal varies a civil penalty by increasing its amount, it may do so only up to the applicable statutory maximum for the relevant breach or offence (£7,000 or £40,000, as applicable).

A party to the appeal may apply for permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

Reviewing the policy

This policy will be reviewed in line with any significant changes in legislation, guidance or case law. Separate to this it will be reviewed every three years.

Minor alterations to the Private Housing Standards Civil Penalty Policy can be made by the Assistant Director of Housing in consultation with the portfolio holder.

DRAFT

Initial equality impact assessment screening form This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate		Community Development	
Service area		Housing Renewal	
Proposal being screened		New Housing Civil Financial Penalties Policy for private sector housing, ensuring compliance with the Renters' Rights Act 2025 and related housing legislation.	
Officer(s) carrying out screening		Lynn Williams	
What are you proposing to do?		Introduce a new Housing Civil Financial Penalties Policy	
Why are you proposing this? What are the desired outcomes?		The policy provides a detailed, transparent, and legally robust framework for deciding when civil penalties will be used, which offences are eligible, and how penalty levels are calculated. The policy incorporates statutory guidance and establishes a structured matrix to ensure penalties are consistent, fair, proportionate and deterrent. The policy will support effective enforcement of new Renters' Rights Act 2025 offences, selective licensing requirements, Housing in Multiple Occupation licensing, and wider housing standards, while reducing legal and reputational risk for the Council.	
Does the proposal involve a significant commitment or removal of resources? Please give details.		No	
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics As part of this assessment, please consider the following questions: • To what extent is this service used by particular groups of people with protected characteristics? • Does the proposal relate to functions that previous consultation has identified as important? • Do different groups have different needs or experiences in the area the proposal relates to? If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Are from the Armed Forces Community		X	

Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	No			
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No			
Decision (Please tick one option)	EIA not relevant or proportionate:	☒	Continue to full EIA:	☐
Reason for decision	The adoption of a new Housing Civil Financial Penalties Policy is not expected to have an adverse impact on any protected characteristics or any adverse impacts on particular areas, communities or organisations			
Signed (Assistant Director or equivalent)	A Rowe			
Date	26/3/26			

Appendix C

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Introduce a new Housing Civil Financial Penalties Policy
Brief description of proposal	The policy provides a detailed, transparent, and legally robust framework for deciding when civil penalties will be used, which offences are eligible, and how penalty levels are calculated. The policy incorporates statutory guidance and establishes a structured matrix to ensure penalties are consistent, fair, proportionate and deterrent. The policy will support effective enforcement of new Renters' Rights Act 2025 offences, selective licensing requirements, Housing in Multiple Occupation licensing, and wider housing standards, while reducing legal and reputational risk for the Council.
Directorate	Community Development
Service area	Housing Renewal
Lead officer	Lynn Williams
Names and roles of other people involved in carrying out the impact assessment	Emma Jesper

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	✓	Continue to full CCIA:	
Reason for decision	The updates to the Housing Civil Financial Penalties Policy does not create any climate change impacts.			
Signed (Assistant Director or equivalent)	A Rowe			
Date	26/3/26			

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North Yorkshire Council

Executive

12 May 2026

Introduction of a new Enforcement Policy aligned with Renters Rights Act

1.0	PURPOSE OF REPORT
1.1	To seek Executive approval to adopt a new Housing Authority Enforcement Policy for private sector housing, ensuring compliance with the Renters' Rights Act 2025 and associated housing legislation, in accordance with the Council's governance and decision-making framework.
1.2	To seek confirmation of the appropriate delegations to support the effective implementation of the Housing Enforcement Policy and the Council's statutory duties, functions, responsibilities and enforcement duties under the Renters' Rights Act 2025.

2.0 SUMMARY

- 2.1 The Council has an overarching enforcement policy; however, services require more specific policies which sit beneath this framework, including the existing housing standards enforcement policy.
- 2.2 The Renters' Rights Act 2025 becomes law on 1st May 2026, although some investigatory parts of the Act have been in force since late last year. The Act significantly strengthens the role of local authorities in regulating the private rented sector, introducing new offences, enforcement powers, and reporting duties. In response, the Association of Chief Environmental Health Officers in England (ACEHO) has produced a nationally endorsed model Housing Authority Enforcement Policy for adoption by local housing authorities.
- 2.3 The proposal policy is based on ACEHO Model Housing Authority Enforcement Policy (Appendix A) and sets out clear principles and processes for enforcement across a wide range of housing legislation, including but not limited to:
- Housing Act 2004 (Parts 1–5 and 7)
 - Renters' Rights Act 2025
 - Protection from Eviction Act 1977
 - Housing and Planning Act 2016
 - Energy Efficiency (Private Rented Property) Regulations 2015
 - Smoke and Carbon Monoxide Alarm Regulations
- 2.4 The policy provides a detailed enforcement framework, covering investigatory powers, informal and formal enforcement action, emergency powers, civil financial penalties, prosecutions, Rent Repayment Orders and banning orders. Adoption will ensure that North Yorkshire Council's enforcement activity is consistent, proportionate, transparent, and defensible, while enabling robust action against serious or persistent non-compliance.

3.0 BACKGROUND

- 3.1 The Renters' Rights Act 2025 was introduced to address longstanding weaknesses in the private rented sector, including high levels of non-decent housing, insecurity for tenants and inconsistent enforcement across England. National data continues to show that the private rented sector contains the highest proportion of homes with serious hazards and poor living conditions, and the Act seeks to create a fairer, safer and more accountable system. In North Yorkshire, around one-fifth of all homes are privately rented, and a significant proportion of the stock is pre-1929 and therefore more vulnerable to hazards.
- 3.2 The Renters' Rights Act 2025 introduces significant reforms to the private rented sector aimed at improving security, standards, and fairness for tenants. Key provisions include the abolition of Section 21 'no-fault' evictions, the replacement of assured shorthold tenancies with a single system of assured periodic tenancies and strengthened controls on rent increases. The Act also places new duties on landlords in relation to property standards, non-discrimination and tenant rights, alongside enhanced investigatory and enforcement duties and powers for local housing authorities, including the ability to impose civil penalties or pursue prosecution for non-compliance with the requirements of the Act.
- 3.3 The Council already has a statutory duty under section 3 of the Housing Act 2004 to keep housing conditions in its area under review and to take appropriate enforcement action where hazards are identified which includes a duty on the Council to take enforcement action in respect of category 1 hazards under the Housing health and safety rating system. The Renters' Rights Act 2025 builds on this framework by placing additional duties on councils to enforce landlord legislation and to report on enforcement activity to the Secretary of State.
- 3.4 Our current enforcement policy does not reflect the changes brought about by the Act. Failure to maintain a clear, up-to-date and legally sound enforcement policy exposes the Council to increased legal challenge, reputational risk, and inconsistency in decision-making, particularly given the scale and complexity of the new enforcement regime.
- 3.5 The proposed policy establishes a graduated but firm approach to enforcement, explicitly recognising that while informal engagement and advice may be appropriate in some cases, formal enforcement action may be taken as a first response. This is particularly the case where:
- There is a risk to public health or safety
 - There is a history of non-compliance
 - Breaches are deliberate or serious
 - Offences relate to the Renters' Rights Act 2025 or landlord legislation
- 3.6 For Category 1 hazards, the policy reflects the Council's mandatory duty to take enforcement action, and for Category 2 hazards, the expectation that enforcement will be taken to remove or reduce the hazards to an acceptable level.
- 3.7 A core element of the policy is the use of statutory investigatory powers, including powers to:
- Require information and documents from landlords, agents and other relevant persons
 - Enter residential and business premises, with or without warrant depending on circumstances
 - Seize and retain documents for evidential purposes
 - Act where there is obstruction, non-compliance, or provision of false or misleading information

These powers are critical to enabling effective enforcement under both existing housing legislation and the Renters' Rights Act 2025.

- 3.8 The policy sets out the full range of formal enforcement tools available to the Council, including but not limited to:
- Improvement Notices, Prohibition Orders and Hazard Awareness Notices
 - Emergency Prohibition Orders and Emergency Remedial Action where there is an imminent risk of serious harm
 - Works in default where a landlord fails to comply with statutory notices
 - Prosecution or the use of civil financial penalties as an alternative to prosecution
 - Enforcement of HMO and selective licensing requirements through licence conditions and management regulations.

- 3.9 The policy confirms the Council's powers and duties in relation to civil financial penalties, including for:

- Failure to comply with statutory notices
- Licensing offences
- Unlawful eviction and harassment
- New key offences introduced by the Renters' Rights Act 2025

Civil penalties operate alongside prosecution and are used as an alternative to a prosecution as a means of enforcement. Their use will be guided by a standalone civil penalty policy. In accordance with housing legislation, income received from Civil Penalty Notices (CPNs) may be retained by the local authority but must be applied solely for the purpose of furthering its statutory enforcement functions within the private rented sector.

- 3.10 The policy also places strong emphasis on the use of Rent Repayment Orders (RROs), confirming the Council's duty to consider RROs for qualifying offences and its expectation that RROs will normally be pursued where public funds have been paid to a non-compliant landlord.
- 3.11 For the most serious or persistent offenders, the policy enables the Council to apply for Banning Orders, preventing individuals from letting or managing property or engaging in letting agency work.
- 3.12 The policy confirms that the Council will seek to recover reasonable costs associated with enforcement activity wherever legislation allows, including costs arising from investigation, inspections, notices, monitoring, works in default and legal proceedings.
- 3.13 The model policy is intended for adoption at a local level, with responsibility resting with each local authority to ensure that it is compatible with its own governance arrangements and legal and operational requirements. No material local amendments are proposed to the model policy. Adoption of the policy does not fetter or otherwise restrict the Council's discretion in the determination of individual cases; rather, it provides a consistent, transparent and legally robust framework to support proportionate and defensible enforcement decision-making.
- 3.14 Adopting this policy will support the Council's wider objectives to improve housing standards, protect tenants, support responsible landlords, and ensure fair, proportionate, and transparent enforcement activity.

4.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 4.1 Although a public consultation is not required to implement this policy, key internal and external partners have been engaged in its development. Legal Services have been consulted, and their advice has been incorporated into both the policy and this report. Housing staff involved in service delivery locally and nationally have also contributed to ensure the policy reflects current practice and recognised good practice across the sector. The policy is based on the nationally endorsed model Housing Authority Enforcement Policy produced by the Association of Chief Environmental Health Officers in England (ACEHO).

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 5.1 The Enforcement Policy directly supports the Council's *Place and Environment* priority by ensuring safe, sustainable and good-quality homes across North Yorkshire, improving neighbourhood conditions and strengthening local resilience. It also contributes to the *Health and Wellbeing* priority by tackling hazards such as damp, mould and cold homes, reducing health inequalities, and protecting residents, particularly vulnerable households, from risks that can adversely affect their physical and mental health.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 Retaining the existing policy is not a viable option. The current policy does not reflect the significant legislative changes introduced by the Renters' Rights Act 2025, including the new statutory duty to enforce from 1 May 2026. Failure to update the policy would expose the Council to operational, compliance and challenge risk.
- 6.2 The Council could develop its own standalone enforcement policy. However, this approach is not recommended as it would diverge from the nationally endorsed model policy, increasing the risk of inconsistency with sector-wide good practice and reducing the legal defensibility of enforcement decisions.

7.0 IMPACT ON OTHER SERVICES

- 7.1 Implementation of the updated Enforcement Policy, and the wider requirements of the Renters' Rights Act, is likely to generate additional demand on support services, particularly Legal Services, due to the increased volume and complexity of enforcement activity, formal notices and potential appeals. Resource implications will continue to be monitored as the legislation beds in.

8.0 FINANCIAL IMPLICATIONS

- 8.1 The updated Enforcement Policy is expected to increase the use of civil penalties as an alternative to prosecution, generating income which is ring-fenced in legislation for reinvestment in further housing enforcement activity. While civil penalties are anticipated to be used more frequently, prosecution will continue to be pursued, where deemed appropriate, for the most serious and high-risk offences. This includes cases where prosecution remains the most appropriate and proportionate course of action, or where no statutory power exists for the Council to impose a civil penalty.
- 8.2 The Council has also received approximately £200,000 in burdens funding from central government to support implementation of the Renters' Rights Act. This funding is being utilised to provide additional capacity within the Private Housing Standards Team to meet the increased statutory duties arising from the new legislation.

9.0 LEGAL IMPLICATIONS

- 9.1 The adoption of the updated Enforcement Policy will ensure the Council has a legally robust and transparent framework for carrying out its statutory duties as a Housing Authority. The policy reflects the legislative changes introduced by the Renters' Rights Act and aligns with the nationally endorsed model policy, strengthening the Council's ability to make consistent, proportionate and defensible enforcement decisions. Having in place an adopted policy and procedures which demonstrate fairness, openness and transparency will assist the Council in defending any legal challenges to enforcement action or civil penalties taken under the new regime.
- 9.2 In this context, it is also necessary for the Executive to formally confirm the delegation of the Council's statutory duties, functions, responsibilities and enforcement powers under the Renters' Rights Act 2025 to authorised officers. While the Act itself applies automatically, clear delegation is required to ensure that enforcement action, including the use of enhanced civil penalty powers, is exercised lawfully, consistently and in accordance with the adopted policy framework. Confirming delegation, alongside adoption of the updated Enforcement Policy, provides assurance that officers are properly empowered to act on the Council's behalf and that enforcement decisions taken under the new legislative regime are legally sound, auditable, and capable of withstanding external challenge.

10.0 EQUALITIES IMPLICATIONS

- 10.1 An Equality Impact Assessment Screening tool has been completed (Appendix B).

11.0 CLIMATE CHANGE IMPLICATIONS

- 11.1 An initial Climate Change Impact Assessment has been completed (Appendix C). As the proposal relates to updating the Council's Housing Standards Enforcement Policy in line with new statutory requirements, there is no anticipated change in operational activity that would increase carbon emissions. The policy itself does not introduce new functions or practices that would materially affect the Council's carbon footprint. On this basis, a full CCIA is not required.

12.0 PERFORMANCE IMPLICATIONS

- 12.1 The implementation of the updated Enforcement Policy, alongside the new statutory duties introduced by the Renters' Rights Act, is expected to result in a significant increase in enforcement activity. This is likely to include a higher volume of formal investigations, statutory notices, civil penalties and, for the most serious breaches and where considered appropriate, criminal prosecutions. The Act also introduces substantial new monitoring and reporting requirements for local authorities, including mandatory data submissions to central government and future integration with the national Private Rented Sector Database. Collectively, these changes will require robust performance management arrangements, high-quality and reliable data, and regular oversight to ensure that the Council meets its statutory obligations and can evidence effective, proportionate and timely enforcement.

13.0 RISK MANAGEMENT IMPLICATIONS

- 13.1 The updated Enforcement Policy strengthens the Council's risk management position by ensuring that enforcement activity is undertaken within a clear, consistent and legally robust framework aligned with national guidance. The policy enables the Council to respond proportionately to risks such as serious hazards, non-compliance, deliberate offences and breaches of the Renters' Rights Act, thereby reducing the likelihood of harm to residents and ensuring appropriate use of statutory investigatory powers.

14.0 ICT IMPLICATIONS

- 14.1 The new statutory monitoring and reporting requirements introduced by the Renters' Rights Act will need to be incorporated into the Council's existing housing enforcement database. This will require ICT support to develop fields and reporting functions that allow accurate, consistent and efficient capture of enforcement activity and ensure the Council can meet national data-return obligations.

15.0 CONCLUSIONS

- 15.1 Adopting the ACEHO Model Housing Authority Enforcement Policy, with local amendments, will provide the Council with a comprehensive, legally robust, and sector-endorsed enforcement framework, enabling officers to make consistent, proportionate, and defensible decisions across an increasingly complex regulatory landscape.

The policy strengthens the Council's ability to:

- Take early and decisive enforcement action where risks are high
- Use the full range of investigatory and enforcement powers available
- Apply financial and punitive sanctions effectively against serious non-compliance
- Recover costs and protect public funds
- Reduce legal, reputational and governance risk

The policy is being adopted with local branding and minor/local operational references, without altering its substantive legal content.

16.0 REASONS FOR RECOMMENDATIONS

- 16.1 The updated Enforcement Policy is required to meet the Council's strengthened duties under the Renters' Rights Act 2025 and to ensure a clear, consistent and legally robust approach to housing enforcement. Adoption of the policy will support effective, timely action to improve housing conditions and reduce risk to residents across North Yorkshire.

17.0 RECOMMENDATIONS

- 17.1 Adopt the proposed Housing Authority Enforcement Policy.
- 17.2 Delegate authority to the Assistant Director of Housing, in consultation with the Executive Member for Culture, Arts and Housing to make minor amendments to the Housing Enforcement Policy as required, including updates necessary to ensure ongoing alignment with nationally updated model policies.
- 17.3 Confirm the delegation of the Council's statutory duties, functions, responsibilities and enforcement powers under the Renters' Rights Act 2025 to the Corporate Director of Community Development, to ensure the Council can lawfully, consistently, and effectively discharge its statutory enforcement duties, including the issue of civil (financial) penalties under the new legislative regime.

Nic Harne
Corporate Director
Community Development
North Yorkshire Council

Report Author - Lynn Williams - Head of Housing Renewal
Emma Jesper - Private Housing Standards Manager

Appendices

Appendix A : Housing Authority Enforcement Policy

Appendix B : Equalities Impact Assessment

Appendix C : Climate Change Impact Assessment

Background papers

None

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North Yorkshire Council

Housing Authority Enforcement Policy

Policy Principles

This policy sets out the Council's principles for enforcing and executing its duties as a Housing Authority under the relevant statute.

As a Local Housing Authority, North Yorkshire Council has various duties to ensure landlords, property owners and lettings/management agents comply with the law. This policy outlines our approach to meeting these duties. In particular, the policy explains how we make use of the different mandatory and discretionary powers available to us to ensure that landlords manage homes effectively and undertake the necessary repairs and improvements to their properties to keep their tenants safe.

Our aim is to improve housing conditions throughout North Yorkshire and to ensure that our residents live in safe and healthy homes. We try and achieve this by working in partnership with property owners, landlords, agents and tenants. Whilst an informal approach is often the most effective way of improving housing standards, we recognise that when housing conditions fail to comply with statutory minimum standards and where there is noncompliance with legislation and regulations or poor management practices by landlords, then enforcement action is needed to protect the public and the environment

S3 Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them. Further S5 of the Act places a duty on the Council to take appropriate enforcement action if the Council considers a category 1 hazard exists on any residential premises.

S107 Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025,
- Part 2 of the Renters' Rights Act 2025,
- Sections 1 and 1A of the Protection from Eviction Act 1977, and
- Chapter 1 of Part 1 of the Housing Act 1988.

S110 Renters' Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

In this policy, the terms 'House of Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

Aims of the Policy

The purpose of this enforcement policy is to provide guidance for Housing Authority officers to ensure that enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 and the mandatory guidance issued to local authorities. The policy also sets out the Council's approach to regulation and enforcement within the private rented sector for the benefit of landlords and managing agents, with the objective of securing compliance with all relevant legislative and regulatory requirements and protecting the health, safety and welfare of persons residing in private rented sector properties

The Renters' Rights Act and the 'Landlord Legislation' (as defined by S107) sit outside of the Regulators' Code, and its provisions do not apply.

Part 1 of the Housing Act 2004 is also outside of the code's scope.

Notwithstanding this, the following legislation and its enforcement does come within the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and is therefore within the scope of the Regulators Code and the principles of good regulation:

- Parts 8, 9 and 10 of the Housing Act 1985
- Part 8 of the Housing Act 1996
- Parts 2 to 5 of the Housing Act 2004

This policy document sets out what owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.

All enforcement action taken will be in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

As a public body under the Human Rights Act 1998, the Council will apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Approach to Enforcement

The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation.

S5 Housing Act 2004 places a duty on Councils to take appropriate enforcement action where a Category 1 hazard exists.

S7 Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard exists. The Council will usually take action where a Category 2 hazard exists.

In addition, Council officers will often investigate and identify the need to take enforcement action through a range of routes, including (but not limited to): proactive inspections of dwellings through licensing provisions; in response to a complaint or request for assistance; and referrals from other public bodies. All investigations will be carried out in accordance with the relevant statutory requirements. The Council will ensure that appropriate governance is in place to ensure that action is taken in accordance with appropriate policies.

The Council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account. Relevant factors may include, but are not limited to:

- Where there is a risk to public health
- Severity of the case
- Where there is a blatant or deliberate contravention of the law
- Where there is history of non-compliance

The Council will usually take formal action in the first instance if there has been:

- Non-compliance with previous formal or informal action
- Offences in relation to the licensing of HMOs

The Council will take formal enforcement action in the first instance for breaches of the Landlord Legislation.

Investigatory powers

In addition to the Council's informal and formal powers of enforcement, there are investigatory powers relating to the collection of information and relating to the entry of premises including, but not limited to, the powers detailed below.

Power to Investigate

S114 Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information to the Council.

This notice may be given to any person with an estate or interest in the land; the licensor; their agents; or a marketer of a property. It may be given in regard to any offence under the following Legislation:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;

- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Failure to comply with a s114 notice is an offence under s131 Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a s.114 notice.

S115 Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation Legislation, or to determine the amount of a penalty. For the purposes of this section, the Rented Accommodation Legislation means:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Parts 1 to 4 and 7 of the Housing Act 2004 ;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Where an individual has not complied with a s115 notice, s116 Renters' Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

S131 Renters' Rights Act provides that, in addition to the offence of non-compliance with a s114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

S235 Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

S16 Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers and of any others with an interest in the land.

Entry to Premises

S118 Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under s122-s123 Renters' Rights Act 2025. This power will be exercised without a warrant.

S121 Renters' Rights Act 2025 allows a Council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under s122 or seize under s123. In addition, for this power to be exercised, one of the following conditions must be met:

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier;
- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given;
- That no occupier is present, and waiting for their return might defeat the purpose of the entry.

Following a s118 or s121 Renters' Rights Act 2025 entry, s122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Following a s118 or s121 Renters' Rights Act 2025 entry, s123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized, and will provide that person with a written record of what has been taken.

S126 Renters' Rights Act 2025 permits the Council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence

of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

In addition, s239 Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property in order to carry out a survey or examination. This may be done if any one of the following is met:

- to determine if any Part 1-4 enforcement functions should be exercised;
- the premises are part of an Improvement Notice or Prohibition Order;
- a management order is in force under Chapter 1 or 2 of Part 4 on the premises.

In certain circumstance the Council may obtain a warrant to enter, by force if necessary, under s240 Housing Act 2004.

Informal action

Informal action taken by the Council may be written or verbal advice. Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint or contact indicates that an immediate investigation by a Council officer is warranted.

In cases where officers visit an address, whether this is a result of a landlord's failure to adequately resolve a highlighted issue or as part of an audit or other investigation, written or verbal advice may be deemed sufficient should the inspection highlight only very minor deficiencies.

Where written advice is deemed appropriate by the Council and is provided, timescales will normally be included to undertake any specified work or actions.

While the Council will use its discretion on whether to carry out informal action for a Category 2 hazard, it does not need to provide written or verbal advice before commencing formal action.

Formal action

If formal action is considered appropriate, the following options are available to the Council.

Housing Act 2004 Part 1

- issue an Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the Council depending on the nature and scale of the work.

- issue a Prohibition Order in respect of any Category 1 hazards and any Category 2 hazards on the property. This prevents occupation of whole or part of the property, or can be used to limit occupant numbers, within a specified time frame.
- issue a Hazard Awareness Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This makes the owner and occupiers aware of the hazards identified; however, it does not require remedial action. As a result, and because it does not secure risk-reducing works within a specified timeframe, a Hazard Awareness Notice will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers.
- make an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.
- Where there is a Category 1 hazard present, S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice.
- The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.
- Demolition and Clearance are options for both Category One or Category Two hazards.
- S30 Housing Act 2004 provides that failure to comply with a Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty.
- S32 Housing Act 2004 provides that failure to comply with a Prohibition Order is a criminal offence, which will normally be followed by prosecution. Failure to comply with a Prohibition Order will not be subject to a Civil Penalty.
- Other formal notices served by the Council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under s.239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

Work in default

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the Council carrying out the works specified in the Notice, and seek reimbursement of costs incurred. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council has no duty to undertake works in default and it will be at its discretion.

Emergency or suspended enforcement action

Where there is a Category 1 hazard present, s43 Housing Act 2004 permits the Council to issue an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.

S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice. The Council may then seek reimbursement of costs incurred on the work and the administration of the scheme.

The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.

HMO Licence Conditions

Conditions can be added to HMO licences to require work to meet specified standards or to address HMO Management Regulation requirements. In general, authorities the Council should seek to identify, remove or reduce category 1 or category 2 hazards in the house by the exercise of Part 1 functions and not by means of licence conditions. However this does not prevent the Council from imposing licence conditions relating to the installation or maintenance of facilities or equipment, and/or any other matter the Council considers reasonable even if the same result could be achieved by the exercise of Part 1 functions;

Failure to comply with licence conditions is a criminal offence, which may result in prosecution or the issuing of a civil penalty

Other Legislative alternatives

There may be other legislative alternatives available to remedy deficiencies that cause Category Two hazards which the Council may choose as a more appropriate enforcement approach.

Prosecution

Where a Civil Financial Penalty is an available alternative to prosecution, the Council will only consider using its power to prosecute under Part 1 Housing Act 2004 in more serious cases; other than offences relating to a failure to comply with a Prohibition Order and/or Emergency Prohibition Order, which will ordinarily be followed by a prosecution.

The decision to prosecute will be determined by the evidential strength of the Council's case and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.

In many circumstances, where an offence is committed by a body corporate, legislation enables Councils to pursue persons involved with the body corporate in addition to, or instead of, the body corporate. These include company officers and, where applicable, company members.

The Council will determine, on a case-by-case basis, whether to take enforcement action against any person or persons that they consider fall within the scope of this category in addition to prosecuting the body corporate.

Civil Financial Penalties for specified offences

This section relates exclusively to Civil Financial Penalties issued by the Council for breaches of the below housing law.

The Council has the power to impose a Civil Financial Penalty for the following:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [s72 Housing Act 2004]
- Offences in relation to the Selective Licensing of 'houses' [s95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [s139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [s234 Housing Act 2004]
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to comply with a banning order [s21 Housing and Planning Act 2016]

- Failure to give a written statement of terms under section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Breaches of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 ("the Regulations") – Statement of principles at Appendix 1

- Breaches of The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the Regulations”) – Statement of principles at Appendix 2
- Failure of lettings and managing agents to register with an approved redress scheme under the Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014

Civil Financial Penalties in respect of these offences operate according to their own independent standalone policy – see the Council’s Civil Penalties under the Renters’ Rights Act and other housing legislation policy.

Rent Repayment Orders

Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

Where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances.

This power will be considered in response to all qualifying offences and where there is sufficient evidence for a successful application to the First Tier Tribunal.

The qualifying offences are:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
- Breach of a Banning Order [s21 Housing and Planning Act 2016]
- Using Violence to secure entry [s6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [s16J(1) Housing Act 1988]
- Letting or marketing of a property within twelve months of using the ‘moving in’ or ‘selling’ ground of eviction [s16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [s16J(3) Housing Act 1988]

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.

S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. The Council will usually assist tenants by referring or signposting them to a relevant organisation.

Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent the landlord from:

- Letting housing in England;
- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty in relation to a Banning Order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to:

- The harm, or potential harm, caused to the tenant;
- The need to punish the offender;
- The need to deter the offender from repeating the offence;
- The need to deter others from committing similar offences.

Costs and Charges

The Council incurs costs in carrying out its functions. Where legislation allows, the Council will seek to recover reasonable costs and expenses associated with its enforcement, licensing and wider regulatory activity. This may include (non-exhaustively) costs arising from inspections, investigation, evidence gathering, notices and other statutory documentation, follow-up action, compliance monitoring, and works or other interventions.

Recovery may be pursued using all available lawful routes, which may include civil action, local land charges, and enforcement against the property.

Where permitted, interest may be applied to outstanding sums until paid.

Complaints

Telephone: 0300 131 3 131

Online: [Complaints, comments or compliments | North Yorkshire Council](#)

In writing: North Yorkshire Council, County Hall, Northallerton, DL7 8AD

In person: To a member of staff at one of our public access points. It would be helpful if you could call ahead to make an appointment so that we can make sure an appropriate member of staff will be available for you.

A service user can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.

Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order.

If a service user disagrees with a statutory notice, they should take action as specified in the notice or order to make an appeal, if any exists. Reference should be made to any notes that may accompany the notice or order for more detail.

Reviewing the policy

This policy will be reviewed in line with any significant changes in legislation, guidance or case law. Separate to this it will be reviewed every three years.

Minor alterations to this Policy can be made by the Assistant Director of Housing in consultation with the portfolio holder.

Appendix 1

Statement of principles to determine the amount of a penalty charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (“the Regulations”)

Section 13 of the Regulations requires local housing authorities to prepare and publish a statement of principles which they propose to follow in determining the amount of a penalty charge.

The Regulations introduced legal requirements on relevant landlords to:

1. Equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation.
2. During any period when the premises were occupied under the tenancy, to ensure that a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and which contains fixed combustion appliance other than a gas cooker.
3. Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.
4. Where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.

For the purposes of the legislation, living accommodation includes a bathroom or lavatory.

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of the Regulations.

If the landlord then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge and can arrange for remedial action to be taken under certain circumstances. The power to charge a penalty arises from Regulation 8 of the Regulations. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.

The Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

A landlord will not be considered to be in breach of their duty to comply with the remedial notice if they can demonstrate they have taken all reasonable steps to comply. Where there is evidence, including written correspondence, of repeated and consistent efforts to obtain

access to the property, with access repeatedly being prevented by the occupant(s) of the property, a landlord will not be considered to be in breach of their duty to comply with the remedial notice. A landlord will be expected to have:

- Communicated the risk of harm that the lack of functioning alarms posed to all occupants in writing on multiple occasions
- Requested access to comply with the remedial notice on a regular basis of no longer than every seven days in writing

In considering the imposition of a penalty, the Council may look at the evidence concerning the breach of the requirement of the notice. A non-exhaustive list of methods that may be used to obtain relevant evidence includes, but is not limited to:

- Evidence obtained from a property inspection
- Evidence provided by the tenant or agent
- Evidence provided by the landlord demonstrating compliance with the Regulations by supplying dated photographs of alarms, together with installation records
- That all detector heads have not passed their expiration or replacement date

Landlords need to take steps to demonstrate that they have met the testing requirements at the start of the tenancy requirements. A non-exhaustive list of methods that may be used to evidence compliance with these testing requirements includes, but is not limited to:

- Tenants signing an inventory form which states that they observed the alarms being tested and confirming that the alarms were in working order at the start of the tenancy

Where a landlord is in breach, the local housing authority may serve a remedial notice. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property

When determining the amount of the penalty charge, regard will be had to whether this is a first breach under the Regulations.

Determining the amount of the penalty charge for a first breach

The minimum amount of a penalty charge for a first breach of the Regulations will be £2500. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £2500. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors

The starting level of a penalty charge for a first breach of the Regulations will be £3000. The penalty charge amount will then be varied depending on aggravating and mitigating factors.

Aggravating factor include, but are not limited to:

- The number of alarms not working or missing (the Regulations state there should be one per storey)
- Other fire safety concerns/defects in the property which increase the risk posed to the occupants
- The length of time the offence is believed to have been on-going
- The frequency of complaints by the occupiers to the landlord about the non-working or missing alarms
- The costs of any remedial work the Council have carried out in response to the breach
- Whether the property is let as a HMO (which increases the overall risk)
- The number of occupants living in the property
- Presence of vulnerable occupiers such as elderly, children or disabled people
- Any history of previous enforcement or non-compliance of the landlord
- Attempts to obstruct the investigation

Mitigating factors include, but are not limited to:

- The property being small and low-risk (for example a one-bedroom ground floor flat with a large number of fire escapes including large windows)
- A single occupant living in the property
- Evidence that all required alarms were checked and in working order at the start of the tenancy
- Written evidence that some efforts to gain access and comply with the remedial notice were made and access was prevented by the occupant

Determining the amount of the penalty charge for a subsequent breach

The penalty for subsequent breaches by the same landlord will be £5000. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £5000. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Appendix 2

Statement of principles to determine the amount of a penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the Regulations”) make it unlawful to rent out a domestic property if it has an EPC (Energy Performance Certificate) rating of F or G (unless a valid exemption has been registered on the PRS Exemptions register).

The Regulations make it unlawful to fail to comply with a compliance notice served by the Council.

The Regulations cover all relevant properties, even where there has been no change of tenancy.

The Regulations were introduced to improve the energy efficiency of housing in the private rented sector and to reduce greenhouse gas emissions and tackle climate change. They should help make tenants’ homes more thermally efficient.

An energy performance certificate (EPC) gives the property an energy efficiency rating – A rated properties are the most energy efficient and G rated are the least efficient. It’s valid for 10 years and must be provided by the owner of a property, when it is rented or sold.

If you are a landlord and you fail, when requested, to provide an EPC for the start of a tenancy, you will be in breach of the Regulations.

An EPC contains information about the type of heating system and typical energy costs. It also gives recommendations about how the energy use could be reduced, lowering running costs. You can find the recommended energy efficiency improvements on the current EPC.

If you’re a private landlord, you must either:

- ensure your rented properties have an EPC with a minimum ‘E’ rating
- register a valid PRS exemption on the PRS exemptions register

Failure to do either of these is a breach of the Regulations.

The Council investigates any potential breaches of the regulations. If the Council is satisfied that you are, or have at any time in the 18 months preceding the date of service of the penalty notice, breached the Regulations, you may be subject to a penalty notice imposing a financial penalty. The Council may also impose a publication penalty.

The “publication penalty” means publication, for a minimum period of 12 months, or such longer period as the Council may decide, on the PRS Exemptions Register of such of the following information in relation to a penalty notice as the Council decides:

- Where the landlord is not an individual, the landlord’s name
- Details of the breach of these Regulations in respect of which the penalty notice has been issued
- The address of the property in relation to which the breach has occurred, and
- The amount of any financial penalty imposed.

The Council will impose the following financial penalties:

- a. letting a property with an F or G rating for less than 3 months: £2,000
- b. letting a property with an F or G rating for more than 3 months: £4,000
- c. registering false or misleading information on the PRS exemptions register: £1,000
- d. failing to provide information to the Council demanded by a compliance notice: £2,000

The Council may not impose a financial penalty under both subsections (a) and (b) above in relation to the same breach of the Regulations. But they may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000.

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Initial equality impact assessment screening form This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate		Community Development	
Service area		Housing Renewal	
Proposal being screened		New Housing Enforcement Policy for private sector housing, ensuring compliance with the Renters' Rights Act 2025 and related housing legislation, through the Council's formal governance and approval process	
Officer(s) carrying out screening		Lynn Williams	
What are you proposing to do?		Introduce a new enforcement policy.	
Why are you proposing this? What are the desired outcomes?		The policy provides a detailed enforcement framework, covering investigatory powers, informal and formal enforcement action, emergency powers, civil financial penalties, prosecutions, Rent Repayment Orders and banning orders. Adoption will ensure that North Yorkshire Council's enforcement activity is consistent, proportionate, transparent, and defensible, while enabling robust action against serious or persistent non-compliance	
Does the proposal involve a significant commitment or removal of resources? Please give details.		Minimal additional staffing resources covered via burdens funding from MHCLG.	
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics As part of this assessment, please consider the following questions: • To what extent is this service used by particular groups of people with protected characteristics? • Does the proposal relate to functions that previous consultation has identified as important? • Do different groups have different needs or experiences in the area the proposal relates to? If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Are from the Armed Forces Community		X	

Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	No			
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No			
Decision (Please tick one option)	EIA not relevant or proportionate:	☒	Continue to full EIA:	☐
Reason for decision	The adoption of a new Housing Enforcement Policy is not expected to have an adverse impact on any protected characteristics or any adverse impacts on particular areas, communities or organisations			
Signed (Assistant Director or equivalent)	A Rowe			
Date	26/3/26			

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Introduction of a new Housing Enforcement Policy for private sector housing, ensuring compliance with the Renters' Rights Act 2025 and related housing legislation.
Brief description of proposal	The policy provides a detailed enforcement framework, covering investigatory powers, informal and formal enforcement action, emergency powers, civil financial penalties, prosecutions, Rent Repayment Orders and banning orders. Adoption will ensure that North Yorkshire Council's enforcement activity is consistent, proportionate, transparent, and defensible, while enabling robust action against serious or persistent non-compliance
Directorate	Community Development
Service area	Housing Renewal
Lead officer	Lynn Williams
Names and roles of other people involved in carrying out the impact assessment	Emma Jesper

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	✓	Continue to full CCIA:	
Reason for decision	The updates to the enforcement policy do not create any climate change impacts. The only element with any potential relevance — the Minimum Energy Efficiency Standards — is already covered within the existing policy framework.			
Signed (Assistant Director or equivalent)	A Rowe			
Date	26/3/26			

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North Yorkshire Council

Executive

12 May 2026

Targeted Healthy Child Section 75 - planning and delivering Community based emotional wellbeing support for Children and Young People

Report of the Corporate Director Corporate Director Children and Young People Service.

1.0 PURPOSE OF REPORT

- 1.1 This paper asks Executive on 12 May 2026 to support a key decision to consult on a new Section 75 partnership agreement with Humber North Yorkshire Integrated Care Board for the planning and delivering of Community-based emotional wellbeing support for Children and Young People.
- 1.2 It further requests that following completion of the consultation the Executive Director of Children and Young People's Service be given delegated authority for the final Section 75 sign-off in consultation with Children and Young People Service Executive Members

2.0 SUMMARY

2.1 In March 2022 North Yorkshire Council entered into a Section 75 agreement with NHS Humber North Yorkshire Integrated Care Board (North Yorkshire Place) and NHS West Yorkshire Integrated Care Board (Bradford District and Craven Place) for the funding of the Targeted Healthy Child Service for Emotional Wellbeing. NHS Humber North Yorkshire ICB are the lead commissioner for the service. Tees Esk and Wear Valley NHS Foundation Trust (TEWV) currently hold a subcontract with Compass Phoenix to provide the service. The contract and Section 75 agreement is due to end 31 March 2027.

This paper asks Executive to support a key decision to consult on a new Section 75 agreement for planning and delivering Community-based emotional wellbeing support for Children and Young People. It further requests that following completion of the consultation the Executive Director of Children and Young People Service be given delegated authority for the final Section 75 sign-off in consultation with Children and Young People Service Executive Members.

3.0 BACKGROUND

3.1 Governance

The current Section 75 agreement is overseen by an Integrated Commissioning Group and receives the quarterly reports from the service.

Both NHS Humber North Yorkshire ICB, NHS WY ICB and NYC are invited to the quarterly TEWV led Service Contract Meetings.

3.2 Scope of the Section 75 and Current service offer

3.2.1 Current aims of the Partnership Agreement and Integrated Commissioning Group

- Improve the quality and efficiency of the Service (s) in scope.
- Meet the national conditions and local objectives related to Children and Young People's Emotional Wellbeing.

- Create the foundations that empower greater levels of innovation and best practice across North Yorkshire.
- Ensure the collective resources of the Partners are spent on a shared understanding of collective need.
- Expand and embed the good practice delivered through formalising and strengthening partnership working.
- Improve prevention of health and care needs arising, early intervention and steps to avoid people's needs from escalating.
- Remove duplication from the system to improve people's experience.
- Commission services that build on both individual strengths and our strengths across the system.
- Enable cross organisational working that finds solutions to move forward together and deliver greater productivity and increased efficiency.

It is proposed that the aims of the Partnership Agreement will remain the same.

3.2.2 Current Service in Scope

The current service is for children and young people between the ages of 9-19 or young people with Special Educational Needs and Disabilities (SEND) up to age 25, affected by low to moderate level emotional wellbeing issues.

The aim of the service is to improve outcomes for children and young people's mental health by strengthening the range of mental health support available to children and young people. This includes:

- Early interventions for children and young people experiencing mild to moderate emotional and mental health difficulties. This is primarily around low mood and anxiety.
- Contribute to schools developing a whole school approach towards emotional and mental well-being through the delivery of training and consultations.
- Contribute to the whole pathway of support within the iThrive model in North Yorkshire providing support in the 'Getting Advice' and 'Getting Help' quadrants.

The service continues to deliver high levels of access and activity in the context of sustained and rising demand. Access targets are consistently met or exceeded. Referral-to-assessment performance remains strong and generally within national Mental Health Services Data Set expectations. Referral-to-treatment times remain challenging, reflecting demand exceeding available 1:1 capacity employed within the budget available.

The expansion of group workshops and digital interventions, alongside a 'group first' pathway model, has improved flow, mitigated waiting list growth and enabled faster access for suitable cohorts, particularly younger children. The BUZZ US text messaging service continues to provide a valued and accessible route for support, particularly for young people in crisis.

Children, young people and families report predominantly positive experiences of the service. While the contractual KPI of 90% positive experience is not consistently met, this is largely attributable to low response volumes, which amplify the impact of individual responses. Qualitative feedback consistently highlights staff compassion, professionalism and responsiveness.

As with much of the Social Emotional Mental Health system there are demand and capacity pressures with fluctuating waiting times for intervention, but overall there are no current performance concerns and the service has continued to adapt its model and communication methods effectively to meet the increasing complexity and demand.

3.3 National considerations

- Government commitment to roll out Mental Health Support Teams (MHSTs) to all schools – these are not supposed to replace the main community-based offer of low-moderate support but be both additional to the existing offer and be integrated within the system. However, there may be some duplication of offer as the MHST service is expanded over the next few years, and the actual service specification of the Targeted Healthy Child programme will need to evolve in accordance with changes in the wider system.

4.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

4.1 Currently there is confirmed funding across North Yorkshire Council and the ICBs for the service and The Go-to website. It is proposed that at this time these are the services that will be in scope for the agreement, and a new service specification will be developed collaboratively within the partnership.

However, it is proposed the current aims of the Section 75 are replicated within the new agreement and this allows sufficient flexibility to include at the right time as funding is confirmed other jointly commissioned services for example continuation of current transformation work and intensive support services.

An options appraisal was completed by the Integrated Commissioning Group which explored and scored the available options for decommissioning, partnership and single agency contracting arrangements for planning and delivering Community-based emotional wellbeing support for Children and Young People.

The preferred option identified was *A Section 75 between the ICBs and NYC. HNY ICB would act as lead commissioner*

It is felt the use of a Section 75 particularly meets the requirement that such arrangements can only be formed if it is likely to lead to an improvement in the way both parties' functions are exercised. Jointly commissioning this service(s) in scope brings strengthened efficiency and integration opportunities that would not exist through single agency commissioning.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

5.1 To take forward a new Section 75 Agreement for planning and delivering Community based emotional wellbeing support for Children and Young People the NHS and Local Authorities Partnership Arrangements Regulations 2000 stipulate that "the partners may not enter into any partnership agreements [under Section 75 (s75) of the NHS Act 2006] unless they have consulted jointly such persons as appear to them to be affected by such arrangements". This paper requests Executive approval to take a key decision to carry out a formal 60-day consultation on a new Section 75 agreement.

5.2 Local Engagement Work

A workshop took place 6 March 2026 which included key local system partners to explore the school age emotional wellbeing offer. The workshop aimed to identify areas that needed to be changed or strengthened across several areas including:

- Integrated system of mental health and wellbeing support, moving away from a purely medical model, recognising the benefits of early intervention and prevention, the impact of the wider determinants of health, including childhood trauma, and the impact of health inequalities.
- Information sharing opportunities across all stakeholders.
- Clear access points and referral sources across the pathway.

- Communication, marketing and awareness of the offer.
- Workforce development and skill mix, including contributing to a co-ordinated training offer for all staff in contact with children, young people and their families.
- Working with vulnerable families and vulnerable children and young people.

The workshop also identified the following gaps which will need to be considered as potential priorities/areas of work when developing the new agreement and subsequent service (s) in scope.

- Trauma – all aspects single event and enduring impact
- Offer to children not in school or home educated
- Multi-disciplinary working, where one referral, and one triage team with joint consent to share information becomes the norm
- Conditions, usually low-moderate risk, but requiring a longer than 6–8-week intervention (which would usually be provided by specialist CAMHS, but only for the high risk cases) i.e. the missing middle
- Universal emotional literacy model for schools – we can guide schools on what should be included, accepting they will deliver and or commission programmes outside of the Local Authority traded offer

A further partnership workshop will be held 1 May 2026.

5.3 Young People's Voice - Nothing About Us Without Us is a children and young people's mental health advisory group. Senior leaders from NYC CYPS and across the Yorkshire and Humber have co-produced with young people, a list of key priorities and multiple campaigns on different subjects that children and young people have told us about. There is a local North Yorkshire Group that fits into the wider regional group. The current top four priorities are

- Promotion & Prevention
- Clinical Conditions
- Waiting Times & Pathways
- Social Determinants & Inequalities

The purpose and aims of the Section 75 will support further progress within the priority areas.

6.0 ALTERNATIVE OPTIONS CONSIDERED

6.1 An options appraisal has been completed by the Integrated Commissioning Group which explored and scored the available options for decommissioning the agreement, continuation of the partnership and or single agency contracting arrangements for planning and delivering Community-based emotional wellbeing support for Children and Young People.

The preferred option identified was *A Section 75 between the ICBs and NYC. HNY ICB would act as lead commissioner*

It is agreed the use of a Section 75 particularly meets the requirement that such arrangements can only be formed if it is likely to lead to an improvement in the way both parties' functions are exercised. Jointly commissioning this service(s) in scope brings strengthened efficiency and integration opportunities that would not exist through single agency commissioning.

7.0 FINANCIAL IMPLICATIONS

7.1 The annual cost of the service (s) in scope is currently split as below:

	NHS North Yorkshire Place (Humber and NY ICB) (Host)	NHS Bradford & Craven Place (West Yorkshire ICB)	Total
ICB Annual £	£404,682.54	£30,000	£434,682.54
North Yorkshire Council Annual £			£322,178.04
Total			£756,860.58

8.0 LEGAL IMPLICATIONS

8.1 Section 75 of the National Health Service Act 2006 and the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000, S.I 617 ("Regulations") enable NHS bodies to exercise prescribed local authority health-related functions in conjunction with NHS functions, and vice versa. This includes lead commissioner arrangements and joint commissioning between the Council and Integrated Care Boards.

8.2 The power to enter into section 75 agreements is conditions on the following:

- i. The arrangements are likely to lead to an improvement in the way in which those functions are exercised; and
- ii. The partners have jointly consulted people likely to be affected by such arrangements.

8.3 It is planned that the current Section 75 will be used as the framework for the new agreement. The detailed schedules relating to services in scope and performance framework will be developed within the current Integrated Commissioning Group. It is proposed that any new Section 75 agreement will follow the governance structure described within the existing one.

9.0 EQUALITIES IMPLICATIONS

9.1 Should the Section 75 agreement for planning and delivering Community based emotional wellbeing support for Children and Young People and services in scope cease, the impact would be:

- Additional pressures on the system and increased waiting times.
- School staff would have fewer resources and support available to them.
- Partnership relationships and trust would be at risk.
- More children would reach crisis, as needs would be unsupported early on, resulting in an increased use of Tier 4 inpatient beds.
- Worse long-term outcomes with problems more likely to persist into adulthood.
- All the above would result in increased long-term costs.

9.2 An EIA has been completed and attached as Appendix 1.

10.0 CLIMATE CHANGE IMPLICATIONS

10.1 Joint commissioning of children's mental health services can contribute to climate-change mitigation by reducing duplication, shifting care upstream and closer to home. Wider benefits can be realised indirectly through service planning and design, workforce, estates, digital delivery, and prevention, rather than through the clinical interventions themselves.

10.2 A Climate Change Impact Assessment screening has been completed and included here as Appendix 2. The screening exercise concluded its not proportionate to complete a full CCIA.

11.0 CONCLUSIONS

11.1 In advance of Executive papers have been presented and supported by Children and Young People Leadership Team, Management Board and Children and Young People Service Executive Members have been briefed on the intention and proposed timeline.

This Executive Paper requests approval to recommend a new Section 75 and to support a 60-day Public Consultation on the new Section 75 partnership agreement between North Yorkshire Council and NHS Humber and North Yorkshire Integrated Care Board for planning and delivering Community based emotional wellbeing support for Children and Young People including in scope a community-based support offer and The Go-To website.

Subject to the outcome of any consultation, Executive are asked to delegate the final sign off the Section 75 to the Executive Director of Children and Young Peoples Services in consultation with Children and Young People Service Executive Members.

12.0 REASONS FOR RECOMMENDATIONS

12.1 The recommendation to progress a new Section 75 agreement reflects the proven benefits of the existing partnership, which has strengthened joint commissioning arrangements, improved integration across the emotional wellbeing system and enabled more efficient use of collective resources. Continuing with a joint Section 75 approach offers commissioners access to levers and flexibilities that are not available through single-agency commissioning, including pooled or aligned budgets, shared outcomes frameworks, and the ability to design and influence pathways end-to-end.

These arrangements have been recognised as an area of good practice in local inspections, including the NY Local Area SEND Inspection, and provide a strong foundation for further enhancing service quality, early intervention, prevention and system-wide consistency. Seeking approval to consult on the new agreement ensures transparency, meets legal obligations and supports timely development of revised commissioning arrangements ahead of the expiry of current Section 75 partnership arrangements in March 2027.

13.0 RECOMMENDATION(S)

- I. Support the preferred option to establish a new Section 75 agreement between North Yorkshire Council and NHS Humber and North Yorkshire Integrated Care Board for the joint planning and delivery of community-based emotional wellbeing support for children and young people.
- II. Approve progressing to a formal 60-day public consultation on the proposed new Section 75 agreement.

- | |
|--|
| <p>III. Agree that, subject to the outcome of the consultation, Executive delegate final sign-off the new Section 75 agreement to the Executive Director of Children and Young People Services in consultation with Children and Young People Service Executive Members.</p> |
|--|

APPENDICES:

Appendix A – Equality Impact Assessment

Appendix B – CCIA Screening

BACKGROUND DOCUMENTS: NA

El Mayhew

Corporate Director – Children & young Peoples Service

County Hall

Northallerton

28.4.26

Report Author – Emma Lonsdale Head of Public Health Children and Families

Presenter of Report – Emma Lonsdale Head of Public Health Children and Families

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

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

New Section 75 Agreement for planning and delivering community- based emotional wellbeing support for Children and Young People (including The Go- To website)

An Equality Impact Assessment (EIA) form is a document that proves paying due regard by considering protected characteristics. EIAs that accompany reports presented to Councillors for decision-making are published with the committee papers on our website and are also available in hard copy at the relevant meetings.

Section 1: Initial Equality Impact Assessment Screening

This section documents the equality screening process of actual or potential impacts of the proposed activity on a specific protected characteristic, along with NYC's additional agreed-upon characteristics, to determine whether a full Equality Impact Assessment (EIA) is necessary or appropriate.

Basic Details	
Directorate	Children and Young People's Service
Service area	Commissioning/Public Health
Proposal being screened	New Section 75 Agreement for planning and delivering community- based emotional wellbeing support for Children and Young People (including The Go- To website)
Officer(s) carrying out screening	Emma Lonsdale
Lead Officer and contact details	Emma Lonsdale – Head of Public Health Children and Families
Date of the assessment	April 2026
Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, or stopping doing something?)	This Equality Impact Assessment considers the potential impacts of consulting on and entering into a new Section 75 partnership agreement for community-based emotional wellbeing services for children and young people. The assessment accompanies a Management Board and Executive decision to proceed with public consultation on proposed new joint commissioning arrangements
What does the authority hope to achieve by it? (E.g. to save money, meet increased demand, do things in a better way.)	• Maintain continuity of a county-wide community-based emotional wellbeing offer for children and young people. • Strengthen early intervention and prevention for low-to-moderate emotional and mental health need.

	• Improve integration, efficiency and system coordination through joint commissioning. • Reduce escalation to crisis services and long-term inequalities in mental health outcomes.				
Further Details					
1.1 How have stakeholders been involved in this policy/ decision/ proposal? (e.g. a consultation exercise)		Engagement has taken place through the Integrated Commissioning Group overseeing the current Section 75. Monitoring reports and quarterly service contract meetings. A multi-agency system workshop was held in March 2026 and a further one is planned for May. Ongoing engagement with children and young people via established participation forum (NABUWU). Subject to approval, a formal 60-day public consultation will be undertaken prior to finalising any new Section 75 agreement			
1.2 Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Please explain briefly		Yes some effect. The proposal affects NHS ICB's, NYC NHS provider trusts, schools, and VCSE. For the named partners in the agreement particularly through continued joint commissioning, agreed joint funding and governance along with service delivery arrangements in scope of the agreement.			
1.3 Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics As part of this assessment, please consider the following questions: • To what extent is this service used by particular groups of people with protected characteristics? • Does the proposal relate to functions that previous consultation has identified as important? • Do different groups have different needs or experiences in the area the proposal relates to? If for any characteristic, it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt. Tick and indicate which protected characteristics are identified as relevant to the proposal (positive, negative, neutral or don't know).					
Protected characteristic	Impact				Comments
	Positive	Negative	Neutral	Don't know	
Age	x				
Disability	x				
Sex	x				
Race (including GRTS)	x				
Gender reassignment	x				
Sexual orientation	x				
Religion or belief			x		
Pregnancy or maternity			x		
Marriage or civil partnership			x		
NYC's additional characteristics					
People in rural areas	x				
People on a low income	x				
Carer (unpaid family or friend)	x				

Are from the Armed Forces Community (including veterans)	x				

1.4 To which Part(s) of the Public Sector Equality Duties is the Policy/decision/proposal relevant? Tick and briefly describe.

General Duties	Yes	No	Details
Eliminate unlawful discrimination, harassment and victimisation	x	☐	Inclusive service design and access requirements.
Advance equality of opportunity	x	☐	Focus on early help, prevention and equity of access.
Foster good relations between different groups	x	☐	Partnership working across sectors and communities.

1.5 Decision (Please tick one option)
Decision to recommend this policy/ decision for an Equality Impact Assessment?

Yes	x	No	☐

If the answer is “Yes”, or you indicate a negative impact on any of the characteristics mentioned in the table above, please continue to Section 2 and complete the full Equality Impact Assessment. If the answer is “No”, please give a brief reason here.

Signed (Assistant Director or equivalent)	
Date	

Section 2: Equality Impact Assessment

This section aims to provide a full assessment of the actual or potential impacts on specific protected characteristics, along with NYC's additional characteristics. It will also identify the proper actions to mitigate these impacts, if needed.

2.1 Evidence, Consultation and Data: What data or evidence source(s) has/ have been used to inform this assessment? Select the relevant source (s):

- Demographic data and service usage data - Service activity, access and performance information from the current community-based emotional wellbeing service.
- Consultation feedback - Learning from the March 2026 workshop. Feedback from children, young people and families through existing service and participation mechanisms.
- National/local research and report - National and local evidence on children and young people's mental health, early intervention and prevention.
- Expert opinion – partners represented at the workshop
- Others – Growing up in North Yorkshire Service – needs, intelligence and priority groups.

2.2 Stakeholder Engagement: What engagement has been done regarding the proposal and what are the results?

Stakeholders engaged include NHS commissioners and providers, local authority services, schools, voluntary and community sector organisations, and children and young people. Engagement highlights the importance of maintaining accessible community-based provision, improving pathways and communication, addressing inequalities and ensuring system stability during transition.

In particular the workshop aimed to identify areas that needed to be changed or strengthened across several areas including:

- Integrated system of mental health and wellbeing support, moving away from a purely medical model, recognising the benefits of early intervention and prevention, the impact of the wider determinants of health, including childhood trauma, and the impact of health inequalities.
- Information sharing opportunities across all stakeholders.
- Clear access points and referral sources across the pathway.
- Communication, marketing and awareness of the offer.
- Workforce development and skill mix, including contributing to a co-ordinated training offer for all staff in contact with children, young people and their families.
- Working with vulnerable families and vulnerable children and young people.

The workshop also identified the following gaps which will need to be considered as potential priorities/areas of work when developing the new agreement and subsequent service (s) in scope.

- Trauma – all aspects single event and enduring impact
- Offer to children not in school or home educated
- Multi-disciplinary working, where one referral, and one triage team with joint consent to share information becomes the norm
- Conditions, usually low-moderate risk, but requiring a longer than 6–8-week intervention (which would usually be provided by specialist CAMHS, but only for the high risk cases) i.e. the missing middle
- Universal emotional literacy model for schools – we can guide schools on what should be included, accepting they will deliver and or commission programmes outside of the Local Authority traded offer

2.3 What positive impact will this proposal have on the council budget, people, community, economic growth and environment, etc? Please explain briefly

- Sustained access to early emotional wellbeing support.
- Potential for reduced pressure on specialist CAMHS and crisis services.
- Improved integration and efficiency across health, education and community partners.
- More consistent provision across North Yorkshire.
- Improved long-term outcomes for children, young people and families.

2.4 Please briefly describe how will this proposal affect people with protected characteristics? Only those who are identified as relevant to the proposal in section 1.

protected characteristics	Negative	Don't know	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information, etc.
Age			Service is designed specifically for children and young people and shows positive outcomes.
Disability			Inclusive offer for SEND and emotional wellbeing needs up to age 25
Sex			No impact identified in service data it is accessible by both males and females generally equally in numbers.
Race (including GRTS)			Inclusive service expectations - Data collection requires improvement to ensure reach

Gender reassignment			Inclusive service expectations Data collection requires improvement to ensure reach
Sexual orientation			Inclusive service expectations Data collection requires improvement to ensure reach
Religion or belief			Inclusive service expectations Data collection requires improvement to ensure reach
Pregnancy or maternity			NA
Marriage or civil partnership			NA
NYC's additional characteristics			
People in rural areas			Community and digital delivery mitigate rural access barriers.
People on a low income			Free access and prevention model
Carer (unpaid family or friend)			Support may reduce burden on parent carers
Are from the Armed Forces Community (including veterans)			NA
2.5 Geographic impact: Please detail where the impact will be (please tick all that apply)			
North Yorkshire wide	x		
Craven			
Hambleton			
Harrogate			
Richmondshire			
Ryedale			
Scarborough			
Selby			
If you have ticked one or more areas, will specific town(s)/ village(s) be particularly impacted? If so, please specify below.			
2.6 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, citing evidence from Q2.1 & Q2.2, e.g. engagement, consultation and/or service user data or demographic information, etc. Some children may experience compounded disadvantage (e.g. SEND, low income and rurality). The integrated commissioning model will always consider these cumulative impacts and aim to mitigate them.			

2.7 Mitigation and Actions: List the actions that will be taken to reduce or eliminate any negative impact identified above and how positive impacts will be enhanced. Briefly describe the action you defined.

Actions	Lead	By when
Embed equality and access requirements into the new service specification and data/information requirements.	NYC/ICB	Ongoing through life of agreement
Monitor access, waiting times and outcomes by protected characteristics.	NYC/ICB	Ongoing through life of agreement
Use ongoing consultation to refine pathways and service design across the system.	NYC/ICB	Ongoing through life of agreement

2.8 Monitoring and Review: If the proposal is to be implemented, how will the impact be monitored? Briefly describe the monitoring arrangements/systems that will be put in place to find out how the expected outcomes have been achieved in practice.

Impacts will be monitored through contract performance reporting, service user feedback, participation activity and Integrated Commissioning Group oversight, with findings informing continuous improvement.

2.9 Conclusion: Please summarise the findings of your EIA, including impacts, recommendations 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 assessment concludes that the proposal to consult on and implement a new Section 75 agreement is likely to have a positive equality impact, supporting early intervention, reducing inequalities and improving access to emotional wellbeing support. No disproportionate negative impacts have been identified. Proceeding with consultation is recommended, with continued monitoring and mitigation.

2.10 Sign off section

This full EIA was completed by:

Name:

Job title:

Directorate:

Signature:

Completion date:

Authorised by relevant Assistant Director (signature): *A Fielding*

Date: 23/04/2026

Once this has been signed off, please send it to webteam@northyorks.gov.uk for publication on the appropriate webpage.

Publication:

To help people find completed EIAs, we publish them in the Equality and Diversity section of the NY Council [website](#).

Contact details

If you need further support and guidance about carrying out EIA, please contact your directorate equality representative as listed in Stage 4 on our Intranet: [Paying due regard to equality using equality impact assessments](#)

Or contact North Yorkshire Council's equality team on email Equality@northyorks.gov.uk

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Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	New Section 75 Agreement for planning and delivering community-based emotional wellbeing support for Children and Young People (including The Go-To website)
Brief description of proposal	Consultation on and development of a new Section 75 agreement between North Yorkshire Council and NHS Integrated Care Boards for the joint planning and delivery of community-based emotional wellbeing services for children and young people, continuing existing community-based provision and digital support.
Directorate	CYPS
Service area	Commissioning/Public Health
Lead officer	Emma Lonsdale – Head of Public Health Children and Families
Names and roles of other people involved in carrying out the impact assessment	N/A

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	Not proportionate to complete a full CCIA	Continue to full CCIA:	
Reason for decision	The proposal relates to commissioning and governance arrangements for CYP emotional wellbeing planning and services. There are no planned material changes to buildings, land use, construction or travel requirements. Also joint commissioning may indirectly support climate objectives by reducing duplication, supporting digital delivery and providing care closer to home though this is difficult to directly measure.			
Signed (Assistant Director or equivalent)	<i>A Fielding</i>			
Date	23/04/2026			

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North Yorkshire Council

Executive

12 May 2026

Regional Care Cooperative

Report of the Corporate Director, Children and Young People's Service

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to outline the national direction of travel for Regional Care Cooperatives and seek delegated authority to progress a regional Expression of Interest should this be supported through Yorkshire and Humber discussions and admission onto the White Rose framework.

2.0 SUMMARY

2.1 This report sets out the national policy context and local considerations for the establishment of Regional Care Cooperatives (RCCs) following the Independent Review of Children's Social Care and subsequent Department for Education (DfE) guidance.

2.2 RCCs are intended to address longstanding market challenges in children's social care by enabling regional collaboration on sufficiency planning, commissioning, data and market-shaping. DfE has launched a two-year programme, supported by up to £1.7m per site, inviting Expressions of Interest from groups of local authorities.

2.3 The paper outlines the structure of the programme, operating models, eligibility criteria and the current Yorkshire and Humber position, including existing collaborative arrangements. It also sets out the emerging regional discussions and the decision making process underway, with recommendations sought to delegate authority to progress an Expression of Interest should this be supported at regional level to the Corporate Director for Children and Young People

3.0 BACKGROUND and Policy Context

3.1 In 2022, the Independent Review of Children's Social Care identified deep-rooted and systemic weaknesses in the children's social care market. A central recommendation was the creation of Regional Care Cooperatives (RCCs) as a structural response to long-standing market failure rather than isolated service pressures.

The Review highlighted four inter-related challenges that RCCs are intended to address:

- Rising numbers of children entering care, alongside a persistent shortage of appropriate local placements, particularly for children with complex needs
- A growing reliance on spot purchasing, driving cost inflation and reducing commissioning leverage
- Increasing use of unregistered or unregulated provision, undermining quality, safety and confidence in placements

- Fragmented data, intelligence and market oversight across local authorities, limiting effective forecasting, sufficiency planning and market-shaping

3.2 Despite significant public investment – with local authorities spending circa £9bn per annum on children’s social care outcomes for children have not consistently improved at the scale required. The Review concluded that individual local authority action alone could not rectify market dysfunction.

3.3 The underpinning policy assumption of the RCC model is that pooling commissioning power, strengthening forecasting, acting at regional scale and operating as a more coherent “single customer” would rebalance the market, improve quality and stability, and deliver better outcomes for children.

4.0. Local Sufficiency Context

4.1 Alongside the national drivers for reform, North Yorkshire Council continues to experience significant local challenges in meeting care sufficiency, reflecting both geographic and market-wide pressures. While the Council has a longstanding commitment to placing children locally wherever possible, there are ongoing difficulties in securing suitable, regulated placements, particularly for children with complex needs, adolescents requiring specialist provision, and children whose needs cannot be met within standard residential or foster care settings.

4.2 Because of constrained market capacity, the Council has, at times, relied on unregistered provision as a short-term and managed response to immediate need. While such arrangements are subject to robust oversight and risk management, their use highlights systemic weaknesses in the care market and carries inherent challenges in relation to quality, stability, regulatory compliance and cost. Reducing reliance on unregistered provision remains a clear priority for the Council.

4.3 Under section 22G of the Children Act 1989, the Council has a statutory duty to take steps to ensure that there is sufficient accommodation available for looked-after children, within its area and elsewhere, that meets their needs. The current pressures on sufficiency mean that discharging this duty increasingly more challenging and therefore now requires a different approach which involves working beyond North Yorkshire boundary, as this will support stronger market-shaping, forecasting and commissioning influence.

4.4 Addressing these challenges will form a core component of the Council’s sufficiency strategy, with a focus on increasing access to regulated, sustainable and high-quality placements, improving placement stability, and achieving better outcomes for children and young people. The Regional Care Cooperative model directly aligns with these objectives by enabling local authorities to work collectively at regional scale to influence the market, strengthen commissioning leverage, improve demand forecasting and plan provision more coherently.

5.0. Pathfinder Programme and Direction of Travel

5.1 In 2025, the Department for Education (DfE) launched two RCC pathfinder sites in Greater Manchester and the South East to test the feasibility and impact of the model in practice.

5.2 Evaluation of the pathfinders demonstrated that taking a coordinated, regional approach to macro-level care functions such as sufficiency planning, commissioning strategy, provider

engagement and data analytics, supports improved outcomes and more sustainable market management for children and young people.

5.3 Following this evidence, DfE has been explicit that RCCs are the intended future operating model, with a phased national rollout planned.

5.4 In March 2026, DfE published formal guidance for a two-year national RCC programme, inviting Expressions of Interest (EOIs) from groups of local authorities to further develop and refine the model ahead of wider implementation.

5.5 The programme has a total funding envelope of £10.4m, with up to six RCC test sites receiving up to £1.7m revenue funding each, profiled across two years. EOIs must be submitted by 12:00 noon on 22 May 2026.

6.0 Programme Phases and Expectations

6.1 The DfE programme is structured across three phases, with clear expectations at each stage and an explicit trajectory beyond year two.

Foundation Stage (Year 1)

Focuses on establishing the RCC as a functioning regional entity, including:

- Governance and leadership arrangements
- Programme management and staffing
- Shared commissioning principles and sufficiency strategy
- Data, forecasting and intelligence capability
- Initial market engagement at regional scale

Development Stage (Years 1–2)

Builds operational maturity through:

- Coordinated commissioning activity
- Strengthened provider relationships
- Regional foster care and placement planning approaches
- Embedding market-shaping functions

Delivery Stage (end of Year 2 and beyond)

By the end of the programme, RCCs are expected to:

- Operate as the primary regional mechanism for key care market functions
- Demonstrate measurable impact on placement stability, sufficiency and quality
- Be positioned to transition into ongoing, business-as-usual regional arrangements, aligned with future statutory expectations

7.0 RCC Operating Models

7.1 DfE permits two operating models, both of which are acceptable if minimum requirements are met:

- **Lead Local Authority Model**
One authority acts as accountable body, receiving funding and holding the majority of financial and delivery risk on behalf of partners.
- **Corporate Body Model**
A separate legal entity is established, wholly owned and controlled by public bodies (typically participating local authorities and, where appropriate, Integrated Care Boards or other statutory partners). This model spreads ownership and risk but requires greater setup complexity.

8.0 Eligibility and Geographic Alignment

8.1 To submit an EOI, the following criteria must be met:

- All participating local authorities must fall within a single, coherent RCC region
- Each local authority may participate in only one application
- Authorities must not already be part of an operational RCC

8.2 In line with Government policy on public service boundary alignment, RCC proposals are expected to align with existing or planned Strategic Authority footprints to support integration across children's social care, health, police, youth justice and education.

8.3 Proposals may span more than one Strategic Authority where this delivers clear operating benefits, but Strategic Authorities cannot be split across multiple RCCs.

9.0 Local and Regional Context – Yorkshire and Humber

9.1 Initial discussions have taken place across Directors of Children's Social Care within Yorkshire and Humber. The 14 local authorities in the region already collaborate through an established framework arrangement (The White Rose) for commissioning children's homes, independent fostering and SEND provision.

9.2 This long-standing partnership includes:

- Shared market intelligence
- Joint commissioning activity
- Existing data dashboards and placement systems

9.3 An initial mapping exercise has demonstrated that many of the DfE minimum requirements for the RCC foundation stage are already partially in place, meaning the partnership is relatively well positioned to progress at pace should an EOI be pursued.

9.4 Participation in an RCC may, however, require alignment with or re-entry into existing framework arrangements, with associated expectations around:

- Cost and contribution
- Stronger collective commissioning discipline
- Enhanced leverage and market stability benefits for all partners

10.0 Next Steps and Decision-Making

10.1 Work is currently underway across all 14 local authorities, with a collaborative session scheduled for 8 May 2026.

10.2 The intended output of this working group is a clear recommendation to Directors of Children's Services on whether to:

- Submit a full Expression of Interest
- Submit a focused or partial proposal (for example, exploring specific RCC functions only and seeking funding to support this)
- Decide not to submit, with a clear explanation to DfE setting out how existing regional arrangements already meet elements of the programme's objectives

10.3 This approach ensures that any decision taken is collective, evidence-based and proportionate and reflects both the opportunities and implications of formal participation in the RCC programme.

11.0 CONSULTATION UNDERTAKEN AND RESPONSES

11.1 No consultation has been undertaken at this time as it is not required at this stage, however if there is a collective decision to submit an EOI and it is successful there is a requirement to co design the delivery strategy which must be produced within the first 6-9months. Therefore consultation with relevant stakeholders will be factored in at this time.

12.0 CONTRIBUTION TO COUNCIL PRIORITIES

12.1 Participation in the Regional Care Cooperative (RCC) directly supports the Council Plan priorities for children and families. It contributes to the Council's commitment to keeping children safe and providing stability for those in care by strengthening access to safe, compliant and sustainable placement provision through regional collaboration. The RCC also supports the Council's priority to reduce reliance on an increasingly volatile and costly external care market, improving financial sustainability and resilience. In addition, the RCC provides a formal mechanism to support delivery of the Council's response to national children's social care reform, aligning with expectations for greater regional collaboration while retaining local accountability.

13.0 ALTERNATIVE OPTIONS CONSIDERED

13.1 Due to the requirement for local authorities to work together as a region on the development of an RCC, the options considered was for delegated authority not to be given at this time and therefore to not be a part of the potential regional EOI, for us to observe the next phase of models to be tested and join at a later date assuming we could become a part of the Yorkshire and Humber collaborative following any EOI.

13.2 However, given the Bill has now been passed through parliament the direction of travel is clear individual local authority approaches to placement commissioning are no longer sufficient on their own. Councils are therefore expected to work regionally, through formalised structures such as RCCs, to improve placement sufficiency, stabilise the market and deliver children's social care reform at scale. Early and proactive participation positions councils strongly for future phases of implementation and reduces the risk of later mandated arrangements.

14.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

14.1 Joining the RCC would require changes to commissioning, governance and financial arrangements across the Council and with partner agencies. While statutory responsibilities remain local, delivery would take place within a more formalised regional system, with implications for finance, legal governance, partner engagement and organisational change management. These impacts are balanced by improved market stability, greater resilience and a clearer route to delivering national children's social care reform.

15.0 FINANCIAL IMPLICATIONS

15.1 Participation in the RCC has potential financial implications – it is likely to require a contribution to the costs of the Regional Care Collaborative. These are currently undetermined. However, there are anticipated medium- to long-term benefits through a compliant route to market, improved market stability and reduced placement costs. Whilst a Regional Care Collaborative offers greater 'buying power', the local authority will retain responsibility and accountability for the costs of caring for our children. Irrespective of the RCC, the local authority has been considering framework options to provide a compliant and efficient route to market. It also forms part of a wider approach to ensure sufficiency of placements to meet the needs of children and young people that require our care. However, it should be noted that the RCC and/or the White Rose framework may not provide all externally commissioned placements and some spot-purchasing may still be required.

15.2 The Department for Education have indicated that there is a funding allocation of up to £1.7million that will be made available to each of the 6 test sites. This is one off revenue funding that will be spread across two years, intended to enable a Regional Care Cooperative to be established likely costs include staffing, governance, commissioning, data infrastructure and market-shaping activity, rather than funding individual placements.

15.3 If the EOI is submitted it is highly likely that the White Rose framework will form the basis of the submission, and therefore consideration will need to be given as to how the allocation would be used in practice as much of the requirements for the funding are already in place.

15.4 However, it should be noted that the council will be required to join the White Rose framework in order to form part of the collaborative to submit the EOI. There is a current financial requirement to support the joining of the framework which comprises a lump sum of £2.5k and a formula applied to 50% of the number of children in care and 50% of the number of children accessing both residential and fostering placements. This is an annual fee which is recalculated each year in January following review of the previous years' activity.

16.0 LEGAL IMPLICATIONS

16.1 In accordance with the Financial Procedure Rules, a partnership governance risk assessment is to be completed prior to entering into a partnership.

- 16.2 In order to join the White Rose Framework, the Council would be required to enter into a partnership with the other members of the framework.
- 16.3 Legal Services will review any terms and conditions of associated with the RCC and the White Rose Framework (including any partnership agreements) and advise if any of the terms present an unacceptable risk.
- 16.4 Any awards of contracts made by the Council under the White Rose Framework will be in accordance with the Council's Procurement and Contract Procedure Rules and, to the extent applicable, the Public Contracts Regulations 2015 and the Procurement Act 2023.
- 16.5 In the event a decision is made to submit an Expression of Interest and the DfE approves the creation of a RCC, a further decision would be required to join the RCC and further legal advice would be provided at this stage. In the event that the chosen model is the Corporate Body Model, the decision to establish a corporate body would be referred back to the Executive.

17.0 EQUALITIES IMPLICATIONS

- 17.1 EIA screening document completed see appendix A, no implications identified

18.0 CLIMATE CHANGE IMPLICATIONS

- 18.1 No implications see appendix B for completed screening document

19.0 CONCLUSIONS

19.1 The establishment of Regional Care Cooperatives represents a significant shift in how children's social care markets are expected to operate, responding directly to national reform and longstanding market challenges. The Department for Education has made clear that regional collaboration through formalised arrangements such as RCCs is the future direction of travel.

19.2 North Yorkshire Council continues to face increasing challenges in meeting care sufficiency locally, including difficulties in securing appropriate regulated placements and the consequential use of unregistered provision. These pressures directly impact the Council's ability to discharge its statutory duty under section 22G of the Children Act 1989 to secure sufficient accommodation for looked-after children. Addressing sufficiency and reducing reliance on unregulated provision will therefore remain a central priority within the Council's developing sufficiency strategy

19.3 North Yorkshire Council has an opportunity to join with regional partners working across Yorkshire and Humber through the White Rose framework, meaning many of the foundational requirements for an RCC would partially be in place.

19.4 Current regional discussions will determine whether an Expression of Interest should be submitted, and on what basis. Delegating authority to progress this work enables the Council to remain engaged, influential and well-positioned to shape future arrangements, while ensuring any decision to participate is proportionate, evidence-led and aligned with both national expectations and local priorities.

20.0 REASONS FOR RECOMMENDATIONS

20.1 The recommendations are made to ensure North Yorkshire Council remains engaged in, and able to influence, emerging regional arrangements that are expected to become central to the future delivery of children's social care. Delegated authority allows the Council to respond at pace to regional decisions, support the discharge of statutory sufficiency duties, and determine proportionate participation based on collective evidence and local need.

21.0 RECOMMENDATION(S)

That, subject to any comments Members may have, the Executive:

- i) except as set out below, delegates all functions in relation to the progression of work to establish a Regional Care Cooperative to the Corporate Director Children and Young People's Service, in consultation with the Executive Member for Children and Families, following review of recommendations with other Directors of Children and Social Care across the region;
- ii) agrees that the decision to submit an Expression Of Interest to test a Regional Care Cooperative be taken by the Corporate Director of Resources (or their sub-delegated officer), if they deem it appropriate, in consultation with the Executive Member for Finance, Executive Member for Children and Families, and the Corporate Director for Children and Young People's Service, following review of recommendations with other Directors of Children and Social Care across the region;
- iii) agrees that the decision to join the White Rose Framework (to support a decision to submit an Expression of Interest to test a Regional Care Cooperative should be that the outcome of regional discussions) be taken by the Corporate Director for Children and Young People, in consultation with the Corporate Director Resources and the Monitoring Officer.

APPENDICES:

Appendix A – Equalities Impact Assessment
Appendix B – Climate Change Impact Assessment

BACKGROUND DOCUMENTS:

El Mayhew
Corporate Director – Children and Young People's Service
County Hall
Northallerton
1 May 2026

Report Author – Jo Heaney AD Partnerships and Sufficiency (CYPS)
Presenter of Report – El Mayhew Corporate Director CYPS and Jo Heaney AD Partnerships and Sufficiency

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Initial equality impact assessment screening form This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate		CYPS	
Service area		Partnerships and Sufficiency	
Proposal being screened		Report on Regional Care Cooperative (RCC)	
Officer(s) carrying out screening		Jo Heaney	
What are you proposing to do?		Request delegation of the decision to express an interest as part of a wider cooperative which includes 14 neighbouring Local Authorities to be part of the second phase of testing Regional Care Cooperatives	
Why are you proposing this? What are the desired outcomes?		RCC's form part of the social care reforms, being a part of a cooperative that is testing models of delivery allows the opportunity to influence the models that will be rolled out nationally. The delegation of this decision allows for dialogue with the other LA before the EOI has to be submitted on 22/5/26.	
Does the proposal involve a significant commitment or removal of resources? Please give details.		No	
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics As part of this assessment, please consider the following questions: • To what extent is this service used by particular groups of people with protected characteristics? • Does the proposal relate to functions that previous consultation has identified as important? • Do different groups have different needs or experiences in the area the proposal relates to? If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Are from the Armed Forces Community		x	
Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's	No		

access to public transport)? Please give details.				
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No			
Decision (Please tick one option)	EIA not relevant or proportionate:	☒	Continue to full EIA:	☐
Reason for decision	No negative impact identified through screening			
Signed (Assistant Director or equivalent)	Jo Heaney			
Date	30/04/26			

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Regional Care Cooperative (RCC)
Brief description of proposal	Request delegation of the decision to express an interest as part of a wider cooperative which includes 14 neighbouring Local Authorities to be part of the second phase of testing Regional Care Cooperatives. RCC's form part of the social care reforms, being a part of a cooperative that is testing models of delivery allows the opportunity to influence the models that will be rolled out nationally. The delegation of this decision allows for dialogue with the other LA before the EOI has to be submitted on 22/5/26 ensuring the decision is fully informed.
Directorate	CYPS
Service area	Partnerships and Sufficiency
Lead officer	Jo Heaney
Names and roles of other people involved in carrying out the impact assessment	N/A

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	✓	Continue to full CCIA:	
Reason for decision	It is deemed through screening that there will be no negative impact on any of the environmental factors.			
Signed (Assistant Director or equivalent)	Jo Heaney			
Date	30/04/26			

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North Yorkshire Council

EXECUTIVE

12 May 2026

Proposed Changes to the Constitution

Report of the Assistant Chief Executive Legal and Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To present to the Executive, for recommendation to full Council for approval, proposed amendments to the Constitution.

2.0 BACKGROUND

- 2.1 The Constitution is maintained by the Assistant Chief Executive Legal and Democratic Services and kept under review on an ongoing basis. Proposed changes to the Constitution are considered by the Members' Working Group on the Constitution and the Executive and ultimately approved by full Council. Reports to Executive are also previously circulated to Management Board.

- 2.2 Under Article 15.02(c) of the Constitution, the Assistant Chief Executive Legal and Democratic Services has delegated power to amend the Constitution:

- (i) to correct administrative issues such as cross-references, title changes, typographical errors and formatting;
- (ii) to ensure that the Constitution and the Council's procedures meet all legal requirements;
- (iii) to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by the person(s) or body with authority to take such action; and
- (iv) consequentially, to give effect to changes explicitly approved by the full Council;

and any such amendments as set out in sub-paragraph (c)(ii) above shall be reported to the next meeting of the full Council. In practice, all amendments to the Constitution made by the Assistant Chief Executive Legal and Democratic Services under their delegated powers is reported back to full Council.

3.0 AMENDMENTS TO THE CONSTITUTION

- 3.1 The substantive items for consideration/discussion are the subject of separate sections of this report as follows:

- Sections 4.0 to 7.0 detail proposed amendments or updates to the Constitution that have arisen since the last meeting of the working group on 15 September 2025
- Appendix 1 details proposed changes to the Terms of Reference for the Audit Committee and Pension Board
- Appendices 2 to 7 detail proposed changes to the Procurement and Contract Procedure Rules.

Subject to any comments, the Executive is asked to propose the changes detailed below to the full Council for approval.

4.0 MANAGEMENT OF AMENDMENTS AT COUNCIL MEETINGS

- 4.1 A proposal has been received that the Constitution be amended to introduce a deadline for the submission of significant/detailed amendments 24 hours ahead of the meeting of Full Council, whilst still allowing the Chair discretion to accept amendments at the meeting itself. This would then ensure that all due diligence was undertaken with regard to the implications of an amendment and it would also help ensure that the business of Council meetings progressed efficiently and without delay or adjournment to consider revised wording.
- 4.2 The Working Group has considered this proposal and suggests the proposed amendments to the Council Procedure Rules 12 (Motions without Notice) and 13 (Rules of Debate) as set out by way of tracked changes in **Appendix A** to this report.
- 4.3 Subject to any comments Members may have, it is recommended that the proposed amendments to the Council Procedure Rules, as set out by way of tracked changes in **Appendix A**, be recommended to full Council for approval.

5.0 CLARIFICATION OF PROCESS FOR CANCELLING, ADJOURNING AND POSTPONING COMMITTEE MEETINGS

- 5.1 A proposal has been received that the Constitution be amended to clarify the process for the cancelling or postponing of a committee meeting at a time after the summons for the meeting has been issued. There have been a number of occasions in the past 12 months when, the papers for a committee meeting having been published and the summons issued, a meeting has not been able to proceed due to material changes. Typically, this has been a planning committee.
- 5.2 In this situation, the committee can meet as scheduled with a quorum and adjourn to another date or the Chair of the committee can seek the agreement of the other members of the committee and the Assistant Chief Executive Legal and Democratic Services to postpone the meeting. At present, the ability to postpone a meeting in such cases after the summons has been issued is not clearly stated in the Constitution.
- 5.3 The Local Government Act 1972 makes provision for how local authorities may hold meetings and make standing orders for the regulation of their proceedings however the legislation is silent as to the postponement or cancellation of meetings after a summons has been issued. In such circumstances, councils would rely on their constitutional provisions in standing orders.
- 5.4 The Working Group considered that it would be appropriate to include provision in the Constitution for the postponement or cancellation of meetings after a summons has been issued and agreed that the Assistant Chief Executive Legal and Democratic Services should present proposed amendments to the Constitution to effect this. Draft amendments are therefore proposed to the Council Procedure Rule 5 (Time and Place of Meetings) as set out by way of tracked changes in **Appendix A**.
- 5.5 Subject to any comments Members may have, it is recommended that the proposed amendments to the Council Procedure Rules, as set out by way of tracked changes in **Appendix A**, be recommended to full Council for approval.

6.0 CLARIFICATION OF PROCESS - APPOINTMENT OF CORPORATE DIRECTORS

- 6.1 A proposal has been received that the Constitution be amended to clarify the process for the approval of appointment to senior officer roles. Currently the Terms of Reference for the Chief Officer Appointments and Disciplinary sub-committee, at page 111 of the Council Constitution, reflect the legal position that full Council is not required to approve the appointment of the Monitoring Officer and section 151 officer (only their dismissal). Legally full Council is only required to approve the appointment of the Head of Paid Service (the Chief Executive Officer). The appointments of other Chief Officer roles are an executive or committee-level function, not a full Council function.
- 6.2 Given the status of the statutory Monitoring Officer and Section 151 Officer roles, Members may prefer to reserve the appointment of those officers (in addition to dismissal) to full council to demonstrate transparency and the support of the Council for statutory office appointments. The Working Group has considered this proposal, in case Members may be so minded, and, if so, suggests the proposed amendment to the Terms of Reference for the Chief Officers Appointments and Disciplinary Committee, the Chief Officers Appointments and Disciplinary Sub-Committee and the Staff Employment Procedure Rules as set out by way of tracked changes in **Appendix B** to this report.
- 6.3 Subject to any comments Members may have, it is recommended that the proposed amendments to the Terms of Reference for the Chief Officers Appointments and Disciplinary Committee and Sub-Committee, and the Staff Employment Procedure Rules, as set out by way of tracked changes in **Appendix B**, be recommended to full Council for approval.

7.0 UPDATE TO THE POLICY FRAMEWORK

- 7.1 A proposal has been received that the Constitution be amended to remove the reference to the Local Transport Plan in the Policy Framework in Article 4 of the Constitution. This is because the responsibilities regarding the Local Transport Plan have moved to the York and North Yorkshire Combined Authority.
- 7.2 The Working Group has considered this proposal and suggests the proposed amendment to the Policy Framework set out by way of tracked changes below:

Article 4 – The Full Council

4.01 Meanings

- (a) **Policy Framework:** The policy framework means the following plans and strategies:-

- ♦ The Council Plan
- ♦ ~~Local Transport Plan~~

- 7.3 Subject to any comments Members may have, it is recommended that the proposed amendments to the Policy Framework, as set out by way of tracked changes above, be recommended to full Council for approval.

8.0 **AMENDMENTS TO THE TERMS OF REFERENCE FOR THE AUDIT COMMITTEE AND THE PENSION BOARD**

- 8.1 A proposal has been received that the Constitution be amended to update the Terms of Reference for the Audit Committee and Pension Board. These updates address points of clarity and are not substantive.
- 8.2 The Working Group has considered this proposal and suggests the proposed amendment to the Council Procedure Rules set out by way of tracked in **Appendix 1**.
- 8.3 Subject to any comments Members may have, it is recommended that the proposed amendments to the Terms of Reference for the Audit Committee and Pension Board, as set out by way of tracked changes in **Appendix 1**, be recommended to full Council for approval.

9.0 **PROCUREMENT AND CONTRACT PROCEDURE RULES**

- 9.1 Officers have undertaken a review of the Procurement and Contract Procedure Rules (PCPR) and are proposing amendments to: 1) Procurement Financial Thresholds; 2) the Key Decision Limit; and 3) the Grant Application and Acceptance Process. The rationale for these changes is outlined as below and the actual changes to the Constitution that are proposed are set out by way of tracked changes in **Appendices 2 to 7**.
- 9.2 Since the formation of the council on 1 April 2023 interim reviews have taken place where feedback has indicated that there is opportunity to review and improve our ways or working. This is always within the context of ensuring the council complies with the relevant legal requirements i.e. The Public Contract Regulations 2015, the Procurement Act (PA) 2023 / The Procurement Regulations 2024, the Local Government Transparency Code 2015 and access to information decision making legislation.
- 9.3 Procurement and Contract Procedure Rules
The recommendation is amending the financial limits at which an Officer may complete the Best Value process or Quotes process as detailed below:

Spend Area	Upper Threshold Limit (Including VAT) – Proposed	Upper Threshold Limit (Including VAT) – Existing
Goods/ Services contracts (excluding Technology Contracts)	£5,001 up to and including £200,000	£5,001 up to and including £100,000
Technology contracts	£5,001 up to and including £200,000	£5,001 up to and including £150,000
Works contracts	£5,001 up to and including £1m ¹	£5,001 up to and including £250,000
Light Touch Contracts (typically social care)	£5,001 up to and including £663,540	£5,001 up to and including £170,000

- 9.4 The reasons for the proposed changes include:
- Greater flexibility and agility to deliver procurements below the relevant threshold.
 - Simplifying the process for below threshold contracts, making them more accessible to SME's and VCSE's.
- 9.5 Additional controls will be put in place to monitor use of the process, including:

¹ Some exclusions apply

- Introduction of quarterly audits via PCMS, in addition to the existing yearly audit undertaken by Veritau.
- Use of the process will require approval from the Assistant Director of Finance, adding a layer of scrutiny.

9.6 It is also proposed to amend Rule 4.4 to allow certain contracts under £5,000 to proceed without requiring a formal signature and instead be covered by the Council's standard purchase order terms. This change is intended to reduce the administrative burden on service areas for low value, low risk procurements.

9.7 A clean version of the existing section in the Constitution and a track changes version are included at **Appendices 2 and 3** respectively.

Article 13 decision making

9.8 The report also recommends amending the financial limb of the Key Decision rule.

Decision Area	Proposed Limit	Existing Limit
Key Decision	£1m	£500,000

The community impact limb remains unchanged as does the criteria of 20% of the gross expenditure of the relevant budget service area.

9.9 The intention is to reuse procurement and contracting information that is already published publicly. As a council we are required to publish the following information related to our procurement and contract award activity:

- Contracts over £5,000 must be published on the council's contracts register.
- Any quote over £30,000 must be published on the Central Digital Platform where this is an open process.
- Any contract awarded over £30,000 must have a Contract Details Notice published on the Central Digital Platform.

9.10 A clean version of the existing section in the Constitution and a track changes version are included at **Appendices 4 and 5** respectively.

Finance and Procedure Rules

9.11 The final recommendation is to amend the authorisations which are required in relation to grant application and acceptance.

APPLICATIONS - EXISTING		
Total up to £500k	Obtain approval of	Corporate Director in consultation with the Chief Finance Officer
Total £500k +	Obtain approval of	Chief Finance Officer in consultation with the Executive Member for Finance and other relevant Executive Member(s) For recurring grants*, consultation with the relevant Executive Member(s) is at the discretion of the Chief Finance Officer
APPLICATIONS - PROPOSED		
Any Value	Obtain approval of	Corporate Director in consultation with the Chief Finance Officer

ACCEPTANCE - EXISTING		
Total up to £500k	Obtain approval of	- Chief Finance Officer for new discretionary grants - Corporate Director to inform Chief Finance Officer for recurring grants*
Total £500k - £1m	Obtain approval of	- Relevant Executive Member(s) in consultation with the Chief Finance Officer and the Executive Member for Finance for new discretionary grants - For recurring grants* £500,000 and over, the approval of the Chief Finance Officer in consultation with the Executive Member for Finance and other relevant Executive Member(s)
Total over £1m	Obtain approval of	- The Executive for new discretionary grants - For recurring grants* £500,000 and over, the approval of the Chief Finance Officer in consultation with the Executive Member for Finance and other relevant Executive Member(s)
ACCEPTANCE - PROPOSED		
Total up to £1m	Obtain approval of	- Chief Finance Officer for new discretionary grants - Corporate Director to inform Chief Finance Officer for recurring grants*
Total over £1m	Obtain approval of	- The Executive for new discretionary grants - For recurring grants* £500,000 and over, the approval of the Chief Finance Officer in consultation with the Executive Member for Finance and other relevant Executive Member(s)
York and North Yorkshire Combined Authority Grant – Any value	Obtain approval of	Chief Finance Officer (<i>in practice in consultation with the relevant Corporate Director</i>).

9.12 A clean version of the existing section in the Constitution and a track changes version are included at **Appendices 6 and 7** respectively.

9.13 Subject to any comments Members may have, it is recommended that the proposed changes to the Procurement Financial Thresholds, Key Decision Limit, and Grant Application and Acceptance Process be proposed to the Executive for recommendation to full Council for information and/or approval as indicated.

10.0 FINANCIAL IMPLICATIONS

10.1 The financial implications are set out in the body of this report.

11.0 LEGAL IMPLICATIONS

11.1 The legal implications are set out in the body of this report.

12.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

12.1 There are no significant environmental or climate change implications arising from this report.

12.2 A Climate Change Impact Assessment Screening Form is attached at **Appendix 8**.

13.0 EQUALITIES IMPLICATIONS

13.1 There are no significant equalities implications arising from this report.

13.2 An Equality Impact Assessment Screening Form is attached at **Appendix 9**.

14.0 CONSULTATION

14.1 Relevant Officers and Members have been consulted on the proposed changes set out in this report and its Appendices.

14.2 This report also incorporates the views of the Members' Working Group on the Constitution as expressed at the Group's meeting on 20 March 2026.

15.0 REASONS FOR RECOMMENDATIONS

15.1 For the reasons set out in the body of this report and in the Appendices, it is recommended that, subject to any comments Members may have, the matters raised in this report be considered and the recommendations and proposed changes to the Constitution set out below be agreed and/or recommended to full Council for information and/or approval as indicated.

16.0 RECOMMENDATIONS

16.1 That, subject to any comments Members may have, the following proposed amendments to the Constitution are recommended by the Executive to full Council for approval:

- (a) The management of amendments at meetings of full Council, as referenced in section 4.0 of, and **Appendix A** to, this report;
- (b) The process for the cancelling or postponing of a committee meeting at a time after the summons for the meeting has been issued, as referenced in section 5.0 of, and **Appendix A** to, this report;
- (c) The Terms of Reference for the Chief Officers Appointments and Disciplinary Committee and Sub-Committee and the Staff Employment Procedure Rules and clarification of the process for approving Chief Officer appointments, as referenced in section 6.0 of, and **Appendix B** to, this report;
- (d) The removal of the reference to the Local Transport Plan in the Policy Framework in Article 4 of the Constitution, as detailed at section 7.0 of the report;
- (e) The Terms of Reference for the Audit Committee and Pension Board, as detailed at section 8.0 of the report and at **Appendix 1**;
- (f) The Procurement and Contract Procedure Rules (PCPR) and the: 1) Procurement Financial Thresholds; 2) the Key Decision Limit; and 3) the Grant Application and Acceptance Process., as detailed at section 9.0 of the report and at **Appendices 2 to 7**.

BARRY KHAN
Assistant Chief Executive Legal and Democratic Services

County Hall
NORTHALLERTON

30 April 2026

Background Documents:

The Council's Constitution

The Local Government Act 2000 as amended

Appendices

Appendix A – Proposed amendments to the Council Procedure Rules

Appendix B – Proposed amendments to the Chief Officers Appointments and Disciplinary Committee and Sub-Committee Terms of Reference and the Staff Employment Procedure Rules

Appendix 1 – Terms of Reference for the Audit Committee and Pension Board TRACK CHANGES

Appendix 2 – Procurement and Contract Procedure Rules (PCPR) CLEAN

Appendix 3 – Procurement and Contract Procedure Rules TRACKED CHANGES

Appendix 4 – Financial Procedure Rules CLEAN

Appendix 5 – Financial Procedure Rules TRACKED CHANGES

Appendix 6 – Article 13 – Decision Making CLEAN

Appendix 7 – Article 13 – Decision Making TRACKED CHANGES

Appendix 8 – Climate Change Impact Assessment Screening Form

Appendix 9 – Equality Impact Assessment Screening Form

Extracts from Council Procedure Rules
– proposed amendments to Rules

5. TIME AND PLACE OF MEETINGS

5.1 Council Meetings

Meetings of the Council shall be held at County Hall, Northallerton, commencing at 10.30 am, or such other hour as the Council may from time to time determine; provided that in exceptional circumstances the Chair or, if the Chair position be vacant, the Vice-Chair may direct that a meeting shall be held at such other place, or such hour and on such date as they may deem expedient.

5.2 Other Meetings

5.2.1 The date, time and place of Executive and committee meetings will be determined by the Assistant Chief Executive Legal and Democratic Services and included on the summons for the meeting.

5.2.2 The Assistant Chief Executive Legal and Democratic Services may change the date, time and place of a meeting of a committee or Executive, in their discretion, after consulting with the Chair of the committee and Members of the Committee /Leader of the Executive and Members of the Executive.

5.3 Extraordinary Meetings of Committees

The Chair of a Committee, or the Chair of the Council, may summon an extraordinary meeting of a committee at any time, and either of them shall summon an extraordinary meeting on the requisition in writing of not less than one quarter of the members of the committee. The summons shall specify the business to be considered at the extraordinary meeting, and no business other than that specified shall be considered at the meeting.

5.4 Postponement/adjournment/cancellation of Council, Executive and committee meetings after issue of summons

For the avoidance of doubt regarding the operation of paragraphs 5.1 to 5.3 above, and subject to all relevant statutory provisions, where, after the summons for a meeting has been issued, a meeting is not able to proceed for material reasons (as judged by the Assistant Chief Executive Legal and Democratic Services):

- a) the Council/Executive/committee may meet as scheduled with a quorum and adjourn to another date; or
- b) the Assistant Chief Executive Legal and Democratic Services may, in consultation with the relevant Chair and the other members of the Council/Executive/committee concerned, agree to postpone the meeting to a future date or, if the circumstances warrant cancellation, agree to cancel the meeting (for example where there is no longer any business to transact).

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12. MOTIONS WITHOUT NOTICE

The following motions and amendments may be moved without notice:

- (a) Appointment of a Chair of the meeting at which the motion is made.
- (b) Motions relating to the accuracy of the minutes, closure, adjournment, order of business, or next business.
- (c) Reference to the Executive or to a committee.
- (d) Motion to exclude the public and press under Section 100A of the Local Government Act 1972.
- (e) Appointment of members of a committee or outside body, so far as arising from an item mentioned in the summons for the meeting.
- (f) Adoption of reports and recommendations of the Executive, committees or Officers and any consequent motions.
- (g) Amendment to motions (except as expressly provided otherwise elsewhere in the Council Procedure Rules).
- (h) Extending the time limit for speeches.
- (i) That an item of business specified in the summons shall have precedence, or other variation of order of business.
- (j) Suspending Council Procedure Rules in a case of emergency.
- (k) That a Member named under Council Procedure Rules be not further heard or do leave the meeting.
- (l) Giving any consent of the Council required by Council Procedure Rules.
- (m) A motion "That the motion be considered now".
- (n) A motion "That the Council debate this matter in committee."

13. RULES OF DEBATE

- (a) A Member shall stand when speaking and shall address the Chair. If two or more Members rise, the Chair shall call on one of them to speak. (This Standing Order will be deemed to have been complied with if any Member who, as a result of a disability, would find it difficult to stand, indicates their wish to speak by raising their hand.)
- (b) Except with the consent of the Council, and subject to the provisions of Council Procedure Rules, a Member shall not speak for more than three minutes on any motion or amendment, excluding the mover and the Executive Member or Chair of any Committee directly involved, who may speak for not more than five minutes.

- (i) At Budget full Council meetings, the mover, seconder and each spokesperson of a political group shall each be able to speak for 6 minutes in relation to the budget item.
- (c) Whenever the Chair rises during a debate, any Member who is speaking or standing shall resume his seat and all Members shall be silent.
- (d) The ruling of the Chair on points of procedure or order and their interpretation of Council Procedure Rules shall be conclusive and no debate upon their ruling shall be allowed.
- (e) Every motion or amendment shall be moved and seconded and, unless the Chair agrees otherwise shall be handed in writing to the Chair, or to the Assistant Chief Executive Legal and Democratic Services and shall be read before it is discussed or to put to the meeting. At least 24 hours' prior written notice must be given to the Assistant Chief Executive Legal and Democratic Services of proposed significant and/or detailed amendments (as judged by the Assistant Chief Executive Legal and Democratic Services). Once submitted, such significant and/or detailed amendments may be shared with councillors. This provision does not affect the Chair's right to exercise their discretion to accept amendments at the meeting.
- (f) When seconding a motion or amendment a Member may reserve their speech until a later period of the debate.
- (g) A Member shall direct their speech to
- ♦ the motion or question under discussion, or
 - ♦ an amendment, or
 - ♦ a point of order to address a perceived breach of the Council Procedure Rules or other perceived procedural irregularity or
 - ♦ a personal explanation.
- A Member rising to a point of order or in personal explanation is entitled to be heard forthwith, but a point of order must specify the Council Procedure Rule to which it relates, and a personal explanation must be confined to some material part of a speech by them which may have been misunderstood or misrepresented.
- (h) An amendment shall be either:
- (i) to refer the matter to an appropriate body or individual for consideration or recommendation
 - (ii) to delete words
 - (iii) to delete words and add others; or
 - (iv) to add words

but such deletion or addition of words shall not have the effect of introducing a new proposal into, or of negating the motion before the Council and every amendment must be relevant to the motion to which it is moved. Where an amendment does not directly seek to negate or nullify a motion, the Chair has the discretion to reject any amendment that seeks to substantially alter the

proposal of the original motion so as to lose the intention of the original motion.
[Please also see paragraph \(e\) above.](#)

- (i) Any number of amendments may be moved but once an amendment to a motion has been moved and seconded no other amendment may be moved until the first amendment has been dealt with.
- (j) If an amendment is rejected, other amendments may be moved to the motion. If an amendment is carried, the motion as amended will then be the motion to which any further amendment may be moved.
- (k) An amendment may be withdrawn by the proposer with the agreement of the seconder and the consent of the Council (to be signified without discussion), and after the proposer has asked for consent to withdraw an amendment, no Member shall speak upon it unless such consent is refused.
- (l) A Member shall not speak more than once on any motion or amendment, except in
 - ♦ the exercise of the right of reply, given by paragraph (p) of this Council Procedure Rule, or
 - ♦ on a point of order, or
 - ♦ by way of personal explanation, or
 - ♦ to move any of the motions specified in paragraph (m) of this Council Procedure Rule.
- (m) At the conclusion of a speech of another Member, a Member may move without comment one of the following and, if seconded, the Chair shall proceed as follows:
 - (i) “That the Council proceed to the next business”

Unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business
 - (ii) “That the question be now put;”

Unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first put to the vote the motion that the question be now put, and, if it is passed, then give the mover of the original motion their right of reply under paragraph (p) of this Council Procedure Rule before putting the motion to the vote
 - (iii) “That the debate be now adjourned” or “that the Council do now adjourn”:

If in their opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion they shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply.
- (n) A second motion “That the Council do now proceed to the next business”, “That the debate be now adjourned” or “That the Council do now adjourn” may not

be made during the same debate within a period of one hour unless, in the opinion of the Chair, the circumstances of the debate are materially altered.

- (o) During the same debate, no Member shall propose or second more than one motion for adjournment of the debate or for the adjournment of the Council, or that the Council do proceed to the next business, or that the question be put.
- (p) The mover of an amendment has no right of reply, but the proposer of a motion (other than a motion proposed under paragraph (m) of this Council Procedure Rule) shall have the right of reply and may speak for up to 5 minutes:
 - (i) at the close of the debate on the motion and immediately before it is put to the vote (except where paragraph (m) of this Council Procedure Rule requires it to be put to the vote forthwith)
 - (ii) immediately before any motion to proceed to next business is put to the vote.

If any amendment to a motion is proposed, the mover of the motion shall have a right of reply at the close of the debate on each amendment and, whether the motion is amended or not, at the close of the debate on the motion, but, in exercising a right of reply, the mover of the motion may not introduce any new matter.

Once the right of reply has been exercised a decision must be taken without further discussion.

- (q) When a motion is under debate only the following may be moved:
 - (i) that the motion be amended
 - (ii) that consideration of the motion be postponed
 - (iii) that the meeting be adjourned
 - (iv) that the debate be adjourned
 - (v) that the Council proceed to the next business
 - (vi) that the question be now put
 - (vii) that a Member be not further heard
 - (viii) that a Member leave the meeting
 - (ix) that the public be excluded under Section 100A of the Local Government Act 1972
 - (x) that the Council debate this matter in committee.
- (r) The rules of debate set out in this Council Procedure Rule shall be suspended for any debate for which the Council has resolved, either on a motion for which notice has been given in the printed agenda or on a motion moved without notice under the relevant Council Procedure Rule “that the Council debate this matter in committee”.

Extracts from Constitution
- Chief Officers Appointments and Disciplinary Committee

Chief Officers Appointments and Disciplinary Committee

...

Delegated Powers

Appointments

1. Where a vacancy occurs in the position of Chief Executive Officer, to:
 - (a) interview all qualified applicants for the post; or
 - (b) select a shortlist of such qualified applicants and interview those on the shortlist;
 - and (in either case)
 - (c) having carried out such interviews, either appoint (*NB Note 1 below*) one of the candidates to the vacancy, or decide not to appoint any of the candidates, but instead to take such further action in relation to the filling of the post as the committee may determine.
 2. Where a vacancy occurs in the position of any Chief Officer other than the Chief Executive Officer, to appoint a sub-committee (*NB Note 4 below*) to perform the functions set out at 1 (a)-(c) above in relation to that vacant post.
 3. To consider the outcome of the annual appraisal of the performance of the Chief Executive Officer by the Leader of the Council where the outcome will affect the terms and conditions of the Chief Executive Officer and to determine any necessary changes to such terms and conditions. Where, on appraisal of the Chief Executive Officer, the Leader and/or the Chief Officers Appointments and Disciplinary Committee determines that an increment should not be awarded, the Chief Executive Officer will have a right of appeal to the Employment Appeals Committee.
- Note: for the avoidance of doubt, issues such as the award (or non-award) of an increment within the grade band of the Chief Executive Officer will not amount to a change in their terms and conditions necessitating a referral to this Committee.*
4. Subject to the sub-paragraphs below, to consider from time to time the terms and conditions of Chief Officers and make necessary changes to them:
 - (a) The determination of the remuneration and other terms and conditions which shall apply to a Chief Officer post on appointment must comply with the Pay Policy Statement, provided that if it is proposed to make an appointment on terms and conditions which do not comply, the matter shall be referred to full

Council for consideration as to whether the Pay Policy Statement should be amended prior to a final offer being made to any candidate.

- (b) Any amendments proposed to Chief Officer remuneration and other terms and conditions, which would comprise an amendment to the Pay Policy Statement, shall be considered by the Chief Officers Appointments and Disciplinary Committee (or, in the case of Assistant Directors and Assistant Chief Executives, by the Chief Executive Officer), and recommended by them to full Council for approval.

Notes:

1. *Full Council must approve, in advance, any offer of appointment as, or any notice of dismissal to, the Chief Executive Officer, the Monitoring Officer and the Section 151 Officer. Such full Council advance approval is not required for offers/notices in relation to Corporate Directors and Assistant Chief Executives (unless also acting as Monitoring Officer or section 151 Officer).*
2. *Where a vacancy occurs in the position of any Chief Officer other than the Chief Executive Officer, to appoint a sub-committee (NB see Notes below).*
23. *All permanent appointments as a Chief Officer shall, unless the Council otherwise directs, be made by the Chief Officers Appointments and Disciplinary Sub-Committee and shall be reported to full Council at the first available opportunity.*
Action under 2 above is to be reported to full Council at the first available opportunity.
34. *NB also Rules 5 and 6 of the Staff Employment Procedure Rules.*
45. *Any The Sub-Committee must include at least one member of the Executive.*

...

Chief Officers Appointments Sub-Committee

...

Note:

1. *~~Where a vacancy~~To consider vacancies occursing in the position of any Chief Officer other than the Chief Executive Officer, to appoint a sub-committee (NB Notes 2-5 below).*
2. *Full Council must approve, in advance, any offer of appointment as, or any notice of dismissal to, the Chief Executive Officer, the Monitoring Officer and the Section 151 Officer. Such full Council advance approval is not required for offers/notices in relation to Corporate Directors and Assistant Chief Executives (unless also acting as Monitoring Officer or Section 151 Officer).*

3. All permanent appointments as a Chief Officer shall, unless the Council otherwise directs, be made by the Chief Officers Appointments and Disciplinary Sub- Committee and shall be reported to full Council at the first available opportunity~~Action under 2 above is to be reported to full Council at the first available opportunity.~~
4. NB also Rules 5 and 6 of the Staff Employment Procedure Rules.
5. Any~~The~~ Sub-Committee must include at least one member of the Executive.

Staff Employment Procedure Rules

...

2. Appointment of Head of Paid Service

The Head of Paid Service (i.e. the Chief Executive Officer) shall be appointed according to the provisions of Rule 3 below, save that:

- ♦ references in Rule 3 to functions being performed by the Chief Executive Officer shall be read as those functions being performed by the first named of the following Officers who is available to act and not themselves a candidate: Corporate Director of Environment, Corporate Director of Resources, Assistant Chief Executive HR and Business Support
- ♦ references to functions being performed by a sub-committee of the Chief Officers Appointments and Disciplinary Committee shall be read as those functions being performed by the committee itself; and
- ♦ the Council must approve the appointment before an offer of appointment is made.

3. Appointment of Chief Officers

- (a) Whenever a vacancy occurs amongst the Chief Officers, the Chief Executive Officer shall consult with the Leader, the relevant Portfolio Holder and group spokespersons on the relevant overview and scrutiny committee to decide whether the Council should be requested to consider and approve the duties and salary of the post before the post is filled. Pending any such reconsideration by the Council and the filling of the post, the Chief Executive Officer may, if they think fit, appoint some person within the establishment to discharge temporarily the duties of the post until a successor is appointed.
- (b) Where it is proposed to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among existing Officers of the Council, the Chief Executive Officer shall, after consultation with the Leader, the appropriate Portfolio Holder and group spokespersons on the relevant Overview and Scrutiny Committee:

- (i) draw up a statement specifying:
 - (1) the duties of the Officer concerned; and
 - (2) any qualification or qualities to be sought in the person to be appointed
 - (ii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (iii) make arrangements for a copy of the statement mentioned in paragraph (i) to be sent to any person on request.
- (c) (i) Where a post of Chief Officer has been advertised, the Chief Officers Appointments and Disciplinary Committee shall appoint a sub-committee to:
- (1) interview all qualified applicants for the post; or
 - (2) select a short list of such qualified applicants and interview those included on the short list.
- (ii) Where no qualified person has applied, further arrangements for advertisement shall be made in accordance with (b) above.
- (d) All permanent appointments as a Chief Officer shall, unless the Council otherwise directs, be made by the sub-committee referred to in (c) above and shall be reported to full Council at the first available opportunity. [See also paragraph \(i\) below.](#)
- (e) Both the Chief Officers Appointments and Disciplinary Committee, and any sub-committee appointed under (c) above, must include at least one Member of the Executive.
- (f) The determination of the remuneration and other terms and conditions which shall apply to a Chief Officer post on appointment must comply with the Pay Policy Statement, provided that if it is proposed to make an appointment on terms and conditions which do not comply, the matter shall be referred to full Council for consideration as to whether the Pay Policy Statement should be amended prior to a final offer being made to any candidate.
- (g) Any amendments proposed to Chief Officer remuneration and other terms and conditions, which would comprise an amendment to the Pay Policy Statement, shall be considered by the Chief Officers Appointments and Disciplinary Committee (or, in the case of Assistant Directors and Assistant Chief Executives, by the Chief Executive Officer) and recommended by them to full Council for approval.
- (h) The Director of Public Health must be appointed jointly by the Council and the Secretary of State.
- [\(i\) Full Council must approve the appointment of the Section 151 Officer and the Monitoring Officer before an offer of appointment is made.](#)

Audit Committee

1. Membership

Councillors (10)							
	Councillor name				Political group		
1	BAKER, Alyson				Conservatives and Independents		
2	CHANCE, David				Conservatives and Independents		
3	JABBOUR, George		Vice Chair		Conservatives and Independents		
4	LUNN, Cliff		Chair		Conservatives and Independents		
5	WILKINSON, Peter				Conservatives and Independents		
6	SWANNICK, Neil				Labour		
7	BROADBANK, Philip				Liberal Democrats and Liberal		
8	CUNLIFFE_LISTER, Felicity				Liberal Democrats and Liberal		
9	BROWN, Andy				Greens and Independents		
10	DONOHUE-MONCRIEFF				NY Independents		
Members other than Councillors (Non-voting) (3)							
1	BUCKLEY, Vicky						
2	MARSH, David						
3	PORTLOCK, David						
Total Membership – (13)				Quorum – (3) Councillors			
Con and Ind	Lib Dem and Lib	NY Ind	Labour	Ind	Greens & Ind	Total	
5	2	1	1	0	1	10	

2. Substitute Members

Conservatives and Independents		North Yorkshire Independents	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1		1	
2		2	
3		3	
4		4	
5		5	
Labour		Liberal Democrats and Liberal	
	<i>Councillors Names</i>		<i>Councillor Names</i>
1		1	BRODIGAN, Barbara
2		2	GOSTLOW, Hannah
3		3	
4		4	
5		5	

The current term of appointment of David Marsh and David Portlock as Independent Members to the Audit Committee ends 31 July 2027. Thereafter, the term of appointment shall be four years from 31 July during the year which follows a Council election in order to provide consistency during the period for production, and subsequent approval of, the Statement of Final Accounts.

Terms of Reference

1. In respect of **Internal Audit**

- to ensure that the Council's arrangements for Internal Audit comply with the CIPFA Code of Practice for the Governance of Internal Audit
- to approve the Internal Audit Charter, Annual Audit Plan and performance criteria for the Internal Audit Service.
- to review summary findings and the main issues arising from internal audit reports and seek assurance that management action has been taken where necessary.
- to review the effectiveness of the anti-fraud and corruption arrangements throughout the Council.
- to meet in private with the Head of Internal Audit at least annually and to enquire about any restrictions on internal audit's scope, access, authority or resources that may limit its ability to carry out its responsibilities effectively
- consider the annual report from the Head of Internal Audit.
- to obtain assurance that the work of internal audit conforms to the Global Internal Audit Standards (UK Public Sector)~~Public Sector Internal Audit Standards.~~

2. In respect of **External Audit**

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

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

4. In respect of **financial statements**

For both the Council and the North Yorkshire Pension Fund

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

5. In respect of **Corporate Governance**

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

6. In respect of **Risk Management**

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

Pension Fund Committee

- Membership

Councillors (10)									
	Councillors Names					Political Group			
1	GIBBS, Sam					Conservatives and Independents			
2	LUNN, Cliff					Conservatives and Independents			
3	THOMPSON, Angus								

- Substitute Members

Conservatives and Independents		North Yorkshire Independents	
	Councillors Names		Councillors Names
1		1	
2		2	
3		3	
Labour		Liberal Democrats and Liberal	
	Councillors Names		Councillor Names
1		1	BROADBANK, Philip
2		2	
3		3	
Green Party			
1	FOSTER, Kevin		
2			
3			

- Substitute Members

1		City of York
2	DALE, Angie	North Yorkshire District Councils
3		

Delegated Powers

1. To exercise the powers of the Council to invest monies forming part of the North Yorkshire Pension Fund, including:
 - to determine and periodically review the Investment Strategy, the Funding Strategy and other governance documents of the Pension Fund
 - to appoint investment managers to manage and invest Pension Fund monies on the Council's behalf
 - to determine what the Pension Fund requires its investment pooling provider Border to Coast Pensions Partnership to provide, in order to implement its investment strategy
 - to receive reports from the appointed investment managers setting out the action they have taken under their appointment
 - to receive reports from the Investment Adviser and the Investment Consultant regarding the investment performance of the appointed investment managers and the Pension Fund overall
 - from time to time to consider the desirability of continuing or terminating the appointments of any organisations involved in the investment of the monies of the Pension Fund
 - to receive regular reports on the budget and cash flow of the Pension Fund
 - to receive regular reports on the administration of benefits of the Pension Fund covering member and employer issues
 - to approve a Statement of Final Accounts and associated governance statements for submission to the Audit Committee
 - to approve the Annual Report of the Pension Fund; and
 - from time to time reporting to the Executive.
2. To exercise all the Council's powers as administering authority for the North Yorkshire Pension Fund, subject to any specific instructions that might be given from time to time by the Council.
 1. To carry out the Council's functions relating to local government pensions scheme (LGPS) under
 2. The Local Government Pension Scheme Regulations 2013
 3. The Local Government Pension Scheme (Transitional Provisions, Savings and Amendments) Regulations 2014
 4. The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 and any other Regulations that relate specifically to the Council's responsibility to administer the Local Government Pension Scheme.

Pension Board

Membership

(9)		
	<i>Names</i>	
1	PORTLOCK, David	Chair – Independent Member (Non-voting)
2	WATSON, Steve	Employer Representative
3	ROWLEY BEM, Martin	Employer Representative
4	BARBERY, Emma	Employer Representative
5	FLETCHER, John	Employer Representative
6	PURCELL, Simon	Scheme Member Representative
7	HOULGATE, David	Scheme Member Representative
8	THOMPSON, Sam	Scheme Member Representative
9	BRASS, Eddie	Scheme Member Representative
Quorum – The Board shall be quorate if the Chair, one scheme representative and one employer representative are present.		

Terms of Reference and Delegated Authorities

1) Role of the Local Pension Board

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

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

the terms “Administering Authority” and “Scheme Manager” are used interchangeably in the Regulations but are separately defined in this document (see section 18). NYC as the

Administering Authority has ultimate responsibility for the Fund and has delegated powers to manage the Fund to the Pension Fund Committee (PFC).

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

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

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

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

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

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

2) Membership and Appointment Process

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

i) 4 scheme member representatives, of whom

1. 2 shall represent and be drawn from active members of the Fund
2. 1 shall represent and be drawn from pensioner and deferred pensioner members of the Fund
3. 1 shall represent and be drawn from either the active or deferred/pensioner members of the Fund

ii) 4 employer representatives, of whom

1. 1 shall be nominated by NYC who shall meet the requirements of the relevant regulations in relation to avoidance of conflict with the Council's role as Administering Authority
2. 1 shall be nominated by the City, the Police and Fire bodies and the National Parks which are employers within the Fund
3. 1 shall be nominated by all other employers within the Fund

4. 1 shall be nominated by any employer other than NYC

iii) 1 independent member, who shall be appointed as Chair of the Pension Board

Elected Members and officers involved in the management and administration of the Fund are not permitted to become Pension Board members.

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

The position of independent member will be advertised publicly. The Administering Authority will seek an independently minded individual with a track record of dealing with governance issues.

Following receipt of nominations/applications the Administering Authority will arrange an independent as possible appointment process. This process will include assessing information supplied by candidates in support of their nomination/application and may be supplemented by interviews as appropriate.

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

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

1. for scheme member representatives if they cease to be a member of the relevant group
2. for employer representatives who are councillors if they cease to hold office as a councillor
3. for employer representatives who are not councillors when they cease to be employed by their nominating employer
4. for a councillor member who is appointed to the PFC
5. for a scheme member or employer representative who is appointed to a role with responsibility for the management or administration of the Fund
6. where there is a conflict of interest which cannot be managed in accordance with the Pension Board’s Conflicts of Interest Policy
7. where a member fails to attend meetings, undertake training or otherwise comply with the requirements of being a Pension Board member

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

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

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

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

Board Members are allowed to resign from the Board at any stage during their appointment period. This should be undertaken in writing or via email to the Clerk and Chair of the Board.

3) Conflicts of Interest

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

4) Standards of Conduct

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

These are:

1. selflessness
2. integrity
3. objectivity
4. accountability
5. openness
6. honesty
7. leadership

5) Knowledge and Skills

A member of the Pension Board must be conversant with:

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

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

5. the law relating to pensions, and

6. any other matters which are prescribed in the regulations

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

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

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

6) Board Review Process

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

7) Accountability

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

8) Remit of the Board

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

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

9) Decision making

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

10) Quorum

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

11) Board Meetings – Notice, Minutes and Reporting

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

The Pension Board is a committee of the Council and as such the Council's rules on notice of meetings, publishing agendas, reports and minutes and that meetings and papers (unless exempt) are open to the public will apply. At the discretion of the Administering Authority items may be edited or excluded on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

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

1. details of members attendance at meetings of the Pension Board
2. details of training and development activities made available to Pension Board members and attendance at such activities
3. details of any recommendations made by the Pension Board to the Scheme Manager and the Scheme Manager's response to those recommendations
4. details of costs incurred in the operation of the Pension Board
5. a review of the effectiveness of the Board (see Section 6)

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

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

12) Reporting Breaches

Any breach brought to the attention of the Pension Board, whether potential or actual, shall be dealt with in accordance with the procedure set out in the [Pensions Regulator's General Code of Practice](#) ~~draft code of practice 14 issued by the Pensions Regulator, Governance~~

13) Escalation of matters of serious concern

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

14) Publication of Pension Board information

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

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

3. the names of the Pension Board members and other relevant information
4. how the scheme members are represented on the Pension Board
5. the responsibilities of the Pension Board as a whole
6. the full terms of reference and policies of the Pension Board and how they operate
7. the Pension Board appointment process
8. any specific roles and responsibilities of individual Pension Board members

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

15) Advice to the Board

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

16) Expense Reimbursement, remuneration and allowances

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

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

17) Insurance

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

18) Updating the Pension Board Terms of Reference

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

19) Definitions

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

"Pension Board" or "Board"

Means the Pension Board for the Council as the Administering Authority of the NYPF as required under the Public Service Pensions Act 2013

"Administering Authority"

Means the Council

"Scheme Manager"

Means the PFC of the Council

"Chair"

The individual responsible for chairing meetings of the Pension Board and guiding its debates

"LGPS"

The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and the

The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009

"Scheme"

Means the Local Government Pension Scheme as defined under "LGPS"

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Procurement and Contract Procedure Rules

CONTENTS

PART 1 - RULES APPLICATION & KEY DEFINITIONS

1. Rules Application
2. Definitions

PART 2 - GENERAL OBJECTIVES, POWERS & PRINCIPLES

3. Procurement and Contract Procedure Rules Objectives
4. Powers and Key Decisions / Decision Records
5. General Principles

PART 3 - CONTRACTS FOR GOODS, SERVICES AND WORKS

6. Quotation & Best Value Processes
7. Bid Process
8. Tender Process
9. Gateway Report Process
10. Contract Management

PART 4 - HEALTH CARE SERVICES CONTRACTS

11. Health Care Services Processes
12. PSR Governance Process Report
13. Health Care Services Contract Management
14. Annual Summary

PART 5 - GRANT AGREEMENTS

15. Grant Processes
16. Grant Gateway Process Report

PART 1
RULES APPLICATION AND KEY DEFINITIONS

1. RULES APPLICATION

- 1.1 These Rules constitute the Council's Standing Orders in relation to Contracts under Section 135 of the Local Government Act 1972 and apply to all Contracts (excluding those stated in **Rule 1.5**), including those made in the course of the discharge of functions which are the responsibility of the Executive.

APPLICATION OF THE PARTS

- 1.2 These Rules consist of the following Parts:

Part 1 - Rules Application & Key Definitions: Details on how these Rules will apply to all Contract and Grant Agreements. Key definitions are also listed here.

Part 2 – General Objectives, Powers & Principles: This part applies to all Contracts and Grant Agreements.

Part 3 – Contracts for Goods, Services and Works: This part applies to all Contracts for goods, services and works. This part does not apply to health care services Contracts or Grant Agreements.

Part 4 – Health Care Services Contracts: This part only applies to health care services Contracts.

Part 5 – Grant Agreements: This part only applies to Grant Agreements.

MIXED CONTRACTS

- 1.3 Where a procurement includes two or more types of provision (i.e. Goods, Services and Works) the value shall be based on the provision that characterises the main subject of the Contract in question.
- 1.4 When a Contract comprises a mixture of in-scope Health Care Services and out-of-scope Services or Goods, relevant authorities may only use the PSR to arrange those services when both of the below requirements are satisfied:
- a) The main subject-matter of the Contract is in-scope Health Care Services
 - b) The relevant authority is of the view that the other goods or services could not reasonably be supplied under a separate Contract.

EXEMPT CONTRACTS

- 1.5 These Rules do not apply to Contracts in which the Council are the supplier (i.e. Trading) or to Contracts that are of the kind listed in Schedule 2 of the PA2023. This includes the following types of Contracts:
- a) Vertical ("Teckal") Arrangements
 - b) Horizontal (between Contracting Authorities) Arrangements
 - c) Land & building (Refer to the Council's Property Procedure Rules)
 - d) Broadcasting

- e) Electronic Communications Services (within the meaning given in section 32 and 151 of the Communications Act 2003)
- f) Alternative dispute resolution which includes arbitration, mediation or conciliation services or any other similar services
- g) Legal Services relating to judicial proceedings, notary where mandated by law or in relation to an order of the court or tribunal
- h) Financial Services related to the lending of money, investment services or provision of services by the Bank of England (Refer to the Council's Financial Procedure Rules)
- i) Employment
- j) Research & Development services

2. DEFINITIONS

DEFINED TERMS

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

Best Value Process Form	means the form to be completed to capture the rationale for not seeking bids in accordance with Rule 6.6 .
Central Digital Platform	Is the online system established by the Minister for the Cabinet Officer and which may be accessed on https://www.gov.uk/find-tender
Centralised Procurement Authorities	means a contracting authority that is in the business of carrying out procurement for or on behalf of, or for the purpose of the supply of goods, services or works to, other contracting authorities.
Competitive Grant Form	means the form to be completed confirming the competitive process being undertaken to award the Grant Agreement where the value of the grant is below the threshold stated in Rule 15.4 .
Concession	means a contract for the supply, for pecuniary interest, of works or services to a contracting authority where- a) At least part of the consideration for that supply is a right for the supplier to exploit the works or services, and b) Under the contract the supplier is exposed to a real operating risk.
Constitution	means the Council's Constitution of which these Rules form part
Contract	means any agreement, excluding a Grant, made between the Council and any other person which is intended to be legally enforceable and involves the acceptance of an offer made by one party to commit itself to an action or series of actions and subject to the exceptions in Rule 1.5 .

Contract Register	means the register of Contracts maintained by the Council as set out in Rule 5.27 .
Contracting Authorities	means a public authority which is wholly or mainly funded out of public funds, or subject to public authority oversight and does not operate on a commercial basis.
Council	means The North Yorkshire Council.
CPV	means the common procurement vocabulary which is a single classification system for public procurement to help identify goods, services and works.
Decision Record	means a record of a decision produced in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
Director	means the Chief Executive Officer; Assistant Chief Executive HR and Business Support, Assistant Chief Executive Legal and Democratic Services, Assistant Chief Executive Local Engagement, Corporate Director of Environment; Corporate Director Health and Adult Services; Director of Public Health; Corporate Director Children and Young People's Service; Corporate Director of Resources; Corporate Director of Community Development as the context requires.
Director's recommendation	means a written record of the decision and justification to apply one of the exceptions set out in Rule 7.14 to be signed and kept by the relevant Director.
E-tendering System	means the online procurement platform used to publish opportunities and receive supplier submissions for consideration.
Elected Member	means an elected member of the Council or co-opted member on a Council committee.
Electronic Signatures	means an advanced electronic signature which is: (i) uniquely linked to the signatory; and (ii) capable of identifying the signatory; and (iii) created using means that the signatory can maintain under his/her sole control; and (iv) linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.
Goods	means those goods that have a CPV Code starting with 0 up to and including 44 or 48.

Gateway Report Process	means the Council's value-based gateway commissioning, procurement and contract management process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points. There is a distinct Gateway Report Process for contracts and grant agreements.
Grant	means a sum of money awarded by the Council to third parties whereby the third party is not obliged to deliver any goods, services or works to the Council, but the Council may claw back grant funding which has not been spent or is misapplied.
Health Care Services	means those services detailed within Schedule 1 of the Health Care Services (Provider Selection Regime) Regulations 2023.
HoP	means the Head of Procurement and Contract Management.
Key Decision	means a decision made in connection with the discharge of a function which is the responsibility of the Executive set out in Article 13.03(b) of the Constitution.
Leasing Agreement	means a contract for the provision of finance to enable goods or services to be obtained and where ownership in those goods does not automatically pass to the Council at the end of the contract period.
Light Touch Contract	means those services covered by the CPV Codes set out Table 2 of Schedule 1 of the Procurement Regulations 2024.
Monitoring Officer	means the Council's appointed statutory officer responsible for the legal governance of a local authority as set out under section 5 of the 1989 Local government and Housing Act.
Officer	means a Council employee or other authorised agent
PA2023	means the Procurement Act 2023 as amended from time to time.
PAB	means the Procurement Assurance Board which is chaired by the HoP.
PCR2015	means the Public Contracts Regulations 2015
Person	means any individual, partnership, company, trust, other local authority, Government department or agency

Procurement and Contract Management Manual	means the manual to accompany these Rules which provides detailed guidance on procurement and contract management techniques and the effect of the Rules.
Procurement and Contract Management Service	means the Council's procurement and contract management service which sits under the HoP.
Procurement Pipeline	means the Procurement Pipeline which outlines future procurement requirements of the Council.
PSR	means The Health Care Services (Provider Selection Regime) Regulations 2023.
PSR Governance Process report	means the Council's value-based governance commissioning, procurement and contract management process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points.
Quotes Process Form	means the form to be completed to capture the quotes processes undertake in accordance with Rule 6.5 .
Responsible Officer	means the Officer from the directorate who is responsible for the procurement and/or management of a Contract.
Rules	means these Procurement and Contract Procedure Rules.
S151 Officer	means the Council's appointed officer under Section 151 of the Local Government Act 1972 and is responsible for making the necessary arrangements for local financial and management controls.
SCM	means the Senior Commercial Managers within the Procurement and Contract Management Service.
Services	means those services that have a CPV Code starting with 50 up to and including 98.
Supplier	means a company or individual that provides goods, services or works.
Technology Contract	means any contract commissioned by the Council's Technology department for technological products or services including IT systems, software and/or hardware.
Teckal	refers to a specific type of legal entity established and controlled by public authorities and to which those public authorities may direct award a contract for the

delivery of goods, services and/or works via the Vertical Exemption.

Threshold Amounts	means the threshold amount for a contract of a type referenced to in Schedule 1 of the Procurement Act 2023.
Waiver Form	means the prescribed form to be completed when requesting a waiver in accordance with Rule 7.15 .
Works	means any of the activities within the CPV Codes listed in the Procurement Regulations 2024 under Schedule 3.

REFERENCES

2.2 References in these Rules to:

- (a) any legislation include a reference to any amendment or re-enactment of such legislation;
- (b) Directors, the S151 Officer and the Monitoring Officer shall be taken to include such Officers as are designated by those officers to undertake the duties and responsibilities set out in these Rules, except in the case of the following:
 - (i) Director - Director's Recommendations (**Rule 7.14**)
 - (ii) S151 Officer - Rules Establishment & Review (**Rule 5.1**)
 - (iii) Monitoring Officer - Rules Establishment & Review (**Rule 5.1**)

where delegation is not permitted, except in exceptional circumstances. A record of all duties and responsibilities as delegated under these Rules is to be maintained by each Director, the S151 Officer and the Monitoring Officer.

PART 2

GENERAL OBJECTIVES, POWERS AND PRINCIPLES

3. PROCUREMENT AND CONTRACT PROCEDURE RULES OBJECTIVES

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

4. POWERS AND KEY DECISIONS / DECISION RECORDS

LEGAL POWER TO ENTER INTO CONTRACTS / GRANT AGREEMENTS

- 4.1 In consultation with the Monitoring Officer, Directors shall ensure that the Council has the legal power to enter into any Contract or Grant and that in respect of all Contracts and Grants, regardless of whether they involve the procurement or provision by the Council.
- 4.2 The written form of agreement for contracts must clearly specify the obligations of the Council and the Supplier and shall include:
- (a) the work to be done or the goods or services to be provided
 - (b) the standards which will apply to what is provided
 - (c) the price or other consideration payable
 - (d) the time in which the Contract is to be carried out
 - (e) the remedies which will apply to any breach of Contract.
- 4.3 Wherever appropriate, contracts shall be made on the basis of terms and conditions agreed by the Monitoring Officer. Such terms and conditions may be incorporated into standard order conditions. The Council may accept different terms and conditions proposed by a Supplier provided that the advice of the Monitoring Officer (or by a Legal Services' Officer authorised by the Monitoring Officer) as to their effect has been sought and considered.
- 4.4 Every Contract and Grant agreement shall be evidenced in writing. Contracts for Goods or Services (excluding Health Care Services) with a value of £5,000 or less (excluding VAT) do not require signature or sealing provided they are entered into on the Council's standard purchase order terms. In all other cases, every Contract and Grant agreement must be signed or sealed (as appropriate) by both parties. Signature or sealing by the Council shall be in accordance with the requirements set out in the **Table 1** below based on the type of Contract / Grant agreement:

Table 1: Signature / sealing requirements

Total Value	Signature / Sealing Requirements
Contracts for Goods or Services (excluding Health Care Services)	
£5,000 or less (excluding VAT)	Signature / sealing is not required. The contract must be on the Council's standard purchase order terms.
Above £5,000 (excluding VAT) and below PA2023 Threshold Amount	One Signature required by the relevant Director or by an Officer authorised by the Director to sign on their behalf.
Above and including the PA2023 Threshold Amount	Two Signatures required. One by the relevant Director or by an Officer authorised by the Director to sign on their behalf. The other by the Monitoring Officer or by an Officer authorised by the Monitoring Officer to sign on their behalf. OR Sealed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer to seal on their behalf
Contracts for Works	
Below £1,000,000 (Including VAT)	One Signature required by the relevant Director or by an Officer authorised by the Director to sign on their behalf. OR Sealed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer to seal on their behalf.
Above and including £1,000,000 (Including VAT)	Must be sealed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer to seal on their behalf.
Contracts for Health Care Services	
Below £663,540 (Including VAT)	One Signature required by the relevant Director or by an Officer authorised by the Director to sign on their behalf.
Above and including £663,540 (Including VAT)	Two Signatures required. One by the relevant Director or by an Officer authorised by the Director to sign on their behalf. The other by the Monitoring Officer or by an Officer authorised by the Monitoring Officer to sign on their behalf. OR Sealed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer to seal on their behalf.
Grant Agreements	
Below £100,000	One Signature required by the relevant Director or by an Officer authorised by the Director to sign on their behalf.
Above and including £100,000	Must be sealed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer to seal on their behalf.

- 4.5 The Monitoring Officer also authorises such Contracts or Grants to be signed by authorised officers where:
- (a) appropriate authority exists for the Council to enter into the Contract, and
 - (b) the Contract is either:
 - (i) in a nationally recognised form, or
 - (ii) a standard form prepared or approved by the Monitoring Officer, or
 - (iii) is otherwise in a form approved by the Monitoring Officer; and
 - (c) any variations to approved forms of Contract must themselves be approved by the Monitoring Officer, whether they are affected by amending the Contract itself or by correspondence.
- 4.6 Signatures may be affixed to a Contract either using physical, handwritten means or an Electronic Signature, as appropriate and in accordance with UK law. Electronic Signatures may only be affixed using the Council's chosen electronic signature system or an approved alternative, as agreed by the HoP, SCM or Legal Services' Officer.
- 4.7 The use of Electronic Signatures is not permitted in circumstances where:
- (a) the Contract is to be sealed (except where **Rule 4.8** applies);
 - (b) a physical handwritten signature needs to be filed;
 - (c) there is a proviso in the Contract which prevents the use of an Electronic Signature;
 - (d) the Contract may need to be enforced in a jurisdiction where Electronic Signatures are not accepted;
 - (e) the Contract needs to be notarised.
- 4.8 Where agreed by the Monitoring Officer, electronic Deeds may be executed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer using the Council's chosen electronic deeds execution system.
- 4.9 Directors shall ensure that no Contract or Grant agreement is entered into which is ultra vires.

CERTIFICATION OF CONTRACTS

- 4.10 The Local Government (Contracts) Act (LGCA) 1997 clarified the power of local authorities to enter into certain contracts, including Private Finance Initiative Contracts. Where Contracts need to be certified under the 1997 Act, only the following Officers are authorised to do so, following consultation with the relevant Executive Elected Member: the Director Children and Young People's Service, the Director of Environment, the Director Health and Adult Services, the Director of Community Development, the Director of Public Health, the Monitoring Officer and the S151 Officer.

KEY DECISIONS / DECISION RECORDS

- 4.11 Directors shall ensure that a written record of the decision to procure a Contract or Grant is made in accordance with the Gateway Report Process where applicable. Where such a decision comprises a Key Decision under the Constitution, Directors shall ensure that it is entered on to the Forward Plan or is on the Procurement Pipeline and treated as a Key Decision in all respects.
- 4.12 The Responsible Officer must follow the Council's Access to Information Rules which includes the need to complete the Key Decision criteria set out in Article 13.03(b)(i) of the Constitution when determining whether the procurement comprises a Key Decision and publish a decision record where appropriate.

5. GENERAL PRINCIPLES

RULES ESTABLISHMENT & REVIEW

- 5.1 These Rules are made by the Council on the advice of the S151 Officer (in consultation with the Monitoring Officer) under Article 14.02 of the Constitution and define the correct procedures to be followed when the Council enters into any contractual or grant arrangement and should be read in conjunction with the Finance Procedure Rules under Article 14.01 of the Constitution.
- 5.2 The S151 Officer (in consultation with the Monitoring Officer) shall review the application and effect of these Rules and make an annual report or as required but no less than once per year to the Audit Committee recommending such amendments to the Rules as are considered appropriate.

COMPLIANCE WITH LEGISLATION AND STANDARDS

- 5.3 Every Contract and Grant shall comply with all relevant applicable legislation and government guidance.
- 5.4 Where relevant, every Contract shall specify that materials used, goods provided, services supplied or works undertaken (as the case may be) shall comply with applicable standards.

MANUALS & STRATEGY

- 5.5 The S151 Officer has produced a Procurement and Contract Management Manual which sets out important issues to be considered in the procurement context. These Rules should be read in conjunction with the Procurement and Contract Management Manual.
- 5.6 The S151 Officer has also produced a Finance Manual which gives advice on financial procedures.
- 5.7 All Officers shall adhere to the Council's approved Procurement and Contract Management Strategy.

RECORD KEEPING

- 5.8 Directors and the HoP shall ensure that all documentation relating to Contracts, Grants and procurement processes is retained in accordance with the Council's Records Retention and Destruction Schedule.

EXTERNAL CONTRACT SUPERVISION OR MANAGEMENT

- 5.9 Where the Council has awarded a contract to any person to supervise or otherwise manage a contract on its behalf such a person shall be required to comply with these Rules as if they were an Officer of the Council.

PROCURING IN PARTNERSHIP WITH OTHERS

- 5.10 Where the Council is procuring in partnership with another contracting authority who are the lead procurer, subject to agreement from the HoP, the Council will follow the lead procurers Procurement and Contract Procedure Rules or equivalent.

LEASING AGREEMENTS

- 5.11 Where a contract for the acquisition or hire of goods or services involves any form of Leasing Agreement to finance the transaction then the S151 Officer shall undertake the negotiation of terms and authorise the arrangement in accordance with Rule 20.10 of the Financial Procedure Rules.

BONDS AND LIQUIDATED DAMAGES

- 5.12 Where appropriate the Council shall consider whether to include provision for the payment of liquidated damages by a Supplier for breach of Contract.
- 5.13 Where considered appropriate by the Council, the Supplier will be required to provide a parent company guarantee/performance bond to secure the performance of the Contract. Such performance bonds should provide for a sum of not less than 10% of the total value of the contract or such other sum as the S151 Officer considers appropriate.
- 5.14 Agreements made under Section 38 (adoption of new highways) or Section 278 (development of existing highways) of the Highways Act 1980 shall always include provision for a bond in respect of such sum as the Director of Environment shall consider appropriate except where: -
- (a) the identity of the developer renders the need for a bond unnecessary, or
 - (b) adequate alternative security is provided, or
 - (c) the Director of Environment (in consultation with the S151 Officer) agrees that it is inappropriate for a bond to be required.

PROCUREMENT AND CONTRACT MANAGEMENT TRAINING

- 5.15 Where appropriate any Officer involved in procurement activities shall have received a level of formal training commensurate with the nature of the procurement activity being undertaken.
- 5.16 For Bid and Tender processes, all evaluation panel members must have completed the evaluation training prior to completing any evaluation process within the last 2 years.
- 5.17 The Responsible Officer involved in contract management shall have completed as a minimum the Council's Contract Management Training within the last 3 years.

DECLARATION OF INTERESTS

- 5.18 If it comes to the knowledge of an Elected Member, Responsible Officer or other Officer that a Contract or Grant Agreement in which they have an interest (determined in accordance with the Members' and/or Officers' Code of Conduct as

appropriate) has been or is proposed to be entered into by the Council, they shall immediately give written notice to the Monitoring Officer.

- 5.19 A Conflict of Interest declaration must be completed by all officers involved in any bid or tender process. A Confidentiality Agreement or Declaration form must also be completed by any officers involved in the procurement process including any who are not directly employed by the Council.
- 5.20 In relation to Health Care Services Contracts, conflicts of interest must be managed in line with Regulation 21 of the PSR.

TRANSPARENCY & COMPLIANCE REQUIREMENTS

- 5.21 Officers must comply with the award procedures and transparency requirements as defined in the relevant legislation (e.g. PCR2025, PA2023, PSR) and in line with these Rules.
- 5.22 Every Officer shall comply with these Rules and any unauthorised failure to do so may lead to disciplinary action.
- 5.23 The S151 Officer shall be responsible for monitoring adherence to these Rules.
- 5.24 The HoP shall nominate a representative to act as a key contact point in relation to procurement and contract management matters for spend categories; such representatives shall be termed SCMs.
- 5.25 Each Director, in conjunction with the HoP, shall take all such steps as are reasonably necessary to ensure that Officers within their Directorate are aware of and comply with these Rules, the Procurement and Contract Management Manual and the Finance Manual referred to in **Rule 5.6**.
- 5.26 The S151 Officer shall be responsible for providing an annual report on procurement and contract management matters which will be presented to a meeting of the Audit Committee.
- 5.27 The Council maintains a Contract Register the purpose of which is to record key details of all Contracts with an aggregate value of £5,000 (exclusive of VAT) or more and all Health Care Services contracts irrespective of value.
- 5.28 All Responsible Officers will notify the Procurement and Contract Management Service of any Contract awarded above £5,000 (excluding VAT) or any contract for Health Care Services irrespective of value. The Responsible Officer will use the format prescribed by the Procurement and Contract Management Service.
- 5.29 All Responsible Officers will notify the Procurement and Contract Management Service of any contracts with an estimated value above the relevant upper limit (see **Rule 6.3, Table 2**) that will need to be procured over the next 18 months so that it can be added to the Council's Procurement Pipeline.
- 5.30 The HoP shall ensure that:-
 - (a) all relevant Contracts (including those Contracts to which **Rule 4.10** applies) are entered onto the Contract Register; and
 - (b) the Contract Register is maintained in line with the Council's Records Retention and Destruction Schedule.

PART 3

CONTRACTS FOR GOODS, SERVICES AND WORKS

Part 3 applies to all contracts for goods, services and works. This Part does not apply to Contracts for Health Care Services or to Grant Agreements.

6. QUOTATION AND BEST VALUE PROCESSES

SINGLE QUOTATION PROCESS

- 6.1 Where the estimated value of a Contract is less than or equal to £5,000 excluding VAT (taking into account the whole life cost of the Contract, including extensions and/or variations) a single quote can be obtained.
- 6.2 A single quote cannot be accepted where the value exceeds £5,000 excluding VAT. If the value of the quote exceeds £5,000 excluding VAT three quotes must be obtained or the best value process completed in accordance with **Rules 6.3 to 6.9**.

MINIMUM THREE QUOTES & BEST VALUE PROCESS

- 6.3 Where the estimated value of a Contract is above £5,000 excluding VAT, and less than or equal to the relevant upper limit set out in **Table 2** below (taking into account the whole life cost of the Contract including extensions and/or variations) a minimum of three quotes should be sought.

Table 2: Upper Limits based on Spend Area

Spend Area	Upper Limit (including VAT)
Goods/Services contracts (including Technology Contracts)	£200,000
Concessions Contracts	£250,000
Works contracts	£1,000,000
Light Touch Contracts (typically social care)	£663,540

- 6.4 A minimum of one quote must be from a Small and Medium Enterprise (SME), Voluntary, Community or Social Enterprise (VCSE) or local supplier based within North Yorkshire, unless this is not possible due to the nature of the market.
- 6.5 It is the Officer's responsibility to keep a record of quotes sought for audit purposes and to demonstrate best value has been achieved. It is the Responsible Officer's to complete the Council's quotes process form which captures the outcome of the process as a centralised record.
- 6.6 Under exceptional circumstances, the Contract may be directly awarded using the best value process as long as sufficient justification is given for not undertaking a competitive quotes process. It is the Officer's responsibility to complete the Best Value Process Form which captures the rationale for not seeking a minimum of three quotes and captures the outcome of the process as a centralised record.

- 6.7 A minimum three quotes or best value process cannot be accepted where the value exceeds the relevant upper limit for this process. If the value exceeds the relevant upper limit for this process the bid process must be followed in accordance with **Rule 7**.
- 6.8 All contracts entered into via this process will be published on the Council's contract register.
- 6.9 Where the estimated value of a Contract is above £30,000 inclusive of VAT (taking into account the whole life cost of the Contract, including extensions and/or variations):
- (a) a below-threshold tender notice must be published on the Central Digital Platform if the Council chooses to advertise the opportunity openly; and
 - (b) after entering into a contract, a contract details notice must be published on the Central Digital Platform.

EXCEPTIONS TO THE QUOTATION / BEST VALUE PROCESS

- 6.10 The quotation or best value processes does not need to be followed in the following circumstances:
- (a) purchases via a public contract which has been established either by the Council or by another public sector body or consortia (including, but not limited to Centralised Procurement Authorities) and where such arrangements are lawfully accessible to the Council; or
 - (b) the contract is to be awarded to a Teckal company via the Vertical Exemption in the PA2023 which is legally controlled by the Council; or
 - (c) the instruction of Counsel by the Monitoring Officer; or
 - (d) where funding is received by the Council, either in its own right or as an accountable body, and the terms of such grant or other external funding state that it must be applied in accordance with those terms when entering into a contract.
- 6.11 The Responsible Officer will be responsible for informing the Procurement and Contract Management Service of any exemptions used in **Rule 6.10**. The requirement to publish a record on contracts register and a contract details notice on the Central Digital Platform will still apply to exemptions.

7. BID PROCESS

- 7.1 If the estimated value of a Contract exceeds the upper limit values as stated in **Rule 6.3 Table 2** but is less than the relevant Threshold Amounts (**see Rule 8.2**), bids must be invited from all potential Suppliers.
- 7.2 A bid cannot be accepted where the value meets or exceeds the relevant Threshold Amount. If the value of the bid meets or exceeds the relevant Threshold Amounts the tender process must be followed in accordance with **Rule 8**.

PUBLICATION

- 7.3 A below-threshold tender notice providing details of the contract must be published on the Central Digital Platform before advertising the opportunity. As a minimum all bids must be advertised on the Council's e-tendering system.
- 7.4 All suppliers shall be provided in all instances with identical information (including the evaluation criteria details) and instructions.

VARIANT BIDS

- 7.5 Where considered appropriate, the HoP or an SCM may permit suppliers who have been invited to submit bids to also submit variant bids (i.e. bids which do not comply with some or all of the requirements of the primary bid). The same opportunity to submit variant bids must be given to all suppliers.

RECEIPT OF BIDS

- 7.6 A bid may only be considered if before the deadline date and time:
- (a) it has been received electronically through the e-tendering system, or
 - (b) (where permitted in exceptional circumstances) it has been received in a sealed envelope marked "Bid" and indicating the subject matter of the bid and it has been opened after the expiry of the deadline for submissions and at the same time as other bids for the same subject matter in the presence of at least two Officers authorised to open bids.

POST BID NEGOTIATIONS

- 7.7 Post bid negotiations with selected suppliers shall only be carried out where: -
- (a) post bid negotiations are permitted by law; and
 - (b) the Director in consultation with the HoP considers that added value may be obtained; and
 - (c) post bid negotiations are conducted by a team of suitably experienced Officers approved by the Director and who have been trained in post bid negotiations; and
 - (d) a comprehensive, written record of the post bid negotiations is kept by the Director; and
 - (e) a clear record of the added value to be obtained as a result of the post bid negotiations is incorporated into the Contract with the successful supplier.
- 7.8 **Rule 7.7** shall not operate to prevent clarification of all or part of any bid to the extent permitted by law and where such clarifications are sought the provisions of **Rule 7.7 (c)(d)** shall apply.

CONTRACT AWARD

- 7.9 Before a Contract is awarded such steps shall be taken by the SCM,, as are reasonably necessary (having regard to the subject matter, value, duration of the Contract and other relevant factors) to complete a risk assessment of the potential Supplier's financial stability.
- 7.10 All contracts entered into via this process will be published on the Council's Contracts Register and a contract details notice must be published on the Central Digital Platform.
- 7.11 Where a Contract is terminated within the first 6 months of the Contract commencement date, the Council may award the Contract to the second placed supplier, provided that this demonstrates best value and with agreement from the HoP in consultation with the appropriate SCM.

EXCEPTIONS TO THE BID PROCESS

- 7.12 The bid process does not need to be followed in the following circumstances:
- (a) purchases via a public contract which has been established either by the Council or by another public sector body or consortia (including, but not limited to Centralised Procurement Authorities) and where such arrangements are lawfully accessible to the Council; or
 - (b) the contract is to be awarded to a Teckal company which is legally controlled by the Council; or
 - (c) the instruction of Counsel by the Monitoring Officer; or
 - (d) where funding is received by the Council, either in its own right or as an accountable body, and the terms of such grant or other external funding state that it must be applied in accordance with those terms when entering into a contract; or
 - (e) purchases at public auctions (including internet auction sites, e.g. Ebay) where the Director is satisfied that value for money will be achieved; or
 - (f) the purchase of Goods, Services, Works which are of such a specialised nature as to be obtainable from only one Supplier; or
 - (g) repairs to or the supply of parts for existing proprietary machinery or plant where to obtain such goods from an alternative supplier would invalidate the warranty or contractual provisions with the existing supplier; or
 - (h) Light Touch Contracts where the service is of a specialist or personal nature and where service users must be involved in the selection of the Supplier and where the Director Health and Adult Services OR the Director Children and Young People's Service considers it inappropriate for bids to be invited, or
 - (i) the service is currently supplied by a supplier to the satisfaction of the relevant Director, is considered to be offering value for money and where the foreseeable disruption to services cannot justify the bid process.

- (j) in relation to Pilot schemes for a proof of contract/trialling a product or area of innovation.
 - (k) Where the award demonstrates added value by supporting the local economy (e.g. awarding to an SME or VCSE).
 - (l) Contracts where the Director with the agreement of the HoP agree that for reasons of extreme urgency brought about by unforeseeable events unattributable to the Council, the timescales for obtaining bids cannot be met. A written record shall be signed and dated by the Director, whenever this Rule applies.
- 7.13 The Responsible Officer will be responsible for informing the Procurement and Contract Management Service of any exemptions **(b) to (d)** set out in **Rule 7.12**.
- 7.14 Where exceptions **(e) to (l)** set out in **Rule 7.12** above are applied a Director's Recommendation, in consultation with the relevant SCMs, shall be signed, dated and kept. The Procurement and Contract Management Service shall maintain a register of all recommendations made under this Rule.
- 7.15 For exceptions that fall outside the circumstances listed in **Rule 7.12**, a request for a waiver can be made to the S151 Officer and the Monitoring Officer using the Waiver Request Form prescribed by the S151 Officer which shall specify the reasons for the request. Any requests for waivers shall be made in consultation with the relevant SCM's, and be signed, dated and kept. The Procurement and Contract Management Service shall maintain a register of all waivers made under this Rule.
- 7.16 The requirement to publish a record on contracts register and a contract details notice on the Central Digital Platform will still apply to all exemptions.

ADDITIONAL GOVERNANCE REQUIREMENTS – WORKS & CONCESSIONS ONLY

- 7.17 If the estimated value of a Contract is £1million (including VAT) or above and is a works or concessions contract, the Gateway process (see **Rule 9**) must also be followed where the bid process or exemption **a)** set out in **Rule 7.12** are used.

8. TENDER PROCESS

COMPETITIVE TENDERING PROCEDURES

- 8.1 Where the estimated value of the Contract meets or exceeds the relevant Threshold Amounts (see **Rule 8.2**), Tenders must be invited and awarded in accordance with the competitive tendering procedures of the PA2023 which are:
- a) A single-stage tendering procedure without a restriction on who can submit tenders (an "Open procedure"), or
 - b) Such other competitive tendering procedure as the Council considers appropriate for the purpose of awarding a contract (a "competitive flexible procedure").
- 8.2 The Threshold Amounts are as follows for the various types of contract inclusive of VAT:
- a) Light Touch Contract - £663,540
 - b) Concession Contract - £5,193,000

- c) Works Contract - £5,193,000
- d) Contract for the supply of goods or services contract - £207,720

PUBLICATION

- 8.3 Prior to publication of a Tender, a preliminary market engagement notice should be published on the Central Digital Platform followed by a mandatory tender notice to initiate the supplier invitation to the opportunity. Associated tender documents must also be published alongside the tender notice on the Council's e-tendering system or an appropriate alternative system as agreed with the HoP which must include the details of the evaluation process.
- 8.4 All suppliers shall be provided with identical information (including the evaluation criteria details) and instructions.

RECEIPT AND OPENING OF TENDERS

- 8.5 A Tender may only be considered if before the deadline date and time: -
 - (a) it has been received electronically through the E-Sourcing System or (where permitted in exceptional circumstances, and subject to agreement by the HoP or a SCM) it has been received electronically through an appropriate alternative method; or
 - (b) (where permitted) it has been received in hard copy in a sealed envelope marked "Tender" and indicating the subject matter of the Tender, and the identity of the supplier cannot be ascertained from the tender envelope.
- 8.6 If a Tender is received after the specified closing date and time it may not be considered unless the HoP is satisfied that the Tender was submitted electronically or posted or otherwise dispatched in sufficient time to be delivered before the specified time but that delivery was prevented by an event beyond the control of the Supplier.
- 8.7 The S151 Officer (or a person designated by them) shall be responsible for the receipt and safe custody of Tenders until they are opened.
- 8.8 All tender submissions, whether electronic or hard copy, must be opened at the same time in an auditable way by an independent Officer from the Procurement and Contract Management Service.
- 8.9 Where circumstances permit, any Tenders that are returned in a hard copy format shall have a written record of the Tenders received which will be maintained by the HoP. Such a record shall include the date and time of Tender opening, the identity of the Officer(s) present, the identities of suppliers and the tendered sums (where readily ascertainable).

EVALUATION

- 8.10 The evaluation of the Above Threshold Tenders shall be carried out by Officers who are considered appropriate having regard for the subject matter and value of the Contract.
- 8.11 All Tender processes shall have a minimum of 3 appropriate Officers (excluding the Procurement and Contract Management Service representative) to undertake the evaluation process. The evaluation process shall include:

- Individual evaluation assessment and scoring
- Consensus scoring exercise, chaired by a member of the Procurement and Contract Management Service
- Independent review by the SCM, where required
- Moderation by the evaluation panel, where required
- Approval of scores and consensus feedback by the evaluation panel

CONTRACT AWARD

- 8.12 The Council may award a contract to a supplier that submits the most advantageous tender in a competitive tendering procedure.
- 8.13 Before entering into a contract resulting from a competitive tendering procedure, an assessment summary must be sent to each supplier that submitted an assessed tender in line with Section 50 of the PA2023. A contract award notice must then be published on the Central Digital Platform which sets out the intention to award and instigates the mandatory 8 working day standstill period (where applicable).
- 8.14 All contracts entered into will be published on the Council's contract register and a contract details notice must be published on the Central Digital Platform. If the contract is £5,000,000 or above, a redacted copy of the contract must also be published with at least 3 key performance indicators.
- 8.15 Where a Contract is terminated within the first 6 months of the Contract commencement date, the Council may award the contract to the second placed supplier with agreement from the HoP in consultation with the Monitoring Officer provided that this demonstrated best value and the original award criteria have not changed.

EXCEPTIONS TO THE TENDER PROCESS

- 8.16 The Tender process does not need to be followed in the following circumstances:
- a) purchases via a public contract or dynamic market which has been established either by the Council or by other public sector body or consortia (including, but not limited to Centralised Procurement Authorities) and where such arrangements are lawfully accessible to the Council; or
 - b) where Section 41 (Direct Award in special cases), Section 42 (Direct award to project life, etc) or Section 43 (Switching to direct award) of the PA2023 applies.

GOVERNANCE REQUIREMENTS

- 8.17 The Gateway Process (See **Rule 9**) must be followed where the tender process or exemptions to the Tender Process are set out in **Rule 8.17** are used.

9. GATEWAY REPORT PROCESS (CONTRACTS)

- 9.1 If the estimated value of the Contract is above the following thresholds the Gateway report process must be completed and signed off by the relevant Officers, as detailed in **Table 3** below:
- (a) Works and Concession Contracts - £1,000,000 inclusive of VAT

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

(c) Goods and Services Contracts - £207,720 inclusive of VAT.

Table 3: Gateway Report Process - Authorisation to Approve

Gateway Report Process	Approval process
Gate 1 – Commissioning and Procurement Options Appraisal	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND The Monitoring Officer or delegated officer
Gate 2 – Authorisation of Documents	An Officer from the Procurement and Contract Management Service AND SCM or delegated Officer
Gate 3 – Contract Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director
Gate 4(a) – Contract Extension / Modification	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND Monitoring Officer or delegated officer – <i>only in cases where the extension is not part of the original Contract.</i>
Gate 4(b) – Contract Termination (during the contract period)	PAB or HoP or delegated senior officer AND

	The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND Monitoring Officer or delegated officer

10. CONTRACT MANAGEMENT

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

CONTRACT MODIFICATIONS – BELOW THRESHOLD CONTRACT

- 10.2 Contracts with a value below the relevant Threshold Amount may be varied or extended or novated in accordance with the terms of that Contract. Any proposed variations outside the scope of the contract must be approved by the SCM and if such variations take the value over the relevant Threshold Amount they must be approved by the Monitoring Officer.
- 10.3 Where a below threshold contract awarded under the PA2023 is modified and the modified value exceeds the relevant threshold amount it will be considered a “convertible contract”. and will subject to the PA2023. Convertible contracts may be varied or extended in accordance with the terms of that Contract and/or as outlined in Section 74 of the PA2023. Approval must be sought in accordance with **Rule 9.1**. If a “convertible contract” is £5,000,000 or above, a redacted copy of the contract must be published.

CONTRACT MODIFICATIONS – ABOVE THRESHOLD CONTRACT

- 10.4 Above threshold contracts awarded under the PCR2015 may be varied or extended in accordance with the terms of that Contract and/or as outlined in Regulation 72 of PCR2015. Approval must be sought in accordance with **Rule 9.1**.
- 10.5 Above threshold contracts awarded under the PA2023 may be varied or extended in accordance with the terms of that Contract and/or as outlined in Section 74 of the PA2023. Approval must be sought in accordance with **Rule 9.1**. If the contract is £5,000,000 or above, a redacted copy of the variation contract must also be published.

CONTRACT TERMINATION

- 10.6 If an Officer requires a Contract which exceeds the financial values stated in **Rule 9.1** to be terminated then this must be done in accordance with the terms of the Contract. Approval must be sought in accordance with **Rule 9.1**.

- 10.7 Where an above Threshold contract awarded under the PA2023 has expired, the Responsible Officer must notify the Procurement and Contract Management Service in order to ensure a contract termination notice is published in accordance with the PA2023.

PART 4

HEALTH CARE SERVICES CONTRACTS

Part 4 applies to all contracts for Health Care Services only. This Part does not apply to Contracts for goods, works or other services or to Grant Agreements.

11. HEALTH CARE SERVICES PROCESSES

11.1 For all health care services contracts, irrespective of contract value, one of the following processes as detailed in the PSR must be used:

- a) Direct Award Process A (as prescribed by PSR Regulation 7)
- b) Direct Award Process B (as prescribed by PSR Regulation 8)
- c) Direct Award Process C (as prescribed by PSR Regulation 9)
- d) The Most Suitable Provider Process (as prescribed by PSR Regulation 10)
- e) The Competitive Process (as prescribed by PSR Regulation 11)

11.2 Direct Award Process A must be used when all of the following apply:

- a) there is an existing provider of the health care services to which the proposed contracting arrangements relate
the relevant authority is satisfied that the health care services to which the proposed contracting arrangements relate can only be provided by the existing provider (or group of providers) due to the nature of the health care services.

11.3 Direct award process B must be used when all of the following apply:

- a) the proposed contracting arrangements relate to health care services where patients are offered a choice of provider
- b) the number of providers is not restricted by the relevant authority
- c) the relevant authority will offer contracts to all providers to whom an award can be made because they meet all requirements in relation to the provision of the health care services to patients
- d) the relevant authority has arrangements in place to enable providers to express an interest in providing the health care services.

11.4 Where Direct Award Process C, the Most Suitable Provider Process or the Competitive Process has been followed a standstill period in line with Regulation 12 of the PSR.

12. PSR GOVERNANCE PROCESS REPORT

12.1 In relation to all Health Care Services contracts awarded under Direct Award A or C the PSR Governance Report Process Report must be completed and signed off by the relevant Officers, as detailed in **Table 4** below. The relevant SCM, in consultation with the HOP, shall determine the requirement to follow the PSR Governance Process for contracts below £663,540 (inclusive of VAT). The relevant SCM shall consider the market conditions relating to the health care services being procured

and ensure assurances have been provided from the relevant budget manager prior to progressing with any procurement process under the PSR.

Table 4: PSR Governance Process Report - Direct award process A or C

PSR Governance Process Report	Approval process
Contract Appraisal and Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer
Contract Extension / Modification	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer – <i>only in cases where the extension is not part of the original Contract.</i>
Contract Termination (during the contract period)	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer

- 12.2 In relation to all Health Care Services contracts award under Direct Award Process B, the Most Suitable Provider Process or Competitive Process the PSR Governance Process Report must be completed and signed off by the relevant Officers, as detailed in **Table 5** below. The relevant SCM, in consultation with the HOP, shall determine the requirement to follow the PSR Governance Process for contracts below £663,540 (inclusive of VAT). The relevant SCM shall consider the market conditions relating to the health care services being procured and ensure assurances have been provided from the relevant budget manager prior to progressing with any procurement process under the PSR.

Table 5: PSR Governance Process Report - Direct Award Process B, Most Suitable Provider or Competitive Process

PSR Governance Process Report	Approval process
Options Appraisal / Project Initiation	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer

Authorisation of Documents	An Officer from the Procurement and Contract Management Service AND SCM or delegated Officer
Contract Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer
Contract Extension / Modification	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer – <i>only in cases where the extension is not part of the original Contract.</i>
Contract Termination (during the contract period)	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer

13. HEALTH CARE SERVICES CONTRACT MANAGEMENT

- 13.1 The Responsible Officer shall take all such steps to monitor and review the performance of the Contract, having regard to its value, nature, duration and subject matter. As part of the monitoring and review process the Responsible Officer shall maintain adequate records of Contract performance and details of review meetings with the Supplier. Such relevant records and details shall be made available to Internal Audit whenever required and shall be recorded as part of the PSR Governance Process where required.

CONTRACT MODIFICATIONS

- 13.2 Any health care services contracts may be varied or extended in accordance with the terms of that Contract and/or as outlined in Regulation 13 of the PSR. Approval must be sought in accordance with the PSR Governance Process.

CONTRACT TERMINATION

- 13.3 If an Officer requires a health care services contract to be terminated then this must be done in accordance with the terms of the Contract and in accordance with the PSRs, where applicable. Approval must be sought in accordance with the PSR Governance Process.

14. ANNUAL SUMMARY

- 14.1 An annual summary must be published online detailing all of the Council's contracting activity for the provision of relevant health care services in line with Regulation 25 of the PSR.

PART 5

GRANT AGREEMENTS

Part 5 applies to all grant agreements and this Part does not apply to Contracts.

15. GRANT PROCESSES

OVERVIEW

- 15.1 A grant is a sum of funds for a specific purpose. Under a grant agreement, the funder makes a payment to the recipient for a specific purpose. The recipient is not obliged to deliver any goods or services to the funder. The Council may grant-fund third party organisations for example to help deliver community cohesion or to provide complementary activities. Responsible Officers should in consultation with Procurement and Contract Management Service and Monitoring Officer understand if the Grant is subject to the PA2023 or the PSR and would therefore need to comply with Part 3 of these Rules instead.

COMPETITIVE GRANT PROCESS

- 15.2 A competitive grant process should be completed unless **Rule 15.4** applies.
- 15.3 Where a competitive grant process is undertaken, a Competitive Grant Form must be completed to capture the outcome of the process as a centralised record.

BEST VALUE PROCESS (GRANT)

- 15.4 Under exceptional circumstances, the Contract may be directly awarded using the Best Value Process for Grants up to and including a value of £100,000 as long as sufficient justification is given for not undertaking a competitive grant process. It is the Officers responsibility to complete the Best Value Process (Grant) Form.

SUBSIDY REQUIREMENTS

- 15.5 For all grant related processes subsidy control law must be complied with and any grant awarded over £100,000 which is a subsidy must be added to the Subsidy Database.

GRANT MANAGEMENT

- 15.6 The Responsible Officer shall take all such steps as are appropriate to monitor and review the delivery of the grant agreement, having regard to its value, nature, duration and subject matter. As part of the Grant monitoring and review process the Responsible Officer shall maintain adequate records of delivery and details of review meetings with the grant recipient.

GRANT PROCESS EXEMPTIONS

- 15.7 Specific exceptions to **Rule 15** are permitted in circumstances as the Monitoring Officer and S151 Officer may agree. A request for a Grant Exemption can be made to the S151 Officer and the Monitoring Officer using Grant Exemption Form. The Procurement and Contract Management Service shall maintain a register of all Grants Exemption made under this Rule.

Procurement and Contract Procedure Rules

CONTENTS

PART 1 - RULES APPLICATION & KEY DEFINITIONS

1. Rules Application
2. Definitions

PART 2 - GENERAL OBJECTIVES, POWERS & PRINCIPLES

3. Procurement and Contract Procedure Rules Objectives
4. Powers and Key Decisions / Decision Records
5. General Principles

PART 3 - CONTRACTS FOR GOODS, SERVICES AND WORKS

6. Quotation & Best Value Processes
7. Bid Process
8. Tender Process
9. Gateway Report Process
10. Contract Management

PART 4 - HEALTH CARE SERVICES CONTRACTS

11. Health Care Services Processes
12. PSR Governance Process Report
13. Health Care Services Contract Management
14. Annual Summary

PART 5 - GRANT AGREEMENTS

15. Grant Processes
16. Grant Gateway Process Report

PART 1
RULES APPLICATION AND KEY DEFINITIONS

1. RULES APPLICATION

- 1.1 These Rules constitute the Council's Standing Orders in relation to Contracts under Section 135 of the Local Government Act 1972 and apply to all Contracts (excluding those stated in **Rule 1.5**), including those made in the course of the discharge of functions which are the responsibility of the Executive.

APPLICATION OF THE PARTS

- 1.2 These Rules consist of the following Parts:

Part 1 - Rules Application & Key Definitions: Details on how these Rules will apply to all Contract and Grant Agreements. Key definitions are also listed here.

Part 2 – General Objectives, Powers & Principles: This part applies to all Contracts and Grant Agreements.

Part 3 – Contracts for Goods, Services and Works: This part applies to all Contracts for goods, services and works. This part does not apply to health care services Contracts or Grant Agreements.

Part 4 – Health Care Services Contracts: This part only applies to health care services Contracts.

Part 5 – Grant Agreements: This part only applies to Grant Agreements.

MIXED CONTRACTS

- 1.3 Where a procurement includes two or more types of provision (i.e. Goods, Services and Works) the value shall be based on the provision that characterises the main subject of the Contract in question.
- 1.4 When a Contract comprises a mixture of in-scope Health Care Services and out-of-scope Services or Goods, relevant authorities may only use the PSR to arrange those services when both of the below requirements are satisfied:
- a) The main subject-matter of the Contract is in-scope Health Care Services
 - b) The relevant authority is of the view that the other goods or services could not reasonably be supplied under a separate Contract.

EXEMPT CONTRACTS

- 1.5 These Rules do not apply to Contracts in which the Council are the supplier (i.e. Trading) or to Contracts that are of the kind listed in Schedule 2 of the PA2023. This includes the following types of Contracts:
- a) Vertical ("Teckal") Arrangements
 - b) Horizontal (between Contracting Authorities) Arrangements
 - c) Land & building (Refer to the Council's Property Procedure Rules)
 - d) Broadcasting

- e) Electronic Communications Services (within the meaning given in section 32 and 151 of the Communications Act 2003)
- f) Alternative dispute resolution which includes arbitration, mediation or conciliation services or any other similar services
- g) Legal Services relating to judicial proceedings, notary where mandated by law or in relation to an order of the court or tribunal
- h) Financial Services related to the lending of money, investment services or provision of services by the Bank of England (Refer to the Council's Financial Procedure Rules)
- i) Employment
- j) Research & Development services

2. DEFINITIONS

DEFINED TERMS

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

Best Value Process Form	means the form to be completed to capture the rationale for not seeking bids in accordance with Rule 6.6 .
Central Digital Platform	Is the online system established by the Minister for the Cabinet Officer and which may be accessed on https://www.gov.uk/find-tender
Centralised Procurement Authorities	means a contracting authority that is in the business of carrying out procurement for or on behalf of, or for the purpose of the supply of goods, services or works to, other contracting authorities.
Competitive Grant Form	means the form to be completed confirming the competitive process being undertaken to award the Grant Agreement where the value of the grant is below the threshold stated in Rule 15.4 .
Concession	means a contract for the supply, for pecuniary interest, of works or services to a contracting authority where- a) At least part of the consideration for that supply is a right for the supplier to exploit the works or services, and b) Under the contract the supplier is exposed to a real operating risk.
Constitution	means the Council's Constitution of which these Rules form part
Contract	means any agreement, excluding a Grant, made between the Council and any other person which is intended to be legally enforceable and involves the acceptance of an offer made by one party to commit itself to an action or series of actions and subject to the exceptions in Rule 1.5 .

Contract Register	means the register of Contracts maintained by the Council as set out in Rule 5.27 .
Contracting Authorities	means a public authority which is wholly or mainly funded out of public funds, or subject to public authority oversight and does not operate on a commercial basis.
Council	means The North Yorkshire Council.
CPV	means the common procurement vocabulary which is a single classification system for public procurement to help identify goods, services and works.
Decision Record	means a record of a decision produced in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
Director	means the Chief Executive Officer; Assistant Chief Executive HR and Business Support, Assistant Chief Executive Legal and Democratic Services, Assistant Chief Executive Local Engagement, Corporate Director of Environment; Corporate Director Health and Adult Services; Director of Public Health; Corporate Director Children and Young People's Service; Corporate Director of Resources; Corporate Director of Community Development as the context requires.
Director's recommendation	means a written record of the decision and justification to apply one of the exceptions set out in Rule 7.14 to be signed and kept by the relevant Director.
E-tendering System	means the online procurement platform used to publish opportunities and receive supplier submissions for consideration.
Elected Member	means an elected member of the Council or co-opted member on a Council committee.
Electronic Signatures	means an advanced electronic signature which is: (i) uniquely linked to the signatory; and (ii) capable of identifying the signatory; and (iii) created using means that the signatory can maintain under his/her sole control; and (iv) linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.
Goods	means those goods that have a CPV Code starting with 0 up to and including 44 or 48.

Gateway Report Process	means the Council's value-based gateway commissioning, procurement and contract management process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points. There is a distinct Gateway Report Process for contracts and grant agreements.
Grant	means a sum of money awarded by the Council to third parties whereby the third party is not obliged to deliver any goods, services or works to the Council, but the Council may claw back grant funding which has not been spent or is misapplied.
Health Care Services	means those services detailed within Schedule 1 of the Health Care Services (Provider Selection Regime) Regulations 2023.
HoP	means the Head of Procurement and Contract Management.
Key Decision	means a decision made in connection with the discharge of a function which is the responsibility of the Executive set out in Article 13.03(b) of the Constitution.
Leasing Agreement	means a contract for the provision of finance to enable goods or services to be obtained and where ownership in those goods does not automatically pass to the Council at the end of the contract period.
Light Touch Contract	means those services covered by the CPV Codes set out Table 2 of Schedule 1 of the Procurement Regulations 2024.
Monitoring Officer	means the Council's appointed statutory officer responsible for the legal governance of a local authority as set out under section 5 of the 1989 Local government and Housing Act.
Officer	means a Council employee or other authorised agent
PA2023	means the Procurement Act 2023 as amended from time to time.
PAB	means the Procurement Assurance Board which is chaired by the HoP.
PCR2015	means the Public Contracts Regulations 2015
Person	means any individual, partnership, company, trust, other local authority, Government department or agency

Procurement and Contract Management Manual	means the manual to accompany these Rules which provides detailed guidance on procurement and contract management techniques and the effect of the Rules.
Procurement and Contract Management Service	means the Council's procurement and contract management service which sits under the HoP.
Procurement Pipeline	means the Procurement Pipeline which outlines future procurement requirements of the Council.
PSR	means The Health Care Services (Provider Selection Regime) Regulations 2023.
PSR Governance Process report	means the Council's value-based governance commissioning, procurement and contract management process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points.
Quotes Process Form	means the form to be completed to capture the quotes processes undertake in accordance with Rule 6.5 .
Responsible Officer	means the Officer from the directorate who is responsible for the procurement and/or management of a Contract.
Rules	means these Procurement and Contract Procedure Rules.
S151 Officer	means the Council's appointed officer under Section 151 of the Local Government Act 1972 and is responsible for making the necessary arrangements for local financial and management controls.
SCM	means the Senior Commercial Managers within the Procurement and Contract Management Service.
Services	means those services that have a CPV Code starting with 50 up to and including 98.
Supplier	means a company or individual that provides goods, services or works.
Technology Contract	means any contract commissioned by the Council's Technology department for technological products or services including IT systems, software and/or hardware.
Teckal	refers to a specific type of legal entity established and controlled by public authorities and to which those public authorities may direct award a contract for the

delivery of goods, services and/or works via the Vertical Exemption.

Threshold Amounts	means the threshold amount for a contract of a type referenced to in Schedule 1 of the Procurement Act 2023.
Waiver Form	means the prescribed form to be completed when requesting a waiver in accordance with Rule 7.15 .
Works	means any of the activities within the CPV Codes listed in the Procurement Regulations 2024 under Schedule 3.

REFERENCES

2.2 References in these Rules to:

- (a) any legislation include a reference to any amendment or re-enactment of such legislation;
- (b) Directors, the S151 Officer and the Monitoring Officer shall be taken to include such Officers as are designated by those officers to undertake the duties and responsibilities set out in these Rules, except in the case of the following:
 - (i) Director - Director's Recommendations (**Rule 7.14**)
 - (ii) S151 Officer - Rules Establishment & Review (**Rule 5.1**)
 - (iii) Monitoring Officer - Rules Establishment & Review (**Rule 5.1**)

where delegation is not permitted, except in exceptional circumstances. A record of all duties and responsibilities as delegated under these Rules is to be maintained by each Director, the S151 Officer and the Monitoring Officer.

PART 2

GENERAL OBJECTIVES, POWERS AND PRINCIPLES

3. PROCUREMENT AND CONTRACT PROCEDURE RULES OBJECTIVES

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

4. POWERS AND KEY DECISIONS / DECISION RECORDS

LEGAL POWER TO ENTER INTO CONTRACTS / GRANT AGREEMENTS

- 4.1 In consultation with the Monitoring Officer, Directors shall ensure that the Council has the legal power to enter into any Contract or Grant and that in respect of all Contracts and Grants, regardless of whether they involve the procurement or provision by the Council.
- 4.2 The written form of agreement for contracts must clearly specify the obligations of the Council and the Supplier and shall include:
- (a) the work to be done or the goods or services to be provided
 - (b) the standards which will apply to what is provided
 - (c) the price or other consideration payable
 - (d) the time in which the Contract is to be carried out
 - (e) the remedies which will apply to any breach of Contract.
- 4.3 Wherever appropriate, contracts shall be made on the basis of terms and conditions agreed by the Monitoring Officer. Such terms and conditions may be incorporated into standard order conditions. The Council may accept different terms and conditions proposed by a Supplier provided that the advice of the Monitoring Officer (or by a Legal Services' Officer authorised by the Monitoring Officer) as to their effect has been sought and considered.
- 4.4 Every Contract and Grant agreement shall be evidenced in writing. Contracts for Goods or Services (excluding Health Care Services) with a value of £5000 or less (excluding VAT) do not require signature or sealing provided they are entered into on the Council's standard purchase order terms. In all other cases, eEvery Contract and Grant agreement ~~shall be evidenced in writing and~~ must be signed or sealed (as appropriate) by both parties. Signature or sealing by the Council shall be in accordance with the requirements set out in the **Table 1** below based on the type of Contract / Grant agreement:

Table 1: Signature / sealing requirements

Total Value	Signature / Sealing Requirements
Contracts for Goods or Services (excluding Health Care Services)	
<u>£5,000 or less (excluding VAT)</u>	<u>Signature / sealing is not required. The contract must be on the Council's standard purchase order terms.</u>
<u>Above £5,000 (excluding VAT)</u> and <u>Below PA2023 Threshold Amount</u>	One Signature required by the relevant Director or by an Officer authorised by the Director to sign on their behalf.
Above and including the PA2023 Threshold Amount	Two Signatures required. One by the relevant Director or by an Officer authorised by the Director to sign on their behalf. The other by the Monitoring Officer or by an Officer authorised by the Monitoring Officer to sign on their behalf. OR Sealed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer to seal on their behalf
Contracts for Works	
Below £1,000,000 (Including VAT)	One Signature required by the relevant Director or by an Officer authorised by the Director to sign on their behalf. OR Sealed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer to seal on their behalf.
Above and including £1,000,000 (Including VAT)	Must be sealed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer to seal on their behalf.
Contracts for Health Care Services	
Below £663,540 (Including VAT)	One Signature required by the relevant Director or by an Officer authorised by the Director to sign on their behalf.
Above and including £663,540 (Including VAT)	Two Signatures required. One by the relevant Director or by an Officer authorised by the Director to sign on their behalf. The other by the Monitoring Officer or by an Officer authorised by the Monitoring Officer to sign on their behalf. OR Sealed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer to seal on their behalf.
Grant Agreements	
Below £100,000	One Signature required by the relevant Director or by an Officer authorised by the Director to sign on their behalf.
Above and including £100,000	Must be sealed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer to seal on their behalf.

- 4.5 The Monitoring Officer also authorises such Contracts or Grants to be signed by authorised officers where:
- (a) appropriate authority exists for the Council to enter into the Contract, and
 - (b) the Contract is either:
 - (i) in a nationally recognised form, or
 - (ii) a standard form prepared or approved by the Monitoring Officer, or
 - (iii) is otherwise in a form approved by the Monitoring Officer; and
 - (c) any variations to approved forms of Contract must themselves be approved by the Monitoring Officer, whether they are affected by amending the Contract itself or by correspondence.
- 4.6 Signatures may be affixed to a Contract either using physical, handwritten means or an Electronic Signature, as appropriate and in accordance with UK law. Electronic Signatures may only be affixed using the Council's chosen electronic signature system or an approved alternative, as agreed by the HoP, SCM or Legal Services' Officer.
- 4.7 The use of Electronic Signatures is not permitted in circumstances where:
- (a) the Contract is to be sealed (except where **Rule 4.8** applies);
 - (b) a physical handwritten signature needs to be filed;
 - (c) there is a proviso in the Contract which prevents the use of an Electronic Signature;
 - (d) the Contract may need to be enforced in a jurisdiction where Electronic Signatures are not accepted;
 - (e) the Contract needs to be notarised.
- 4.8 Where agreed by the Monitoring Officer, electronic Deeds may be executed by the Monitoring Officer or by a Legal Services' Officer authorised by the Monitoring Officer using the Council's chosen electronic deeds execution system.
- 4.9 Directors shall ensure that no Contract or Grant agreement is entered into which is ultra vires.

CERTIFICATION OF CONTRACTS

- 4.10 The Local Government (Contracts) Act (LGCA) 1997 clarified the power of local authorities to enter into certain contracts, including Private Finance Initiative Contracts. Where Contracts need to be certified under the 1997 Act, only the following Officers are authorised to do so, following consultation with the relevant Executive Elected Member: the Director Children and Young People's Service, the Director of Environment, the Director Health and Adult Services, the Director of Community Development, the Director of Public Health, the Monitoring Officer and the S151 Officer.

KEY DECISIONS / DECISION RECORDS

- 4.11 Directors shall ensure that a written record of the decision to procure a Contract or Grant is made in accordance with the Gateway Report Process where applicable. Where such a decision comprises a Key Decision under the Constitution, Directors shall ensure that it is entered on to the Forward Plan or is on the Procurement Pipeline and treated as a Key Decision in all respects.
- 4.12 The Responsible Officer must follow the Council's Access to Information Rules which includes the need to complete the Key Decision criteria set out in Article 13.03(b)(i) of the Constitution when determining whether the procurement comprises a Key Decision and publish a decision record where appropriate.

5. GENERAL PRINCIPLES

RULES ESTABLISHMENT & REVIEW

- 5.1 These Rules are made by the Council on the advice of the S151 Officer (in consultation with the Monitoring Officer) under Article 14.02 of the Constitution and define the correct procedures to be followed when the Council enters into any contractual or grant arrangement and should be read in conjunction with the Finance Procedure Rules under Article 14.01 of the Constitution.
- 5.2 The S151 Officer (in consultation with the Monitoring Officer) shall review the application and effect of these Rules and make an annual report or as required but no less than once per year to the Audit Committee recommending such amendments to the Rules as are considered appropriate.

COMPLIANCE WITH LEGISLATION AND STANDARDS

- 5.3 Every Contract and Grant shall comply with all relevant applicable legislation and government guidance.
- 5.4 Where relevant, every Contract shall specify that materials used, goods provided, services supplied or works undertaken (as the case may be) shall comply with applicable standards.

MANUALS & STRATEGY

- 5.5 The S151 Officer has produced a Procurement and Contract Management Manual which sets out important issues to be considered in the procurement context. These Rules should be read in conjunction with the Procurement and Contract Management Manual.
- 5.6 The S151 Officer has also produced a Finance Manual which gives advice on financial procedures.
- 5.7 All Officers shall adhere to the Council's approved Procurement and Contract Management Strategy.

RECORD KEEPING

- 5.8 Directors and the HoP shall ensure that all documentation relating to Contracts, Grants and procurement processes is retained in accordance with the Council's Records Retention and Destruction Schedule.

EXTERNAL CONTRACT SUPERVISION OR MANAGEMENT

- 5.9 Where the Council has awarded a contract to any person to supervise or otherwise manage a contract on its behalf such a person shall be required to comply with these Rules as if they were an Officer of the Council.

PROCURING IN PARTNERSHIP WITH OTHERS

- 5.10 Where the Council is procuring in partnership with another contracting authority who are the lead procurer, subject to agreement from the HoP, the Council will follow the lead procurers Procurement and Contract Procedure Rules or equivalent.

LEASING AGREEMENTS

- 5.11 Where a contract for the acquisition or hire of goods or services involves any form of Leasing Agreement to finance the transaction then the S151 Officer shall undertake the negotiation of terms and authorise the arrangement in accordance with Rule 20.10 of the Financial Procedure Rules.

BONDS AND LIQUIDATED DAMAGES

- 5.12 Where appropriate the Council shall consider whether to include provision for the payment of liquidated damages by a Supplier for breach of Contract.
- 5.13 Where considered appropriate by the Council, the Supplier will be required to provide a parent company guarantee/performance bond to secure the performance of the Contract. Such performance bonds should provide for a sum of not less than 10% of the total value of the contract or such other sum as the S151 Officer considers appropriate.
- 5.14 Agreements made under Section 38 (adoption of new highways) or Section 278 (development of existing highways) of the Highways Act 1980 shall always include provision for a bond in respect of such sum as the Director of Environment shall consider appropriate except where: -
- (a) the identity of the developer renders the need for a bond unnecessary, or
 - (b) adequate alternative security is provided, or
 - (c) the Director of Environment (in consultation with the S151 Officer) agrees that it is inappropriate for a bond to be required.

PROCUREMENT AND CONTRACT MANAGEMENT TRAINING

- 5.15 Where appropriate any Officer involved in procurement activities shall have received a level of formal training commensurate with the nature of the procurement activity being undertaken.
- 5.16 For Bid and Tender processes, all evaluation panel members must have completed the evaluation training prior to completing any evaluation process within the last 2 years.
- 5.17 The Responsible Officer involved in contract management shall have completed as a minimum the Council's Contract Management Training within the last 3 years.

DECLARATION OF INTERESTS

- 5.18 If it comes to the knowledge of an Elected Member, Responsible Officer or other Officer that a Contract or Grant Agreement in which they have an interest (determined in accordance with the Members' and/or Officers' Code of Conduct as

appropriate) has been or is proposed to be entered into by the Council, they shall immediately give written notice to the Monitoring Officer.

- 5.19 A Conflict of Interest declaration must be completed by all officers involved in any bid or tender process. A Confidentiality Agreement or Declaration form must also be completed by any officers involved in the procurement process including any who are not directly employed by the Council.
- 5.20 In relation to Health Care Services Contracts, conflicts of interest must be managed in line with Regulation 21 of the PSR.

TRANSPARENCY & COMPLIANCE REQUIREMENTS

- 5.21 Officers must comply with the award procedures and transparency requirements as defined in the relevant legislation (e.g. PCR2025, PA2023, PSR) and in line with these Rules.
- 5.22 Every Officer shall comply with these Rules and any unauthorised failure to do so may lead to disciplinary action.
- 5.23 The S151 Officer shall be responsible for monitoring adherence to these Rules.
- 5.24 The HoP shall nominate a representative to act as a key contact point in relation to procurement and contract management matters for spend categories; such representatives shall be termed SCMs.
- 5.25 Each Director, in conjunction with the HoP, shall take all such steps as are reasonably necessary to ensure that Officers within their Directorate are aware of and comply with these Rules, the Procurement and Contract Management Manual and the Finance Manual referred to in **Rule 5.6**.
- 5.26 The S151 Officer shall be responsible for providing an annual report on procurement and contract management matters which will be presented to a meeting of the Audit Committee.
- 5.27 The Council maintains a Contract Register the purpose of which is to record key details of all Contracts with an aggregate value of £5,000 (exclusive of VAT) or more and all Health Care Services contracts irrespective of value.
- 5.28 All Responsible Officers will notify the Procurement and Contract Management Service of any Contract awarded above £5,000 (excluding VAT) or any contract for Health Care Services irrespective of value. The Responsible Officer will use the format prescribed by the Procurement and Contract Management Service.
- 5.29 All Responsible Officers will notify the Procurement and Contract Management Service of any contracts with an estimated value above the relevant upper limit (see **Rule 6.3, Table 2**) that will need to be procured over the next 18 months so that it can be added to the Council's Procurement Pipeline.
- 5.30 The HoP shall ensure that:-
 - (a) all relevant Contracts (including those Contracts to which **Rule 4.10** applies) are entered onto the Contract Register; and
 - (b) the Contract Register is maintained in line with the Council's Records Retention and Destruction Schedule.

PART 3

CONTRACTS FOR GOODS, SERVICES AND WORKS

Part 3 applies to all contracts for goods, services and works. This Part does not apply to Contracts for Health Care Services or to Grant Agreements.

6. QUOTATION AND BEST VALUE PROCESSES

SINGLE QUOTATION PROCESS

- 6.1 Where the estimated value of a Contract is less than or equal to £5,000 excluding VAT (taking into account the whole life cost of the Contract, including extensions and/or variations) a single quote can be obtained.
- 6.2 A single quote cannot be accepted where the value exceeds £5,000 excluding VAT. If the value of the quote exceeds £5,000 excluding VAT three quotes must be obtained or the best value process completed in accordance with **Rules 6.3 to 6.9**.

MINIMUM THREE QUOTES & BEST VALUE PROCESS

- 6.3 Where the estimated value of a Contract is above £5,000 excluding VAT, and less than or equal to the relevant upper limit set out in **Table 2** below (taking into account the whole life cost of the Contract including extensions and/or variations) a minimum of three quotes should be sought.

Table 2: Upper Limits based on Spend Area

Spend Area	Upper Limit (including VAT)
Goods/Services contracts (~~including~~ ~~excluding~~ Technology Contracts)	£ ~~2~~ 400,000
~~Technology Contracts~~	£ ~~150,000~~
Concessions Contracts	£250,000
Works contracts	£ ~~1,000,000~~ ~~250,000~~
Light Touch Contracts (typically social care)	£ ~~663,540~~ ~~170,000~~

- 6.4 A minimum of one quote must be from a Small and Medium Enterprise (SME), Voluntary, Community or Social Enterprise (VCSE) or local supplier based within North Yorkshire, unless this is not possible due to the nature of the market.
- 6.5 It is the Officer's responsibility to keep a record of quotes sought for audit purposes and to demonstrate best value has been achieved. It is the Responsible Officer's to complete the Council's quotes process form which captures the outcome of the process as a centralised record.
- 6.6 Under exceptional circumstances, the Contract may be directly awarded using the best value process as long as sufficient justification is given for not undertaking a competitive quotes process. It is the Officer's responsibility to complete the Best

Value Process Form which captures the rationale for not seeking a minimum of three quotes and captures the outcome of the process as a centralised record.

- 6.7 A minimum three quotes or best value process cannot be accepted where the value exceeds the relevant upper limit for this process. If the value exceeds the relevant upper limit for this process the bid process must be followed in accordance with **Rule 7**.
- 6.8 All contracts entered into via this process will be published on the Council's contract register.
- 6.9 Where the estimated value of a Contract is above £30,000 inclusive of VAT (taking into account the whole life cost of the Contract, including extensions and/or variations):
- (a) a below-threshold tender notice must be published on the Central Digital Platform if the Council chooses to advertise the opportunity openly; and
 - (b) after entering into a contract, a contract details notice must be published on the Central Digital Platform.

EXCEPTIONS TO THE QUOTATION / BEST VALUE PROCESS

- 6.10 The quotation or best value processes does not need to be followed in the following circumstances:
- (a) purchases via a public contract which has been established either by the Council or by another public sector body or consortia (including, but not limited to Centralised Procurement Authorities) and where such arrangements are lawfully accessible to the Council; or
 - (b) the contract is to be awarded to a Teckal company via the Vertical Exemption in the PA2023 which is legally controlled by the Council; or
 - (c) the instruction of Counsel by the Monitoring Officer; or
 - (d) where funding is received by the Council, either in its own right or as an accountable body, and the terms of such grant or other external funding state that it must be applied in accordance with those terms when entering into a contract.
- 6.11 The Responsible Officer will be responsible for informing the Procurement and Contract Management Service of any exemptions used in **Rule 6.10**. The requirement to publish a record on contracts register and a contract details notice on the Central Digital Platform will still apply to exemptions.

7. BID PROCESS

- 7.1 If the estimated value of a Contract exceeds the upper limit values as stated in **Rule 6.3 Table 2** but is less than the relevant Threshold Amounts (**see Rule 8.2**), bids must be invited from all potential Suppliers.
- 7.2 A bid cannot be accepted where the value meets or exceeds the relevant Threshold Amount. If the value of the bid meets or exceeds the relevant Threshold Amounts the tender process must be followed in accordance with **Rule 8**.

PUBLICATION

- 7.3 A below-threshold tender notice providing details of the contract must be published on the Central Digital Platform before advertising the opportunity. As a minimum all bids must be advertised on the Council's e-tendering system.
- 7.4 All suppliers shall be provided in all instances with identical information (including the evaluation criteria details) and instructions.

VARIANT BIDS

- 7.5 Where considered appropriate, the HoP or an SCM may permit suppliers who have been invited to submit bids to also submit variant bids (i.e. bids which do not comply with some or all of the requirements of the primary bid). The same opportunity to submit variant bids must be given to all suppliers.

RECEIPT OF BIDS

- 7.6 A bid may only be considered if before the deadline date and time:
- (a) it has been received electronically through the e-tendering system, or
 - (b) (where permitted in exceptional circumstances) it has been received in a sealed envelope marked "Bid" and indicating the subject matter of the bid and it has been opened after the expiry of the deadline for submissions and at the same time as other bids for the same subject matter in the presence of at least two Officers authorised to open bids.

POST BID NEGOTIATIONS

- 7.7 Post bid negotiations with selected suppliers shall only be carried out where: -
- (a) post bid negotiations are permitted by law; and
 - (b) the Director in consultation with the HoP considers that added value may be obtained; and
 - (c) post bid negotiations are conducted by a team of suitably experienced Officers approved by the Director and who have been trained in post bid negotiations; and
 - (d) a comprehensive, written record of the post bid negotiations is kept by the Director; and
 - (e) a clear record of the added value to be obtained as a result of the post bid negotiations is incorporated into the Contract with the successful supplier.
- 7.8 **Rule 7.7** shall not operate to prevent clarification of all or part of any bid to the extent permitted by law and where such clarifications are sought the provisions of **Rule 7.7 (c)(d)** shall apply.

CONTRACT AWARD

- 7.9 Before a Contract is awarded such steps shall be taken by the SCM,, as are reasonably necessary (having regard to the subject matter, value, duration of the Contract and other relevant factors) to complete a risk assessment of the potential Supplier's financial stability.
- 7.10 All contracts entered into via this process will be published on the Council's Contracts Register and a contract details notice must be published on the Central Digital Platform.
- 7.11 Where a Contract is terminated within the first 6 months of the Contract commencement date, the Council may award the Contract to the second placed supplier, provided that this demonstrates best value and with agreement from the HoP in consultation with the appropriate SCM.

EXCEPTIONS TO THE BID PROCESS

- 7.12 The bid process does not need to be followed in the following circumstances:
- (a) purchases via a public contract which has been established either by the Council or by another public sector body or consortia (including, but not limited to Centralised Procurement Authorities) and where such arrangements are lawfully accessible to the Council; or
 - (b) the contract is to be awarded to a Teckal company which is legally controlled by the Council; or
 - (c) the instruction of Counsel by the Monitoring Officer; or
 - (d) where funding is received by the Council, either in its own right or as an accountable body, and the terms of such grant or other external funding state that it must be applied in accordance with those terms when entering into a contract; or
 - (e) purchases at public auctions (including internet auction sites, e.g. Ebay) where the Director is satisfied that value for money will be achieved; or
 - (f) the purchase of Goods, Services, Works which are of such a specialised nature as to be obtainable from only one Supplier; or
 - (g) repairs to or the supply of parts for existing proprietary machinery or plant where to obtain such goods from an alternative supplier would invalidate the warranty or contractual provisions with the existing supplier; or
 - (h) Light Touch Contracts where the service is of a specialist or personal nature and where service users must be involved in the selection of the Supplier and where the Director Health and Adult Services OR the Director Children and Young People's Service considers it inappropriate for bids to be invited, or
 - (i) the service is currently supplied by a supplier to the satisfaction of the relevant Director, is considered to be offering value for money and where the foreseeable disruption to services cannot justify the bid process.

- (j) in relation to Pilot schemes for a proof of contract/trialling a product or area of innovation.
 - (k) Where the award demonstrates added value by supporting the local economy (e.g. awarding to an SME or VCSE).
 - (l) Contracts where the Director with the agreement of the HoP agree that for reasons of extreme urgency brought about by unforeseeable events unattributable to the Council, the timescales for obtaining bids cannot be met. A written record shall be signed and dated by the Director, whenever this Rule applies.
- 7.13 The Responsible Officer will be responsible for informing the Procurement and Contract Management Service of any exemptions **(b) to (d)** set out in **Rule 7.12**.
- 7.14 Where exceptions **(e) to (l)** set out in **Rule 7.12** above are applied a Director's Recommendation, in consultation with the relevant SCMs, shall be signed, dated and kept. The Procurement and Contract Management Service shall maintain a register of all recommendations made under this Rule.
- 7.15 For exceptions that fall outside the circumstances listed in **Rule 7.12**, a request for a waiver can be made to the S151 Officer and the Monitoring Officer using the Waiver Request Form prescribed by the S151 Officer which shall specify the reasons for the request. Any requests for waivers shall be made in consultation with the relevant SCM's, and be signed, dated and kept. The Procurement and Contract Management Service shall maintain a register of all waivers made under this Rule.
- 7.16 The requirement to publish a record on contracts register and a contract details notice on the Central Digital Platform will still apply to all exemptions.

ADDITIONAL GOVERNANCE REQUIREMENTS – WORKS & CONCESSIONS ONLY

- 7.17 If the estimated value of a Contract is £1million (including VAT) or above and is a works or concessions contract, the Gateway process (see **Rule 9**) must also be followed where the bid process or exemption **a)** set out in **Rule 7.12** are used.

8. TENDER PROCESS

COMPETITIVE TENDERING PROCEDURES

- 8.1 Where the estimated value of the Contract meets or exceeds the relevant Threshold Amounts (see **Rule 8.2**), Tenders must be invited and awarded in accordance with the competitive tendering procedures of the PA2023 which are:
- a) A single-stage tendering procedure without a restriction on who can submit tenders (an "Open procedure"), or
 - b) Such other competitive tendering procedure as the Council considers appropriate for the purpose of awarding a contract (a "competitive flexible procedure").
- 8.2 The Threshold Amounts are as follows for the various types of contract inclusive of VAT:
- a) Light Touch Contract - £663,540
 - b) Concession Contract - £5,193,000

- c) Works Contract - £5,193,000
- d) Contract for the supply of goods or services contract - £207,720

PUBLICATION

- 8.3 Prior to publication of a Tender, a preliminary market engagement notice should be published on the Central Digital Platform followed by a mandatory tender notice to initiate the supplier invitation to the opportunity. Associated tender documents must also be published alongside the tender notice on the Council's e-tendering system or an appropriate alternative system as agreed with the HoP which must include the details of the evaluation process.
- 8.4 All suppliers shall be provided with identical information (including the evaluation criteria details) and instructions.

RECEIPT AND OPENING OF TENDERS

- 8.5 A Tender may only be considered if before the deadline date and time: -
 - (a) it has been received electronically through the E-Sourcing System or (where permitted in exceptional circumstances, and subject to agreement by the HoP or a SCM) it has been received electronically through an appropriate alternative method; or
 - (b) (where permitted) it has been received in hard copy in a sealed envelope marked "Tender" and indicating the subject matter of the Tender, and the identity of the supplier cannot be ascertained from the tender envelope.
- 8.6 If a Tender is received after the specified closing date and time it may not be considered unless the HoP is satisfied that the Tender was submitted electronically or posted or otherwise dispatched in sufficient time to be delivered before the specified time but that delivery was prevented by an event beyond the control of the Supplier.
- 8.7 The S151 Officer (or a person designated by them) shall be responsible for the receipt and safe custody of Tenders until they are opened.
- 8.8 All tender submissions, whether electronic or hard copy, must be opened at the same time in an auditable way by an independent Officer from the Procurement and Contract Management Service.
- 8.9 Where circumstances permit, any Tenders that are returned in a hard copy format shall have a written record of the Tenders received which will be maintained by the HoP. Such a record shall include the date and time of Tender opening, the identity of the Officer(s) present, the identities of suppliers and the tendered sums (where readily ascertainable).

EVALUATION

- 8.10 The evaluation of the Above Threshold Tenders shall be carried out by Officers who are considered appropriate having regard for the subject matter and value of the Contract.
- 8.11 All Tender processes shall have a minimum of 3 appropriate Officers (excluding the Procurement and Contract Management Service representative) to undertake the evaluation process. The evaluation process shall include:

- Individual evaluation assessment and scoring
- Consensus scoring exercise, chaired by a member of the Procurement and Contract Management Service
- Independent review by the SCM, where required
- Moderation by the evaluation panel, where required
- Approval of scores and consensus feedback by the evaluation panel

CONTRACT AWARD

- 8.12 The Council may award a contract to a supplier that submits the most advantageous tender in a competitive tendering procedure.
- 8.13 Before entering into a contract resulting from a competitive tendering procedure, an assessment summary must be sent to each supplier that submitted an assessed tender in line with Section 50 of the PA2023. A contract award notice must then be published on the Central Digital Platform which sets out the intention to award and instigates the mandatory 8 working day standstill period (where applicable).
- 8.14 All contracts entered into will be published on the Council's contract register and a contract details notice must be published on the Central Digital Platform. If the contract is £5,000,000 or above, a redacted copy of the contract must also be published with at least 3 key performance indicators.
- 8.15 Where a Contract is terminated within the first 6 months of the Contract commencement date, the Council may award the contract to the second placed supplier with agreement from the HoP in consultation with the Monitoring Officer provided that this demonstrated best value and the original award criteria have not changed.

EXCEPTIONS TO THE TENDER PROCESS

- 8.16 The Tender process does not need to be followed in the following circumstances:
- a) purchases via a public contract or dynamic market which has been established either by the Council or by other public sector body or consortia (including, but not limited to Centralised Procurement Authorities) and where such arrangements are lawfully accessible to the Council; or
 - b) where Section 41 (Direct Award in special cases), Section 42 (Direct award to project life, etc) or Section 43 (Switching to direct award) of the PA2023 applies.

GOVERNANCE REQUIREMENTS

- 8.17 The Gateway Process (See **Rule 9**) must be followed where the tender process or exemptions to the Tender Process are set out in **Rule 8.17** are used.

9. GATEWAY REPORT PROCESS (CONTRACTS)

- 9.1 If the estimated value of the Contract is above the following thresholds the Gateway report process must be completed and signed off by the relevant Officers, as detailed in **Table 3** below:
- (a) Works and Concession Contracts - £1,000,000 inclusive of VAT

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

(c) Goods and Services Contracts - £207,720 inclusive of VAT.

Table 3: Gateway Report Process - Authorisation to Approve

Gateway Report Process	Approval process
Gate 1 – Commissioning and Procurement Options Appraisal	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND The Monitoring Officer or delegated officer
Gate 2 – Authorisation of Documents	An Officer from the Procurement and Contract Management Service AND SCM or delegated Officer
Gate 3 – Contract Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director
Gate 4(a) – Contract Extension / Modification	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND Monitoring Officer or delegated officer – <i>only in cases where the extension is not part of the original Contract.</i>
Gate 4(b) – Contract Termination (during the contract period)	PAB or HoP or delegated senior officer AND

	The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND Monitoring Officer or delegated officer

10. CONTRACT MANAGEMENT

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

CONTRACT MODIFICATIONS – BELOW THRESHOLD CONTRACT

- 10.2 Contracts with a value below the relevant Threshold Amount may be varied or extended or novated in accordance with the terms of that Contract. Any proposed variations outside the scope of the contract must be approved by the SCM and if such variations take the value over the relevant Threshold Amount they must be approved by the Monitoring Officer.
- 10.3 Where a below threshold contract awarded under the PA2023 is modified and the modified value exceeds the relevant threshold amount it will be considered a “convertible contract”. and will subject to the PA2023. Convertible contracts may be varied or extended in accordance with the terms of that Contract and/or as outlined in Section 74 of the PA2023. Approval must be sought in accordance with **Rule 9.1**. If a “convertible contract” is £5,000,000 or above, a redacted copy of the contract must be published.

CONTRACT MODIFICATIONS – ABOVE THRESHOLD CONTRACT

- 10.4 Above threshold contracts awarded under the PCR2015 may be varied or extended in accordance with the terms of that Contract and/or as outlined in Regulation 72 of PCR2015. Approval must be sought in accordance with **Rule 9.1**.
- 10.5 Above threshold contracts awarded under the PA2023 may be varied or extended in accordance with the terms of that Contract and/or as outlined in Section 74 of the PA2023. Approval must be sought in accordance with **Rule 9.1**. If the contract is £5,000,000 or above, a redacted copy of the variation contract must also be published.

CONTRACT TERMINATION

- 10.6 If an Officer requires a Contract which exceeds the financial values stated in **Rule 9.1** to be terminated then this must be done in accordance with the terms of the Contract. Approval must be sought in accordance with **Rule 9.1**.

- 10.7 Where an above Threshold contract awarded under the PA2023 has expired, the Responsible Officer must notify the Procurement and Contract Management Service in order to ensure a contract termination notice is published in accordance with the PA2023.

PART 4

HEALTH CARE SERVICES CONTRACTS

Part 4 applies to all contracts for Health Care Services only. This Part does not apply to Contracts for goods, works or other services or to Grant Agreements.

11. HEALTH CARE SERVICES PROCESSES

11.1 For all health care services contracts, irrespective of contract value, one of the following processes as detailed in the PSR must be used:

- a) Direct Award Process A (as prescribed by PSR Regulation 7)
- b) Direct Award Process B (as prescribed by PSR Regulation 8)
- c) Direct Award Process C (as prescribed by PSR Regulation 9)
- d) The Most Suitable Provider Process (as prescribed by PSR Regulation 10)
- e) The Competitive Process (as prescribed by PSR Regulation 11)

11.2 Direct Award Process A must be used when all of the following apply:

- a) there is an existing provider of the health care services to which the proposed contracting arrangements relate
the relevant authority is satisfied that the health care services to which the proposed contracting arrangements relate can only be provided by the existing provider (or group of providers) due to the nature of the health care services.

11.3 Direct award process B must be used when all of the following apply:

- a) the proposed contracting arrangements relate to health care services where patients are offered a choice of provider
- b) the number of providers is not restricted by the relevant authority
- c) the relevant authority will offer contracts to all providers to whom an award can be made because they meet all requirements in relation to the provision of the health care services to patients
- d) the relevant authority has arrangements in place to enable providers to express an interest in providing the health care services.

11.4 Where Direct Award Process C, the Most Suitable Provider Process or the Competitive Process has been followed a standstill period in line with Regulation 12 of the PSR.

12. PSR GOVERNANCE PROCESS REPORT

12.1 In relation to all Health Care Services contracts awarded under Direct Award A or C the PSR Governance Report Process Report must be completed and signed off by the relevant Officers, as detailed in **Table 4** below. The relevant SCM, in consultation with the HOP, shall determine the requirement to follow the PSR Governance Process for contracts below £663,540 (inclusive of VAT). The relevant SCM shall consider the market conditions relating to the health care services being procured

and ensure assurances have been provided from the relevant budget manager prior to progressing with any procurement process under the PSR.

Table 4: PSR Governance Process Report - Direct award process A or C

PSR Governance Process Report	Approval process
Contract Appraisal and Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer
Contract Extension / Modification	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer – <i>only in cases where the extension is not part of the original Contract.</i>
Contract Termination (during the contract period)	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer

- 12.2 In relation to all Health Care Services contracts award under Direct Award Process B, the Most Suitable Provider Process or Competitive Process the PSR Governance Process Report must be completed and signed off by the relevant Officers, as detailed in **Table 5** below. The relevant SCM, in consultation with the HOP, shall determine the requirement to follow the PSR Governance Process for contracts below £663,540 (inclusive of VAT). The relevant SCM shall consider the market conditions relating to the health care services being procured and ensure assurances have been provided from the relevant budget manager prior to progressing with any procurement process under the PSR.

Table 5: PSR Governance Process Report - Direct Award Process B, Most Suitable Provider or Competitive Process

PSR Governance Process Report	Approval process
Options Appraisal / Project Initiation	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer

Authorisation of Documents	An Officer from the Procurement and Contract Management Service AND SCM or delegated Officer
Contract Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer
Contract Extension / Modification	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer – <i>only in cases where the extension is not part of the original Contract.</i>
Contract Termination (during the contract period)	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer

13. HEALTH CARE SERVICES CONTRACT MANAGEMENT

- 13.1 The Responsible Officer shall take all such steps to monitor and review the performance of the Contract, having regard to its value, nature, duration and subject matter. As part of the monitoring and review process the Responsible Officer shall maintain adequate records of Contract performance and details of review meetings with the Supplier. Such relevant records and details shall be made available to Internal Audit whenever required and shall be recorded as part of the PSR Governance Process where required.

CONTRACT MODIFICATIONS

- 13.2 Any health care services contracts may be varied or extended in accordance with the terms of that Contract and/or as outlined in Regulation 13 of the PSR. Approval must be sought in accordance with the PSR Governance Process.

CONTRACT TERMINATION

- 13.3 If an Officer requires a health care services contract to be terminated then this must be done in accordance with the terms of the Contract and in accordance with the PSRs, where applicable. Approval must be sought in accordance with the PSR Governance Process.

14. ANNUAL SUMMARY

- 14.1 An annual summary must be published online detailing all of the Council's contracting activity for the provision of relevant health care services in line with Regulation 25 of the PSR.

PART 5

GRANT AGREEMENTS

Part 5 applies to all grant agreements and this Part does not apply to Contracts.

15. GRANT PROCESSES

OVERVIEW

- 15.1 A grant is a sum of funds for a specific purpose. Under a grant agreement, the funder makes a payment to the recipient for a specific purpose. The recipient is not obliged to deliver any goods or services to the funder. The Council may grant-fund third party organisations for example to help deliver community cohesion or to provide complementary activities. Responsible Officers should in consultation with Procurement and Contract Management Service and Monitoring Officer understand if the Grant is subject to the PA2023 or the PSR and would therefore need to comply with Part 3 of these Rules instead.

COMPETITIVE GRANT PROCESS

- 15.2 A competitive grant process should be completed unless **Rule 15.4** applies.
- 15.3 Where a competitive grant process is undertaken, a Competitive Grant Form must be completed to capture the outcome of the process as a centralised record.

BEST VALUE PROCESS (GRANT)

- 15.4 Under exceptional circumstances, the Contract may be directly awarded using the Best Value Process for Grants up to and including a value of £100,000 as long as sufficient justification is given for not undertaking a competitive grant process. It is the Officers responsibility to complete the Best Value Process (Grant) Form.

SUBSIDY REQUIREMENTS

- 15.5 For all grant related processes subsidy control law must be complied with and any grant awarded over £100,000 which is a subsidy must be added to the Subsidy Database.

GRANT MANAGEMENT

- 15.6 The Responsible Officer shall take all such steps as are appropriate to monitor and review the delivery of the grant agreement, having regard to its value, nature, duration and subject matter. As part of the Grant monitoring and review process the Responsible Officer shall maintain adequate records of delivery and details of review meetings with the grant recipient.

GRANT PROCESS EXEMPTIONS

- 15.7 Specific exceptions to **Rule 15** are permitted in circumstances as the Monitoring Officer and S151 Officer may agree. A request for a Grant Exemption can be made to the S151 Officer and the Monitoring Officer using Grant Exemption Form. The Procurement and Contract Management Service shall maintain a register of all Grants Exemption made under this Rule.

Article 13 - Decision Making

13.01 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of Decision Making

All decisions made by or on behalf of the Council will be made in accordance with the following principles:

- ♦ Respect for human rights and equality of opportunity
- ♦ Presumption of openness
- ♦ Clarity of aims and desired outcomes
- ♦ Decisions will be proportionate to the intended objective
- ♦ Having regard to relevant facts and considerations, and disregarding irrelevant ones
- ♦ Due consultation and taking professional advice from Officers
- ♦ Explaining options considered and giving reasons

The Council operates a Local Code of Corporate Governance, the operation of which is overseen by the Audit Committee.

13.03 Types of Decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- (b) Key decisions.
 - (i) A key decision means a decision made in connection with the discharge of a function which is the responsibility of the Executive and which is likely:
 - (aa) to result in the Council incurring expenditure, or making savings, which are significant having regard to the Council's budget for the service or function to which the decision relates; or
 - (bb) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the Council.
 - (ii) For the purposes of (i)(aa) above, savings or expenditure are significant if they are equal to or greater than £1,000,000 or 20% of the gross expenditure of the relevant budget service area (as explained in the Financial Procedure Rules relating to virement) whichever is the less, but, subject to (i)(bb) above, does not include:
 - ♦ a decision concerning an application for grant or external funding

- ♦ a decision taken on expenditure specifically identified within budget approved by Council on items necessary for normal operational service delivery
- ♦ a decision taken on expenditure which is specifically identified on the Procurement Pipeline.

NB: Where the decision will also have a significant impact on more than one community (as well as the significant financial impact) then the above exclusions should not generally be relied upon.

(iii) For the purposes of (i)(aa) and (bb) above, a key decision does not include:

- ♦ a decision taken for the purpose of implementing an earlier key decision.

Access to information legislation sets out additional requirements upon local authority decision-making in relation to key decisions. These are incorporated in the Council's Access to Information Procedure Rules in Part 4 of the Constitution.

(iv) A decision maker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision making by the full Council

The Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the Executive

The Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by Overview and Scrutiny Committees

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by other committees and sub-committees established by the Council

Other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by individuals

Where decisions are delegated to individual Councillors or Officers, the individual concerned will respect the principles set out in Article 13.02 in taking such decisions.

13.09 Conflicts of interest

Subject to any right to speak under the Members' Code of Conduct and/or dispensation obtained from the Standards and Governance Committee or Monitoring Officer, no Councillor will take, or participate in, a decision in which they have an interest precluding participation under the Members' Code of Conduct; and where an individual Executive member has delegated power to take a decision, but, has such an interest, the matter will be referred to the Executive for a decision.

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Financial Procedure Rules

Contents

1.0	Introduction
2.0	Scope
3.0	Objectives
4.0	Policy framework
5.0	Roles and responsibilities
6.0	Medium Term Financial Strategy
7.0	Revenue budget
8.0	Capital strategy and plan
9.0	Financial control and budget management
10.0	Financial management permissions
11.0	Budget virements
12.0	Maintenance of reserves and provisions
13.0	Emergency procedures
14.0	Financial systems and records
15.0	Statutory accounts and external audit
16.0	Review of the system of internal control
17.0	Risk management
18.0	Internal audit
19.0	Treasury management
20.0	Asset management
21.0	Stocks and inventories
22.0	Preventing fraud and corruption
23.0	Income and accounts receivable
24.0	Ordering and accounts payable

25.0	Banking
26.0	Payroll and expenses
27.0	Insurance
28.0	Grants and external funding
29.0	Partnerships
30.0	Accountable Body status
31.0	Grants to the community and other organisations
32.0	Commercial activities and interests
33.0	Harbour accounts
34.0	Developer Contributions
35.0	Housing Revenue Account
36.0	Maintained Schools
37.0	Voluntary funds
38.0	Court of Protection
39.0	Document retention
40.0	Glossary of terms

1.0 INTRODUCTION

- 1.1 The Financial Procedure Rules provide the framework for the Council's financial management and administration.

2.0 SCOPE

- 2.1 These Financial Procedure Rules apply across the Council and to all of the Council's services and operational activities. They also apply to all partnerships where the Council is the designated accountable body. Where the Council has a financial interest in a partnership arrangement, joint venture or trading operation but is not the accountable body then officers should ensure equivalent governance arrangements exist.
- 2.2 All Members and officers are required to comply with these Financial Procedure Rules. Contractors and agency staff are also required to comply with the Financial Procedure Rules when undertaking Council related business. Any failure by officers to comply with these Rules may constitute misconduct and could result in disciplinary action being taken against them.

3.0 OBJECTIVES

- 3.1 The objectives of the Financial Procedure Rules are to ensure:
- the proper financial management and control of all the Council's activities and the efficient, effective and economic use of its resources
 - that appropriate processes exist to allow effective financial planning and to enable informed decision making
 - that systems and processes support the proper administration of the Council's financial affairs
 - that Members and officers abide by the highest standards of probity and integrity
 - that financial risks are identified and effectively managed
 - that the Council's assets are kept secure
 - that arrangements exist to achieve value for money

4.0 POLICY FRAMEWORK

- 4.1 The Financial Procedure Rules should be read in conjunction with other relevant sections of the Constitution, in particular:
- the Budget and Policy Framework Procedure Rules
 - the Executive Members' scheme of delegation
 - the Officers' scheme of delegation
 - the Procurement and Contract Procedure Rules
 - the Property Procedure Rules
- 4.2 A number of policies, protocols and guidance documents exist which supplement the Financial Procedure Rules, and which enable the Rules to be applied in practice, as follows:
- Financial Policies and Practices Manual
 - Local Code of Corporate Governance
 - Treasury Management Policy Statement

- Asset Management Planning Framework
- Risk Management Policy
- Internal Audit Charter
- Counter Fraud and Corruption Policy
- Anti Money Laundering and Terrorist Financing Policy
- Whistleblowing Policy
- Reserves Policy
- Fees and charges Policy
- Debt management Policy
- Housing Revenue Account Business Plan
- LMS Scheme (funding framework for school)
- LMS Procedure Rules
- School Finance Manual – more detailed information on the above

5.0 ROLES AND RESPONSIBILITIES

5.1 Chief Finance Officer (section 151 Officer)

5.1.1 The Corporate Director of Resources is the Council's appointed Chief Finance Officer (CFO) and s151 Officer. This post, as defined in the Constitution, has specific statutory duties in respect of the financial administration and stewardship of the Council. These duties derive from:

- section 151 (s151) of the Local Government Act 1972
 - Local Government Finance Act 1988
 - Local Government and Housing Act 1989
 - Local Government Act 2003
 - the Accounts and Audit Regulations 2015
- or any successor legislation in each case

5.1.2 Section 114 (s114) of the Local Government Finance Act 1988 requires the s151 Officer to report to the Council and Executive, and the external auditor where the Council:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the council
- is about to make an unlawful entry in the Council's accounts

5.1.3 The 1988 Act also requires the s151 Officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under s114 personally. The council should also provide the s151 Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under s114.

5.1.4 Section 25 (s25) of the Local Government Act 2003 requires the s151 Officer to report to Members on the robustness of estimates and the adequacy of reserves.

5.1.5 The CFO is responsible for determining the Council's financial processes, and for ensuring they are applied properly and consistently in practice. The CFO is also responsible for implementing appropriate systems to manage and record the Council's budgets, income, expenditure, assets and liabilities.

- 5.1.6 Where possible, the CFO should comply with the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code, the Statement on the Role of the Chief Financial Officer in Local Government and the Delivering Good Governance in Local Government: Framework (2016). Any areas of non-compliance and the reasons for these should be reported to the Audit Committee and be included in the Council's Annual Governance Statement.
- 5.1.7 The CFO is also responsible for ensuring that the annual Statement of Final Accounts (SoFA) is prepared and published in accordance with the 'Code of Practice on Local Authority Accounting in the United Kingdom' issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Accounts and Audit Regulations 2015.
- 5.1.8 The CFO also has overall responsibility for the Council's counter fraud arrangements, including the adoption of appropriate measures for the prevention and detection of fraud and corruption.
- 5.1.9 The CFO will report to the Council, the Executive and the Executive Member with responsibility for Finance on the discharge of these duties.
- 5.1.10 The CFO will keep the Financial Procedure Rules under review and propose changes to the Audit Committee as required.
- 5.1.11 The CFO should report any material breaches of the Financial Procedure Rules to the Audit Committee and propose appropriate remedial action to mitigate any remaining risk. The CFO should also issue instructions to the relevant Corporate Director(s) to immediately rectify any non-compliance with the Financial Procedure Rules.
- 5.1.12 The CFO may delegate specific responsibilities to other officers whilst retaining the role of s151 Officer. A written record of all such delegations should be maintained, including the limits on any delegation. See financial management permissions (section 10) below.
- 5.1.13 The CFO may also approve variations or exceptions from the Financial Procedure Rules to reflect specific circumstances. All such variations or exceptions should be reported the Executive and a written record maintained.
- 5.2 Corporate Director
- 5.2.1 Corporate Directors are responsible for the financial management and control of the resources allocated to them. This includes identifying nominated budget holders for each operational activity, scheme, project or capital programme. It also includes the allocation of appropriate resources to each budget, taking account of competing priorities, spending pressures and savings plans.
- 5.2.2 Corporate Directors should adopt measures to safeguard and keep secure all furniture, fittings, vehicles, equipment and stores assigned to their directorate.
- 5.2.3 Corporate Directors are also responsible for devising and maintaining effective systems of control to mitigate the risks of fraud, loss and error.
- 5.2.4 Corporate Directors are accountable for the budgets within their directorate. Corporate Directors must therefore establish effective budget monitoring and

reporting arrangements. Actual or forecast budget variances should be identified in a timely manner and, where possible, action should be taken to remedy the situation. Corporate Directors must advise the CFO immediately if it becomes clear that they are unable to balance expenditure or income within the existing approved budgets under their control.

- 5.2.5 Corporate Directors should ensure that all staff within their directorate are aware of the existence and content of the Financial Procedure Rules, and of the need to comply with them.

5.3 Budget Holder

- 5.3.1 An officer with delegated responsibility for the management of a defined budget or group of budgets.
- 5.3.2 Budget responsibility should always be aligned as closely as possible to the relevant decision making functions of the service area or portfolio. Budget holders should have input to the preparation and agreement of their budget(s). They should also be informed of their budget allocations in a timely manner so that they can plan effectively.
- 5.3.3 Budget holders are responsible for controlling all income and expenditure relating to their budget(s). This includes monitoring ongoing performance and reporting variances above prescribed limits in a timely manner. Where adverse variances are occurring or forecast, budget holders must identify the reasons and likely impact on the final outturn position. Where possible, timely and effective action should be taken to remedy any overspend or reduction in income. This may include restricting future expenditure or arranging for a virement from another budget.
- 5.3.4 Budget holders should receive guidance and be trained to undertake their responsibilities effectively. This includes understanding the financial implications of their decisions, and the need to manage risks and achieve value for money.

5.4 Head of Internal Audit

- 5.4.1 The Head of Internal Audit (HoIA) is responsible for providing independent, objective assurance to the Audit Committee and the CFO on the adequacy and effectiveness of the Council's framework of governance, risk management and control. The HoIA, alongside the Corporate Management Team, is also responsible for promoting the principles of good governance, probity and ethical standards across the Council.
- 5.4.2 Through the work of internal audit, the HoIA supports the CFO to discharge his/her statutory duties.
- 5.4.3 The HoIA should be involved in considering the impact of emerging risks and the control implications for any proposed changes or developments by the Council.
- 5.4.4 The HoIA should be professionally qualified and suitably experienced to undertake the role.

5.5 Officers

- 5.5.1 All employees of the council, contractors and agency staff working on behalf of the Council are required to safeguard the Council's resources. This includes protecting the Council's assets and minimising the risk of financial loss.

6.0 MEDIUM TERM FINANCIAL STRATEGY

- 6.1 In order for the Council to be able to plan the development and delivery of its services and to determine priorities for the allocation of resources between those services it needs to undertake multi-year financial planning. The Council will do this by preparing a Medium Term Financial Strategy (MTFS). The MTFS provides the framework for sustainable financial planning, enabling the Council to achieve its key strategic objectives whilst managing its financial and other risks. In doing so the MTFS helps to ensure the long-term financial wellbeing of the Council.
- 6.2 The MTFS provides the parameters within which annual budget and service planning takes place. The Council Plan and other related strategies should be prepared in accordance with the MTFS.
- 6.3 The CFO is responsible, in consultation with the CEO and other Corporate Directors, for preparing and maintaining the MTFS. The minimum period for the MTFS should be 3 years. The CFO will determine the format of the MTFS and once prepared it requires approval by the Council. The Council is also required to approve any subsequent changes to the MTFS.
- 6.4 The CFO should report to the Executive at least annually on the achievement of the strategic priorities contained in the MTFS.

7.0 REVENUE BUDGET

7.1 Overview

- 7.1.1 The revenue budget is an estimate of the annual income and expenditure requirements of the Council. The revenue budget will set out the allocation of resources to specific service areas and functions, and will determine the Council's annual council tax requirement. Approval of the revenue budget by the Council provides Corporate Directors with the authority to incur expenditure against the individual budgets for which they are responsible.

7.2 Setting the Budget / Annual Rate of Council Tax

- 7.2.1 Each Corporate Director will prepare estimates of their future income and expenditure requirements in a format and within timescales determined by the CFO. In preparing these estimates, Corporate Directors must highlight any areas of potential risk or uncertainty, including possible demand or inflation pressures.
- 7.2.2 Subject to any overriding requirements of the Council, the CFO will specify the format of the annual revenue budget and the timing of any reports to the Executive and Council. The annual revenue budget should identify the resource allocations to individual policy, portfolio and service areas, and should be of sufficient detail to ensure proper accountability.
- 7.2.3 The Council will set the annual rate of council tax based on total council tax requirement.

8.0 CAPITAL STRATEGY AND PLAN

- 8.1 Capital expenditure is an important element in the development and delivery of the Council's services, supporting investment in new and improved assets or infrastructure. Investment in capital assets also creates potential future financial commitments and risks.
- 8.2 Corporate Capital Strategy
- 8.2.1 The Council should establish and maintain a corporate capital strategy. The strategy forms the foundation for the Council's long-term planning and delivery of its programme of capital investment. It also sets out the parameters for the capital plan, helping to ensure that limited capital resources are used efficiently to achieve the best possible outcomes for the Council and the wider community. The aims of the strategy are to ensure:
- capital investment is targeted towards supporting the Council's corporate objectives
 - the stewardship of assets is properly taken into account in capital planning
 - capital investment is prudent, sustainable and affordable and provides value for money
 - Members and officers have a common understanding of the long-term context in which investment decisions are made and all the financial risks to which the Council is exposed
 - capital projects are delivered on time and within budget
 - there is improved transparency at programme level along with a clear process for Member engagement
- 8.2.2 The CFO is responsible for keeping the Corporate Capital Strategy under review and for proposing any changes to the Executive, and Council for approval.
- 8.3 Capital Plan
- 8.3.1 The capital plan is a long-term programme of estimated capital expenditure and associated funding. The Council will approve the capital plan each year, recognising that the estimates may change as schemes progress to completion.
- 8.3.2 The capital plan will include all capital schemes including those proposed to be financed from revenue resources or external funding sources or the realisation of capital receipts from the disposal of surplus assets.
- 8.3.3 Schemes to be included in the capital plan include those whose cost, size, configuration, or policy significance require them to be individually identified, and annual programmes of planned expenditure for designated purposes.
- 8.3.4 The capital plan will be approved by the Council as part of the annual budget setting process. Following approval, the Executive has overall responsibility for monitoring the delivery of the capital plan.
- 8.3.5 Any specific issues relating to the capital plan should be brought to the attention of the Executive at the earliest opportunity. The CFO, in conjunction with the relevant Corporate Director(s) will provide advice to the Executive on how any such issues can be resolved.
- 8.3.6 The CFO will be responsible for the format of the capital plan and the timing of reports to the Executive, subject to any overriding requirements of the Council. The

minimum period for the capital plan will be three years. The capital plan will identify individual corporate and directorate schemes, grouped into three categories:

- rolling programmes of planned capital expenditure
- capital schemes (gross expenditure equal to or over £200,000)
- minor capital schemes (gross expenditure less than £200,000)

- 8.3.7 Each Corporate Director, in consultation with the CFO, should prepare a draft capital plan for their individual service area as part of the annual budget setting process. These service based plans should identify the proposed capital expenditure, and the associated sources of funding, at individual scheme or programme level. Individual schemes should only be included in a directorate capital plan following the preparation of a business case and a full project appraisal process undertaken in accordance with the guidelines contained in the asset management planning framework.
- 8.3.8 The CFO is responsible for preparing the overall capital plan for consideration by the Executive, and approval by the Council. The funding of the capital plan should be compatible with the treasury management policy statement of the Council.
- 8.3.9 Any new proposed capital scheme identified during the year will require the preparation of a business case by the relevant Corporate Director, in consultation with the CFO. The business case should set out the full financial implications of the scheme including whole life costs, the source(s) of funding, expected timescales and deliverables. Details of the scheme must be submitted to the Executive with a recommendation that it be added to the approved capital plan.

8.4 Incurring expenditure against the Capital Plan

- 8.4.1 Following approval of the capital plan, Corporate Directors will be able to incur expenditure on each identified scheme providing all necessary approvals from the Government and external funding bodies have been obtained.

8.5 Monitoring of the Capital Plan

- 8.5.1 Once the capital plan has been approved by the Council each Corporate Director should identify a responsible budget holder for each scheme in the directorate capital plan within the appropriate limits for budget delegation.
- 8.5.2 Designated budget holders are responsible for monitoring expenditure and, if appropriate, grant funding and other income, on a scheme by scheme basis against the approved directorate capital plan.
- 8.5.3 The CFO will provide financial advice to assist budget holders to fulfil their responsibilities, consulting with the relevant Corporate Director in circumstances where it appears that variations to the approved budget for a scheme will occur.
- 8.5.4 Corporate Directors are responsible for maintaining an ongoing review of all aspects of the capital plan for their Directorate taking account of materiality and risk. This review should be undertaken in conjunction with service managers, budget holders and the CFO. The results of the review should be reported to the relevant Portfolio Holder at least quarterly.
- 8.5.5 The CFO will provide a quarterly capital plan update to the Executive in a format

approved by the CFO. The report should highlight any material variations to schemes in the capital plan and include details of any proposed changes to the timing of expenditure between current and future years.

8.5.6 Corporate Directors are required to report the following to the Executive if:

- the actual or projected cost of a scheme has increased by more than £200,000 compared to the original budget estimate, and the increase cannot be managed within the overall approved directorate capital allocation
- it is necessary to delete or materially modify an existing approved capital scheme
- the loss or revision of any funding will affect the ability of the Directorate to complete its approved capital programme
- in accordance with virement rules there is any proposed transfer of resources between the revenue budget and the capital plan

8.5.7 If expenditure in excess of the approved directorate capital plan expenditure limit for that year is incurred due to an emergency or other unforeseen event, this must be reported to the CFO and relevant Portfolio Holder as soon as possible. Any significant expenditure of this nature must also be reported to the Executive.

9.0 FINANCIAL CONTROL AND BUDGET MANAGEMENT

9.1 Expenditure on behalf of the Council can only be committed against authorised budgets and in accordance with the policies for which the budget was established. Any significant addition to recurring costs or commitments in future years in excess of current budget provision or any proposed change in policy likely to affect the current approved budget and/or the MTFS must be reported to the Executive. The report should be prepared by the Corporate Director, in consultation with the CFO and, if necessary, the relevant Executive Member. The full financial implications of the proposed decision together with any remedial actions, including virements from other budgets, should be clearly set out. Any additional expenditure or commitments which cannot be accommodated within the existing budget and policy framework must be considered and approved by the Council.

9.2 The CFO should submit quarterly monitoring reports covering both revenue and capital budgets to the Executive.

9.3 Budget holders are required to:

- authorise expenditure only from budgets under their direct control. If a budget holder plans to incur expenditure which will be charged against another budget, they must obtain the prior approval of the relevant budget holder
- monitor income (including any grants) and expenditure against those specific budgets for which they are responsible throughout the financial year
- supply the CFO with sufficient information, as and when required, to enable accurate budget profiling and/or financial projections to be undertaken
- immediately report any unexpected discrepancies, errors or suspected fraudulent activity relating to their budgets to the HoIA

9.4 Corporate Directors are required to:

- define budgetary control arrangements within their own Directorate and ensure these are operated in accordance with corporate guidance provided by the

CFO. This will include identifying responsible budget holders and the limits of their budgetary authority

- maintain an ongoing review of the budgets under their control. This review should be undertaken in conjunction with relevant Assistant Directors or Service Managers in their directorate, and the CFO. The results should be reported on a regular basis depending on materiality and risk, and at least quarterly to the relevant Portfolio Holder
- advise the CFO immediately if it becomes clear that they will be unable to balance expenditure or income within the approved budgets under their control. Any significant matters must be reported to the Executive
- report to the CFO and the relevant Executive Member, as soon as practicable, any expenditure incurred in excess of the approved net budget for the Directorate due to an emergency. Any significant overspend should also be reported to the Executive

9.5 The CFO is required to:

- provide financial advice to assist budget holders to fulfil their responsibilities, consulting their Corporate Director in circumstances where it appears that variations to the approved budget will occur
- report to the Executive at no less than quarterly intervals throughout the financial year including but not limited to virements requiring approval, service under and overspends impacting on the forecast outturn for current and future years, and the status of cash flow, contingency funds and working balances as appropriate
- report to Executive, as soon as possible, any significant expenditure incurred in excess of the approved net budget of a Directorate due to an emergency

9.6 With the assistance of each Corporate Director, the CFO will periodically report the forecast budget outturn for each directorate to the Executive. The CFO will also report the final budget outturn, as soon as practicable after the end of the financial year.

9.7 Proposals by Corporate Directors to carry forward specific budget underspends to the next financial year require the agreement of the CFO. The approval of the Executive is also required if the budget carry forward is equal to or over £500,000.

10.0 FINANCIAL MANAGEMENT PERMISSIONS

10.1 The CFO will maintain a schedule of permissions detailing the specific authorisations for all aspects of the Council's financial management and administration. The schedule will identify the designated officers and the relevant limits or thresholds of their authority. The schedule will include the limits for authorising orders, payments, budget virements, debt write-offs, asset purchases and disposals, payroll and establishment changes, and bids for external funding.

10.2 The schedule of permissions should also be read in conjunction with these Financial Procedure Rules. Where there is any doubt between the two, the Financial Procedure Rules will take precedence.

10.3 The CFO should ensure the schedule of permissions is readily available to all officers involved in the Council's financial management and administration. Additional guidance and instructions will be contained in the Financial Policies and Practices Manual.

- 10.4 The CFO will keep the schedule of permissions under review and make changes as required.

11.0 BUDGET VIREMENTS

- 11.1 A virement is the transfer of the approved budget provision between defined budget headings or cost centres. The scheme of virement is intended to enable Corporate Directors to manage their budgets with a degree of flexibility within the overall budget and policy framework determined by the Council, whilst maintaining a corporate system of overview to ensure the best use of resources.
- 11.2 Corporate Directors and budget holders are required to manage their budgets responsibly and to ensure that the Council's resources are used for their intended purposes. This includes avoiding expenditure of a recurring nature, or committing the Council to future expenditure, for which there is insufficient budget provision.
- 11.3 Budget virements are required where actual or planned changes are made to the delivery of council services and functions, or to individual capital programmes, and there is a corresponding change to the level of resources required. All proposed virements should be based on realistic and robust assumptions. Budget virements should not be used to hide unplanned or short-term variances in income or expenditure.
- 11.4 Corporate Directors are responsible for undertaking budget virements in accordance with these Rules and for informing the CFO as soon as practicable that such virements have taken place. The CFO is responsible for maintaining a record of all virements and for ensuring that they are reflected in the financial ledger of the Council at the earliest opportunity. The revised budget will be regarded as the baseline against which all subsequent virements will be referenced.
- 11.5 Council approval is required for all changes to the overall budget and policy framework.
- 11.6 The approval of the Executive is required if any proposed virement involves one or more of the following:
- a significant addition to recurring costs or commitments in future financial years (equal to or over £500,000 per annum)
 - any significant transfer(s) of resources between individual policy or portfolio areas (including between directorates or between corporate budgets and directorates) (equal to or over £500,000 in aggregate each financial year)
 - any transfer of resources between the Revenue Budget and the Capital Plan
 - any permitted transfer of resources between the General Fund and Housing Revenue Account
- 11.7 The CFO has the right to refer any proposed virement to the Executive for approval.
- 11.8 Corporate Directors can make virements within or between defined budget headings or cost centres under their control subject to the following approvals:

Value	Required action / approval
Less than £200,000	N/A
£200,000 - £500,000	Obtain approval of CFO
£500,001 - £1m	Obtain approval of the relevant Executive Member(s)
Over £1m	Obtain approval of the Executive

- 11.9 Corporate Directors must ensure that aggregate income and expenditure in each financial year balances to the net approved budget for their directorate. For each directorate, expenditure in excess of the approved budget is therefore permitted if it is directly and fully offset by an increase in fees, income or other financial contributions. Income received in excess of the budgeted amount for a directorate may be spent within the relevant service area or be transferred to a different budget heading or cost centre within the same directorate. Where appropriate the relevant budgets should be adjusted to reflect the changes made.

12.0 MAINTENANCE OF RESERVES AND PROVISIONS

- 12.1 Reserves are maintained to fund planned projects, future liabilities and to provide a contingency for unexpected events or emergencies.
- 12.2 Provisions are created for current liabilities where the final cost is not yet established or known.
- 12.3 The Council will maintain reserves on a risk basis over a minimum 3-year period and in accordance with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom and agreed accounting policies. The management of reserves will be aligned to the MTFS and the annual budget setting process.
- 12.4 It is a statutory responsibility of the CFO to advise the Council on the appropriate and adequate level of reserves and the robustness of the estimates, and to act on the advice of external audit in this matter. The Reserves Policy will set out the process for reviewing the adequacy and appropriateness of reserves.
- 12.5 The CFO will determine whether the Council's funds are held as general reserves or in an earmarked or restricted reserve. Earmarked reserves are created for a specific purpose and should only be used for that purpose. Any remaining balance should be transferred to another earmarked reserve or to general reserves once that purpose has been fulfilled. Restricted reserves are used for ringfenced funds required for statutory purposes or other specified reasons, for example capital receipts, developer contributions or to support the Housing Revenue Account.
- 12.6 The CFO will keep the reserves under review and should report at least annually to the Executive on the level and adequacy of the reserves held. The CFO should also detail the purpose for which any earmarked reserves are being maintained and the period over which they will be used.
- 12.7 Any budget underspends will normally be added to general reserves at the end of the financial year. Corporate Directors may instead request that specific budget

underspends are transferred to the following financial year. The reason for any underspend and the purpose for which the additional budget provision will be used should be set out in a business case. Any such transfer of budget provision is subject to the agreement of the CFO. The approval of the Executive is also required if the budget transfer is equal to or over £500,000.

- 12.8 Any budget overspends cannot be carried forward and will instead be funded from reserves. Where this is the case, the Corporate Director must prepare a report for the Executive to explain the reasons for the continuing overspend and the actions being taken to remedy the situation. In such circumstances, the CFO may issue directions to the Corporate Director to undertake additional budget monitoring, restrict expenditure in specific areas or repay any overspend from future years.
- 12.9 Corporate Directors should ensure that adequate provision is made for all current liabilities where payment has not yet been made. The level of provision should be kept under review and adjusted to reflect any change to the estimated liability.

13.0 EMERGENCY PROCEDURES

- 13.1 Nothing in the Financial Procedure Rules shall prevent expenditure being incurred where an emergency or disaster involving destruction of, or danger to, life or property occurs or is imminent. Where in the opinion of the relevant Corporate Director, in consultation with the relevant Executive Member, Chief Executive Officer, Monitoring Officer and the CFO, the urgency of the situation will not permit delay, necessary expenditure may be incurred.
- 13.2 Where significant expenditure of this nature is incurred then it must be reported to the relevant Executive Member and to the next meeting of the Executive. This includes any expenditure over £200,000 but may also include expenditure of a particularly sensitive or unusual nature. The CFO will decide whether the circumstances which gave rise to the emergency should also be reported to the Audit Committee.

14.0 FINANCIAL SYSTEMS AND RECORDS

- 14.1 Sound systems and procedures are essential to the effective management and administration of the Council's financial affairs.
- 14.2 The CFO is responsible for determining the Council's financial processes, and for ensuring they are applied properly and consistently in practice. The CFO is also responsible for implementing appropriate systems to manage and record the Council's budgets, income, expenditure, assets and liabilities. The CFO must therefore be consulted prior to the development, acquisition or implementation of all finance related IT systems or processes. Corporate Directors are required to address any concerns raised by the CFO before proceeding. Corporate Directors must also follow the Council's corporate project management framework when implementing any new IT systems or processes.
- 14.3 Corporate Directors must consult with the CFO before changing any existing financial systems or processes within their areas of responsibility. Corporate Directors should also establish and maintain controls to mitigate the risks of fraud, loss and error.
- 14.4 The main accounting system (including the general ledger and all related feeder systems) will provide the prime source of financial data for the Council's

management accounts, the preparation of the annual Statement of Accounts, and the submission of government returns. It is therefore essential that the system complies with all relevant legislation and proper accounting practice. It is also essential that all financial information is recorded accurately, completely and in a timely manner, and that any errors are detected promptly and rectified.

- 14.5 Control accounts should be established for all feeder systems. Regular reconciliations should be completed for all control accounts and any discrepancies investigated. Any significant variances should be reported to the CFO in a timely manner. All suspense accounts should also be subject to regular monitoring.
- 14.6 All corporate and directorate based financial systems, processes and controls should be documented.
- 14.7 Officers should receive appropriate training to perform their duties and to operate the Council's financial systems and processes.

15.0 STATUTORY ACCOUNTS AND EXTERNAL AUDIT

- 15.1 The Accounts and Audit Regulations 2015 require the CFO to prepare the Council's Statement of Accounts in accordance with proper accounting practice as represented by the 'Code of Practice on Local Authority Accounting in the United Kingdom' issued by Chartered Institute of Public Finance and Accountancy (CIPFA).
- 15.2 The Statement of Accounts should include details of the Council's Collection Fund and Housing Revenue Account, and any other statements or disclosures required for statutory purposes. The CFO will determine whether the Council's arms-length trading companies are included in consolidated group accounts.
- 15.3 The CFO must sign and date the Statement of Accounts and certify that the Statement of Accounts present a true and fair view of the Council's financial position at the end of the year to which they relate, and the income and expenditure for that financial year.
- 15.4 The CFO is responsible for ensuring the Statement of Accounts are made available for audit by the Council's appointed external auditor and are approved by the Audit Committee in accordance with relevant statutory timescales. The CFO must re-certify the Statement of Accounts before they are approved by the Audit Committee.
- 15.5 The CFO is responsible for working with the Council's appointed external auditor and for advising the Council, Executive, Audit Committee and Corporate Directors of their responsibilities in relation to external audit. The external auditor has extensive rights of access to all documents and information considered necessary for audit purposes. The external auditor may also require any Member or officer to provide explanations on any matter relating to the audit.
- 15.6 The duties and responsibilities of the external auditor derive from the Local Audit and Accountability Act 2014. The Code of Audit Practice, prepared by the National Audit Office, sets out the specific powers and responsibilities of the auditor. The Code of Audit Practice is reviewed and updated periodically.
- 15.7 The CFO is responsible for ensuring the Council's financial and accounting records are ready for audit, and in the format required by the external auditors. The CFO should also respond to the external auditor's enquiries in a timely manner.

- 15.8 The CFO should ensure the Audit Committee is made aware of any concerns raised by the external auditor in respect of the conduct of the audit, the Statement of Accounts, the accounting records, the system of internal control or the Council's arrangements to secure value for money. Where concerns are raised, the CFO in conjunction with the Audit Committee should prepare an action plan to address the issues.

16.0 REVIEW OF THE SYSTEM OF INTERNAL CONTROL

- 16.1 The CFO is responsible for arranging for an annual review of the effectiveness of the Council's system of internal control to be undertaken. The CFO should report the results of the review to the Audit Committee, and highlight any significant control weaknesses or governance issues identified.
- 16.2 The CFO is also responsible for preparing the Council's Annual Governance Statement. The Annual Governance Statement must be prepared in accordance with proper accounting practices, and should accurately reflect the results of the annual review of the system of internal control. The Annual Governance Statement should be approved the Audit Committee and be signed by the Leader of the Council and the Chief Executive Officer.
- 16.3 In preparing the Annual Governance Statement, the CFO should identify any areas of non-compliance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code, the Statement on the Role of the Chief Financial Officer in Local Government, the Statement on the Role of the Head of Internal Audit and the Code of Practice on Managing the Risk of Fraud and Corruption.
- 16.4 Corporate Directors are required to assist the CFO in completing the review of the system of internal control by providing the necessary assurances and identifying any significant control issues or weaknesses within their areas of responsibility.
- 16.5 The preparation and publication of the Annual Governance Statement in accordance with the Delivering Good Governance in Local Government: Framework (2016) fulfils the statutory requirements contained in the Accounts and Audit Regulations 2015.

17.0 RISK MANAGEMENT

- 17.1 Risk is defined as the chance or possibility of loss, damage or injury caused by an unwanted or uncertain action or event. It is measured in terms of likelihood and impact. Risk management is the range of coordinated processes, structures and culture adopted by the Council in order to identify, evaluate, monitor, control, and mitigate the risks it faces.
- 17.2 The Council is responsible for approving the Risk Management Policy.
- 17.3 The Audit Committee is responsible for promoting a culture of risk management awareness throughout the Council. Monitoring of the effectiveness of the Risk Management Policy is an essential part of that process.
- 17.4 The CFO has overall responsibility for the management of risk in the Council and for overseeing the application of the Risk Management Policy. The CFO will advise the Executive and Corporate Directors on all significant risk management matters.

The CFO should report to the Audit Committee at least annually on the effectiveness of the risk management systems and processes in place.

- 17.5 The Corporate Management Team is responsible for ensuring the Council adopts a consistent, comprehensive and integrated approach to the management of risk. This includes maintaining a corporate risk register which enables the Council's key strategic risks to be monitored and reported to the Audit Committee.
- 17.6 Corporate Directors should ensure procedures are in place to systematically identify, assess and mitigate the risks facing their individual service areas. These procedures should enable any new or emerging risks to be identified in a timely manner. Identified risks should be recorded and managed in service risk registers, with the most significant or cross-cutting risks included in the directorate risk register. Risks should be recorded and assessed in accordance with the principles set out in the Council's Risk Management Policy.
- 17.7 Directorate and corporate risks should be reported to the Audit Committee in accordance with an agreed timetable.
- 17.8 Corporate Directors, in consultation with the CFO, should prepare appropriate risk mitigation plans for all significant risks. These plans should be subject to regular monitoring and update.
- 17.9 The CFO will periodically review the Risk Management Policy and recommend any necessary changes to the Audit Committee for consideration prior to approval by the Council.
- 17.10 Corporate Directors should ensure that all reports to the Council's Executive or Executive Member which require a decision include adequate reference to the associated risks to enable a properly informed decision to be taken.

18.0 INTERNAL AUDIT

- 18.1 There is a statutory duty on the Council to undertake an internal audit of the effectiveness of its governance, risk management and control processes. Internal audit is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations.
- 18.2 To provide optimum benefit, the Council requires that internal audit works in partnership with management to improve the control environment and to help the organisation achieve its objectives.
- 18.3 The Chartered Institute of Public Finance and Accountancy (CIPFA) is responsible for setting standards for proper practice for local government internal audit in England. CIPFA has adopted the Public Sector Internal Audit Standards (PSIAS), which are compliant with the Institute of Internal Auditors' (IIA) International Standards. The PSIAS and CIPFA's local government application note for the standards represent proper practice for internal audit in local government.
- 18.4 The purpose, scope, authority and responsibility of internal audit is detailed in the Audit Charter, approved by the Audit Committee. The HoIA will periodically review the Audit Charter and recommend any necessary changes to the CFO for approval by the Audit Committee.
- 18.5 The CFO in conjunction with the HoIA should ensure that the Council's

arrangements for internal audit comply with the Chartered Institute of Public Finance and Accountancy (CIPFA) Statement on the Role of the Head of Internal Audit. Any areas of non-compliance and the reasons for these should be reported to the Audit Committee and be included in the Council's Annual Governance Statement.

- 18.6 The HoIA should seek to maintain a positive and effective working relationship with the CFO. The HoIA will notify the CFO of any matter that may have implications for the CFO in respect of their statutory responsibilities. The CFO will also consult with the HoIA on any significant proposals that may have implications for the Council's control environment or management of risk.
- 18.7 The HoIA will plan and deliver a risk based programme of work designed to objectively examine and evaluate the adequacy and effectiveness of the Council's governance, risk management and control processes. This will include the provision of assurance and advice in respect of major projects, programmes and policy initiatives. The HoIA should consult with the CFO, Corporate Directors and the Audit Committee when preparing the programme of work.
- 18.8 Internal audit will be allowed to act independently and objectively in the planning and delivery of work and without undue influence by either officers or Members.
- 18.9 The HoIA may communicate directly with the Leader of the Council, the Executive, the Chief Executive Officer, any Corporate Director, the Monitoring Officer, the Chair of the Audit Committee, and any Member or officer on any matter relevant to internal audit. The HoIA may also raise matters of concern relating the Council's financial management arrangements or processes directly with the external auditors.
- 18.10 The HoIA will provide an annual opinion to the Council on the framework of governance, control and risk management. The opinion and details of any qualifications to that opinion will be reported to the Audit Committee. The HoIA will also report any significant control weaknesses identified through internal audit work as part of the annual opinion report.
- 18.11 The CFO and the Audit Committee will determine whether any of the control weaknesses identified by the HoIA should be included in the Annual Governance Statement.
- 18.12 The Accounts and Audit Regulations 2015 require Members and officers to make available any documents and records, and provide such information and explanations as may be required by internal audit. In addition, the Council grants internal audit staff the authority to:
 - enter all Council premises or land, at any reasonable time
 - have access to all data, records, documents, correspondence, or other information - in whatever form - relating to the activities of the Council
 - have access to any assets of the Council and to require any officer of the Council to produce any assets under their control
 - have access to the Council's partnerships and arms-length bodies where appropriate
- 18.13 Where appropriate, contracts to supply Council services or functions should grant internal audit the right of access to examine records, documents and other

information relating to the supplier's arrangements.

- 18.14 It is the responsibility of Council officers to consider and respond promptly to audit reports and to ensure all agreed actions are implemented in a timely and efficient manner. Officers should also provide confirmation and evidence that agreed actions have been implemented if requested to by internal audit.
- 18.15 The HoIA will escalate any matters of concern to the CFO and, if necessary, the Audit Committee.
- 18.16 The HoIA will also report to the CFO and, if necessary, the Audit Committee any instances where internal audit independence or objectivity is likely to be compromised, together with any planned remedial action.
- 18.17 The CFO should ensure that internal audit is adequately resourced to undertake its responsibilities. The CFO will also protect and promote the independence and rights of internal audit to enable it to conduct its work effectively and to report as necessary.

19.0 TREASURY MANAGEMENT

- 19.1 The Council is responsible for approving the Treasury Management Policy Statement (TMPS), which sets out the objectives and approach to the effective risk management of the Council's treasury management activities.
- 19.2 The CFO is responsible for maintaining suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve the Council's objectives, and prescribing how it will manage and control those activities
- 19.3 The TMPS and related treasury management practices must comply with all relevant statutory and regulatory requirements including:
- Local Government Act 2003 or any successor legislation
 - Chartered Institute of Public Finance and Accountancy (CIPFA) - Prudential and Treasury Management Codes of Practice
 - Department for Levelling Up, Housing and Communities (DLUHC) Minimum Revenue Provision (MRP) and Investment Guidance
- 19.4 The CFO is also responsible for exercising the Council's borrowing and investment activities in compliance with the treasury management policies, and for monitoring compliance with the relevant Codes of Practice.
- 19.5 The CFO is responsible for reporting to the Audit Committee, the Executive and Council on the effectiveness of the treasury management policies and practices, and the achievement of the related objectives. The CFO should report the annual treasury management and investment strategy, and the associated prudential borrowing indicators to the Council in advance of the financial year. The CFO should also report quarterly to the Executive and Audit Committee on treasury management performance, and present an annual report on both treasury management and prudential borrowing indicators, setting out full details of activities and performance during the preceding financial year.
- 19.6 The CFO will meet periodically with the relevant Portfolio Holder to consider and review issues arising from the day to day treasury management activities.

19.7 The Audit Committee is responsible for monitoring the effectiveness of the Council's treasury management procedures and practices.

19.8 The CFO should periodically review the Treasury Management Policy Statement (TMPS) and associated management practices to ensure they continue to comply with relevant statutory and regulatory requirements, and best practice. The CFO should consult the Audit Committee and the Executive on any proposed changes to the TMPS, prior to approval by the Council.

20.0 ASSET MANAGEMENT

20.1 For the purposes of the Financial Procedure Rules, the term asset includes furniture, fittings, vehicles, plant, cash and cash equivalents, and operational equipment. It also includes intangible assets including licences, loans and investments. The acquisition and disposal of all land and property assets is covered by the Property Procedure Rules.

20.2 The CFO will determine the administrative and accounting arrangements for recording the acquisition and disposal of assets, and the maintenance of asset registers.

20.3 Appropriate security measures should be adopted to protect and safeguard the Council's assets, particularly items of high value or those susceptible to theft or damage. This includes protecting the Council's information technology systems from the threat of cyber-attack.

20.4 The Council's assets should only be used for legitimate purposes and to support the delivery of the Council's services and operational activities. Assets should not be made available to third parties or be used for other purposes without the prior approval of the relevant Corporate Director in consultation with the CFO.

20.5 Where required, assets should be appropriately security marked and insured. Corporate Directors are responsible for providing the CFO with the information required in order to arrange the Council's insurance.

20.6 Cash or cash equivalents held on any Council premises should not exceed the sums for which the Council is insured. If necessary for operational reasons, the CFO may approve temporary increases to safe limits and the value of cash or cash equivalents which may be held.

20.7 Assets should only be acquired where there is budgetary provision and the relevant approvals have been obtained. The relevant Procurement and Contract Procedure Rules should also be followed.

20.8 Assets should be properly maintained throughout their useful life. Where an asset is no longer required for operational or investment purposes, it should be disposed of.

20.9 Corporate Directors are responsible for maintaining effective business continuity and disaster recovery plans to mitigate possible loss or damage to the Council's assets.

20.10 Leasing Agreements

20.10.1 Corporate Directors must inform the CFO if they are considering the use of any type

of leasing agreement to finance the acquisition of an asset. The CFO is responsible for negotiating and agreeing the terms of all proposed leasing agreements. No lease agreements should be entered into without the approval of the CFO.

20.10.2 Corporate Directors must ensure the terms and conditions of the relevant leasing agreement are complied with, particularly in respect of wear and tear, or the residual condition of the asset at the end of the leasing period.

20.10.3 A full inventory of all leased assets valued over £20,000 must also be maintained by the Corporate Director.

20.10.4 Any assets subject to a leasing agreement must not be disposed of without the prior consent of the CFO. The CFO will be responsible for notifying the lease company of the intended disposal and for obtaining their consent.

20.11 Loans and investments

20.11.1 Corporate Directors must inform the CFO if they are considering making loans to third parties or entering into other types of investment for commercial or non-commercial purposes. The CFO is responsible for negotiating and agreeing the terms of all loan agreements and investments entered into by the Council.

20.12 Disposal of assets (excluding land and property)

20.12.1 The maximum economic benefit for the Council should be obtained for all asset disposals. Prior to the disposal of an asset, Corporate Directors must:

- ensure that the asset is of no use to any other Directorate
- for assets subject to a leasing agreement consult the CFO
- confirm whether the asset was purchased using grant funding, and if so, ensure the disposal and the allocation of proceeds complies with the relevant grant conditions
- notify the CFO of the intention to dispose of any item which might be regarded as a capital asset

20.12.2 If the asset disposal is subject to grant conditions then those conditions will take precedence, otherwise all disposals must follow these rules.

20.12.3 All surplus assets must be sold for the highest price unless the interests of the Council would be better served by disposing of the asset by an alternative method. The expected costs of disposal should be considered as part of any decision. Where an alternative method is used to dispose of an asset for less than its market value then a record must be kept of the options considered and the reason for adopting this approach.

20.12.4 Corporate Directors may dispose of assets subject to the following approvals:

Estimated Disposal Value	Required action / approval
Less than £50,000	N/A
£50,000 - £100,000	Obtain approval of the CFO
£100,001 - £200,000	Obtain approval of the relevant Executive Member
Over £200,000	Obtain approval of the Executive

20.12.5 Corporate Directors may dispose of a number of assets simultaneously if their aggregate estimated disposal value is less than £50,000. If the estimated aggregate disposal value is £50,000 or more then the approvals set out above will apply.

20.12.6 Low value, damaged or obsolete assets with an aggregate estimated market value of less than £5,000, can be disposed of by alternative methods following guidance contained in the Financial Policies and Practices Manual.

20.12.7 A record of all asset disposals should be maintained. Corporate Directors must also consider data protection issues when disposing of assets and ensure compliance with the Council's relevant information security and data protection policies.

20.13 Asset register

20.13.1 The CFO has overall responsibility for maintaining the Council's asset register. The asset register should record details of all assets owned by the Council together with their values. The CFO will determine the categories and values of assets to be recorded in the register. The register should be kept under review and updated as required.

20.13.2 Corporate Directors are responsible for providing any information required to the CFO in order to maintain the asset register, including the details of all asset disposals

20.13.3 The CFO may request confirmation of an asset's existence and current condition from a Corporate Director.

21.0 STOCKS AND INVENTORIES

21.1 The Council holds stocks of various goods and materials to support the delivery of services. It is essential that these stocks and stores are appropriately safeguarded to prevent theft, misuse or damage.

21.2 Corporate Directors are responsible for maintaining written inventories (in a form approved by the CFO) of all stocks of goods and materials, where the aggregate value of those stocks is over £10,000.

21.3 Periodic reconciliations should be undertaken to confirm the completeness and

accuracy of the inventory records. An independent check of all inventories should be completed at least annually. All stock discrepancies should be investigated. Any individual stock discrepancies over £10,000 must also be reported to the CFO and HoIA.

- 21.4 Corporate Directors may arrange for the disposal of unrequired stock or inventory items but should ensure the maximum benefit is obtained for the Council from any disposal. The CFO will provide guidance on appropriate disposal methods. All disposals of stock and inventories are also subject to the following approvals:

Estimated Disposal Value	Required action / approval
Less than £20,000	N/A
£20,000 - £100,000	Obtain approval of the CFO in consultation with the relevant Executive Member(s)
Over £100,000	Obtain approval of the Executive

- 21.5 Corporate Directors may also write off stock and adjust for inventory deficiencies subject to the following approvals:

Estimated Disposal Value	Required action / approval
Less than £10,000	N/A
£10,000 - £50,000	Obtain approval of the CFO in consultation with the relevant Executive Member(s)
Over £50,000	Obtain approval of the Executive

22.0 PREVENTING FRAUD AND CORRUPTION

- 22.1 Fraud and corruption is a significant risk to the Council. Any fraud committed against the Council effectively constitutes a theft of taxpayer's money. It is unlawful and deprives the Council of resources which should be available to provide services to the public. The Council has therefore established a counter fraud function to support the prevention, detection and investigation of possible fraud. The Council will also adopt measures to help deter the risk of fraud, including publicising the outcomes of counter fraud work. The counter fraud function reports to the HoIA.
- 22.2 For the purposes of the Financial Procedure Rules, the term fraud is used broadly and includes:

- acts which would fall under the definition in the Fraud Act (2006) or any successor legislation
 - anything which may be deemed fraudulent in accordance with the generally held view of fraud as causing loss or making a gain at the expense of someone by deception and dishonest means
 - any offences which fall under the Council Tax Reduction Schemes Regulations (2013) and the Prevention of Social Housing Fraud Act (2013) or any successor legislation
 - any act of bribery or corruption including specific offences covered by the Bribery Act (2010) or any successor legislation
 - acts of theft
 - any other irregularity which is to the detriment of the Council whether financially or otherwise, or by which someone gains benefit they are not entitled to
- 22.3 The Council will not tolerate fraud or corruption in the administration of its responsibilities, whether perpetrated by Members, officers, customers of its services, third party organisations contracting with it to provide goods and/or services, or other agencies with which it has any business dealings. There is a basic expectation that Members, employees, and contractors' staff will act with integrity and with due regard to matters of probity and propriety.
- 22.4 The CFO should ensure that the Council establishes and maintains effective counter fraud and anti-corruption arrangements.
- 22.5 The Council's arrangements for the prevention, detection and investigation of suspected fraud will be set out in relevant policies, approved by the Audit Committee. The Audit Committee will also review and approve the counter fraud strategy. The HoIA will periodically review the strategy and policies and recommend any necessary changes to the CFO prior to approval by the Audit Committee
- 22.6 Members and officers should immediately notify the HoIA of any suspected fraud, corruption, error, or wrongdoing, or any circumstances which might suggest the possibility of irregularity in the exercise of any of the Council's functions or related to the delivery of any of the Council's services.
- 22.7 The HoIA will determine the scope of any fraud investigations, subject to consultation with the CFO, Monitoring Officer, Human Resources and the appropriate Corporate Director as required.
- 22.8 The HoIA will decide whether any matter under investigation should be referred to the police or other agencies, subject to consultation with the CFO, Monitoring Officer and the appropriate Corporate Director as required.
- 22.9 As a further deterrent, and to minimise losses, the Council will attempt to recover any losses incurred through civil or legal action. In addition, the Council will seek to apply any appropriate fines or penalties, and recover any costs incurred in investigating and prosecuting cases.
- 22.10 The Monitoring Officer is the Council's Chief Money Laundering Compliance Officer (CMLCO) and has overall responsibility for monitoring anti-money laundering policy, regulations and procedures. The CMLCO will ensure appropriate procedures for regulated activity are in place and obtain approval of the policy from the Audit Committee. Corporate Directors should inform the CMLCO of all circumstances where regulated activity is likely to be taking place. The CMLCO will ensure that

Directorates undertaking regulated activity have appropriate training and risk assessments in place.

- 22.11 The CLMCO will appoint a Money Laundering Reporting Officer (MLRO) and deputy MLRO. The MLRO is responsible for maintaining the Council's money laundering reporting procedures, raising awareness of possible money laundering issues within the Council and for reporting concerns to the National Crime Agency (NCA) when they arise.

23.0 INCOME AND ACCOUNTS RECEIVABLE

- 23.1 Effective income collection systems are necessary to ensure that all of the income due to the Council is identified, collected, receipted and banked properly. Where possible income should be collected in advance to improve cash flow and to avoid the risks and costs of debt recovery.

23.2 Fees and Charges

- 23.2.1 The Council is responsible for approving the fees and charges policy. Any departure from the approved policy requires the approval of the Executive. Unless permitted all fees and charges should be subject to annual review. The CFO will provide detailed guidance on the setting and review of fees and charges. Corporate Directors are responsible for the establishment and ongoing review of fees and charges payable in respect of the services and functions provided by their directorate.

- 23.2.2 A full list of the current year's approved fees and charges should be made available on the Council's website. The fees and charges for the following financial year should be published on the website by 31 December of the preceding year.

- 23.2.3 The correct rate of VAT should be applied to all fees and charges.

23.3 Commercial rents

- 23.3.1 Commercial rents should be reviewed and increased in line with the relevant tenancy agreements. The CFO may authorise the granting of rent-free periods for a maximum of 6 months or rent rebates in specific circumstances subject to consultation with the Monitoring Officer. A record of the decision must be retained where this occurs. The Monitoring Officer should also be consulted on possible subsidy implications if the proposed rent for a commercial property is below the current market rate.

23.4 Housing rents

- 23.4.1 Housing rents should be set and increased annually in line with the Council's rent policy, relevant tenancy agreements and guidance issued by the Regulator of Social Housing.

23.5 Council Tax and National Non-Domestic Rates

- 23.5.1 The setting and collection of council tax and non-domestic rates is determined by legislation. The Council will set the annual rate of council tax by dividing the total council tax requirement by the council tax base. The Council may also apply specific levies to fund designated services if permitted by legislation. Other bodies in North Yorkshire including parish and town councils, and the North Yorkshire

Police, Fire and Crime Commissioner may raise a precept on the council tax bills raised by the Council.

23.5.2 The CFO is responsible for determining the administrative and accounting arrangements for the Council Tax collection fund. This includes approving the Council Tax base estimates.

23.5.3 As a billing authority, the Council will apply the relevant multiplier to the rateable value of each business property.

23.6 Grant income

23.6.1 Refer below to section 28 – Grants and External Funding.

23.7 Asset sales

23.7.1 Refer to above section 20 – Asset Management.

23.8 Accounts receivable and the administration of debt

23.8.1 Corporate Directors should agree with the CFO the administrative and accounting arrangements for the collection of each type of income. The collection of income and the recovery of debts will normally be the responsibility of the CFO. Any alternative arrangements for the collection of income require the prior written approval of the CFO.

23.8.2 Where possible income should be paid directly to the Council by bank transfer or through the Council's automated payment systems. Cheques received on behalf of the Council should, as soon as practicable, be banked. The only exception to this arrangement applies to maintained schools operating to the LMS Financial Procedure Rules as defined in section 37 below. Payment by cash is only permitted where alternative methods of payment are not practicable and with the prior written approval of the CFO.

23.8.3 Where a debt remains unpaid the CFO is authorised to agree repayment terms with the debtor or to take other recovery action as appropriate.

23.8.4 The CFO will agree with the Head of Legal Services the arrangements for debt recovery including the process for commencing civil debt recovery through the courts, the recovery of costs and the use of enforcement agents. The specific responsibilities and approach to debt recovery will be included in a debt management policy. The policy will set out expectations for the use of responsible debt collections methods, management of all debts owned by the individual or organisation, and enforcement activities.

23.8.5 Income due to the Council should be banked in full and should not be used to offset payments due by the Council.

23.9 Debt write-off

23.9.1 Debts should only be written off once all reasonable attempts to recover the debt have been exhausted or where it would prove uneconomical to pursue the debt further.

23.9.2 The procedure for writing off debts is:

Value	Required action / approval
Less than £50,000	Approval of the CFO only
£50,000 - £100,000	Approval of the CFO in consultation with the relevant Corporate Director(s)
£100,001 - £200,000	Approval of the CFO in consultation with the relevant Executive Member(s)
Over £200,000	Obtain approval of the Executive

23.9.3 The CFO has the right to refer any proposed debt write off to the Executive for approval.

23.9.4 The CFO will maintain a record of all debts written off each financial year including details of the attempted recovery action taken and the reasons for non-recovery.

23.9.5 Where a number of debts for the same debtor are being written off simultaneously, the aggregate value of those debts should be used to determine the approval required.

23.9.6 To ensure appropriate separation of duty, officers with responsibility for debt recovery and write off should not be involved in income collection.

23.10 Adjustments

23.10.1 Invoices which have been raised in error or the details are incorrect can be cancelled. The reasons for cancellation must be retained.

23.10.2 To ensure appropriate separation of duty, officers with responsibility for debt cancellation should not be involved in income collection.

23.11 Waiving a charge

23.11.1 In some circumstances it may be appropriate to waive a charge. A waiver should only be granted if the specific charging scheme permits this and there are legitimate and appropriate reasons for doing so. Examples include cases of financial hardship and where there are compassionate reasons for waiving the charge. Corporate Directors may waive charges of less than £10,000. Any waiver over this requires the approval of the CFO. A full record of the reasons for the waiver must also be retained.

24.0 **ORDERING AND ACCOUNTS PAYABLE**

24.1 All works, goods and services must be ordered in accordance with the Procurement and Contract Procedure Rules.

24.2 Members and Officers must also comply with respective Council rules and arrangements regarding the registration and declaration of any interests which may

conflict with their role in Council business.

- 24.3 The CFO in consultation with the Monitoring Officer is responsible for determining the format of the Council's purchase orders and the associated standard terms and conditions.
- 24.4 Corporate Directors must use the Council's standard ordering system to raise purchase orders for all works, goods and services. The only exceptions are:
- where the supplier is on the list of exempt suppliers
 - the expenditure has been incurred through petty cash or by using a procurement card
 - the expenditure was incurred as a result of an emergency and the urgency of the situation would not permit a delay
- 24.5 All budget holders are responsible for ensuring that orders are only raised where there is an approved budget, and for maintaining proper records to support all purchasing decisions and transactions.
- 24.6 Purchase orders may only be raised and approved by designated officers, and in accordance with the approved financial management permissions.
- 24.7 The support and advice of the Corporate Procurement and Contract Management Team must be obtained for all significant, complex or more specialist purchasing transactions.
- 24.8 All works, goods and services should be checked to ensure they have been delivered in accordance with the original order. Any discrepancies must be identified and rectified before payment is authorised.
- 24.9 Invoices should only be approved once officers are satisfied that the correct charges have been applied and the identified works, goods or services have been received. All approvals must be in accordance with the limits set out in the financial management permissions. Where VAT has been charged it is essential that a valid tax invoice is provided by the supplier.
- 24.10 To ensure adequate segregation of duties, a different officer should authorise the order, confirm receipt and approve the invoice for payment. The CFO may agree alternative procedures for low value orders. Any alternative procedures must be documented and kept under review.
- 24.11 The CFO will determine the Council's standard payment terms and keep these under review. The CFO may agree different payment terms for small or medium suppliers and where prompt payment would be beneficial for the Council.
- 24.12 To ensure prompt payment, officers must ensure that invoices are matched to orders and authorised in a timely manner. Unmatched orders and invoices should also be monitored and followed up as required.
- 24.13 The CFO will establish a procedure for authorising and processing ad-hoc payments where there is no invoice. Such payments will include insurance settlements, grant payments, and fees or subscriptions which need to be paid in advance.

- 24.14 The CFO is responsible for ensuring all payments are made to the correct person or entity, and for the correct amount. The CFO must establish processes to verify creditor payment details when new suppliers are set up on the accounts payable system and for all subsequent changes. The CFO must also establish processes to identify potentially duplicate payments.
- 24.15 The CFO is also responsible for ensuring invoice and payment details are properly recorded in the Council's main accounting system and the expenditure is reflected against the relevant budget codes.

25.0 BANKING

- 25.1 The CFO is authorised to operate any bank accounts considered necessary for the effective management and administration of the Councils' services and functions. All arrangements for the operation, supervision and closure of the Council's bank account(s) will be made by the CFO. Officers must not open bank accounts in the name of the Council unless they are acting on the instructions of the CFO.
- 25.2 The CFO will also make arrangements for the use and control of procurement cards for the payment of goods and services, and the operation of petty cash imprest accounts. The CFO will prepare specific guidance notes and instructions for both procurement cards and petty cash imprest accounts.
- 25.3 All bank accounts, petty cash imprest accounts and procurement card statements must be reconciled at least monthly. Any significant variances should be reported to the CFO in a timely manner.
- 25.4 Officers should be alert to the risks of money laundering and must report any suspicious activity or irregular banking transactions to the Council's designated Money Laundering Reporting Officer (MLRO).

26.0 PAYROLL AND EXPENSES

- 26.1 Employee related payroll related expenditure forms a significant part of the Council's budget and must therefore be accounted for correctly and accurately.
- 26.2 For the purposes of the Financial Procedure Rules, employee related payroll payments include:
- Monthly salaries
 - Overtime
 - Allowances
 - Travel and other expenses
 - Pensions (to former employees)
 - Redundancy payments and pay in lieu of notice.
- 26.3 All taxable expenses must be paid through the Council's payroll system. Managers should certify all travel and subsistence claims and ensure that claims are legitimate. Any unexplained discrepancies should be reported to the HoIA.
- 26.4 For all transactions and payroll related matters, the appropriate documentation and timetables, issued by HR must be followed. Copies of all relevant records should be retained in accordance with the Council's approved document retention period.

- 26.5 To ensure the Council complies with HM Revenue and Customs IR35, checks must be completed in accordance with agreed HR procedures before payments are made to contractors or agency workers.
- 26.6 Corporate Directors are responsible for ensuring all new appointments are made in accordance with the Council's approved establishments, grades, scales of pay and that adequate budget provision is available for the current financial year and subsequent years.
- 26.7 Corporate Directors are also responsible for ensuring all leavers are processed in a timely manner to avoid overpayments occurring.
- 26.8 The CFO is responsible for ensuring that regular reconciliations are undertaken between the Council's payroll system and the main accounting system (general ledger) to verify the accuracy and completeness of the payroll costing file. A similar reconciliation should be undertaken with the pension system.

27.0 INSURANCE

- 27.1 The Council should have sufficient and adequate insurance cover to protect itself from the risk of financial claims arising from unforeseen events such as the theft of assets, damage to property, or injury to employees and the public.
- 27.2 Insurance has been the traditional means for transferring risk and protecting against such losses. By minimising or even preventing the incidence of losses, the Council may benefit from reduced insurance and related administrative costs. Corporate Directors therefore have a responsibility to identify, assess, prevent or contain all significant operational risks within their directorates.
- 27.3 The CFO is responsible for arranging all insurance on behalf of the Council and for providing advice to the Executive on the level of insurance cover required.
- 27.4 Corporate Directors must not admit liability or make any offer to pay compensation in respect of any claim. The CFO has sole responsibility for managing and negotiating all claims made against the Council, using specialist claim handlers as required. The CFO may require Corporate Directors to provide information and evidence relevant to any claim.
- 27.5 The CFO will also determine the level of self-insurance to be accepted for some risks and the value of reserves necessary to adequately fund future liabilities.
- 27.6 Corporate Directors must notify the CFO of any:
- event or incident which may result in a claim being made against the Council and/or its insurers
 - new risks which might require to be insured, together with details of any changed circumstances which might affect existing risks
 - other action(s) taken which might affect the Council's current or future insurance arrangements.

28.0 GRANTS AND EXTERNAL FUNDING

- 28.1 External funding can provide an important source of income to the Council but grant conditions must be carefully examined before any application is submitted or

agreement is entered into to ensure they are compatible with the Council's aims and objectives. Grant conditions may also result in the Council committing to future expenditure for which there is no budget provision. A risk assessment must therefore be completed and documented to ensure all potential financial obligations and future liabilities are properly identified.

- 28.2 The CFO will provide detailed procedural guidance to follow when applying for grant or other external funding, and before any offers of funding are accepted.
- 28.3 Corporate Directors should consult with the CFO in all circumstances where applications for grants or other external funding are being considered.

Applying for a Grant

- 28.4 The following approvals are required before applications are submitted. The limits apply to the aggregate level of funding where the grant is to be paid in instalments.

Estimated Value of Grant	Required action / approval
Any Value	Corporate Director in consultation with CFO

* Recurring grants and external funding (a grant/funding which has been applied for previously with no substantial change to grant conditions or delivery of the grant) require consultation with the relevant Executive Member(s) at the discretion of the CFO.

Accepting a Grant or External Funding

- 28.5 The following approvals are required before any offers of grant or other external funding are accepted:

New, discretionary grants and external funding (a new grant/funding which at the discretion of the Council to apply for and has not been applied for previously):

Value of Grant Offer	Required action / approval
Up to £1m	Obtain approval of the CFO
Over £1m	Obtain approval of the Executive
York and North Yorkshire Combined Authority Grant – Any value	CFO (<i>in practice in consultation with the relevant Corporate Director</i>).

Recurring grants and external funding (a grant which has been applied for previously with no substantial change to delivery of the grant):

Estimated Value of Grant	Required action/approval
Up to £1m	Corporate Director to inform the CFO

Over £1m	Obtain approval of the CFO in consultation with the Executive Member for Finance and other relevant Executive Member(s) as necessary
York and North Yorkshire Combined Authority Grant – Any value	CFO (<i>in practice in consultation with the relevant Corporate Director</i>).

Direct award grants (grant provided directly to the Council where there is no application requirement):

Type of grant	Required action/approval
Direct Award grant	Corporate Director to inform the CFO

- 28.6 Corporate Directors are responsible for ensuring all grant conditions are complied with and the required approvals and certifications are obtained before submitting claims or returns to the relevant funding bodies.

29.0 PARTNERSHIPS

- 29.1 The Council provides a leadership role for the community and by working in partnership with other organisations can help to promote or improve the economic, social and environmental well-being of its area. However, working in partnership can also present a number of risks.
- 29.2 All partnerships with outside bodies (including other local authorities, the NHS, government agencies, education bodies, private sector companies, voluntary sector organisations and community groups) must therefore be properly evaluated before they are entered into, and be supported by appropriate governance, accounting and audit arrangements. No partnership should be considered unless it can be shown that there are clear benefits to the Council and the proposed arrangement is compatible with the Council's aims and objectives
- 29.3 The form of partnership may also differ. Partnerships involving joint decision making and the sharing of budgets and other resources to deliver services will require a formal agreement. Other partnerships will be more informal and simply provide a forum to share information and to consult on future plans.
- 29.4 The Council's partnership governance risk assessment must be completed whenever a partnership is being considered. Any proposed arrangement which is assessed as high or medium risk should then be subject to a full assessment using the approved partnership governance guidance and toolkit. In addition, a full assessment must be completed for all cases where the Council's financial contribution to the partnership is expected to exceed £200,000 per annum. In calculating the Council's financial contribution any grant or external funding for which the Council is acting as the Accountable Body should be included in the total.
- 29.5 Where a partnership is considered to be in the Council's interests, Corporate Directors, in consultation with the CFO and Monitoring Officer, should agree appropriate terms and conditions with the other partner organisation(s). Depending on the form of partnership, Corporate Directors should also comply with the Procurement and Contract Procedure Rules where these apply. The CFO must also

be satisfied that the accounting and audit arrangements are appropriate for the size and type of partnership, and the legal framework must be agreed by all the partners.

- 29.6 Unless otherwise approved by the CFO, the partnership must adopt the Council's Financial, Property, Procurement and Contract Procedure Rules where the Council is to be the designated accountable body.
- 29.7 Other partnerships will be expected to adopt appropriate governance arrangements.
- 29.8 The Audit Committee is responsible for monitoring the governance arrangements in place for the Council's key partnerships. The CFO should report to the Audit Committee at least annually on these partnerships.

30.0 ACCOUNTABLE BODY STATUS

- 30.1 The approval of the CFO must be obtained before the Council agrees to act as the designated accountable body for any partnership or funding arrangement.

31.0 GRANTS TO THE COMMUNITY AND OTHER ORGANISATIONS

- 31.1 The Council works with many voluntary, community and social enterprise (VCSE) organisations to deliver services and to help achieve the Council's aims and objectives.
- 31.2 Corporate Directors should refer to the Procurement and Contract Rules when establishing grant schemes or paying grants. Grant conditions must be agreed and communicated to community and other organisations before bids for funding are invited and assessed. The conditions should include provision to recover funding in the event that the conditions are not fulfilled, the rights of audit, and the requirements for document retention.
- 31.3 The grant recipient must submit evidence of expenditure incurred and the achievement of required objectives in accordance with the published grant conditions.

32.0 COMMERCIAL ACTIVITIES AND INTERESTS

- 32.1 The Council undertakes a range of commercial activities delivered by in-house services or through arms-length trading companies. These commercial activities are intended to deliver a return on investment and/or provide other added value to the Council. However, there are also financial and other risks associated with trading operations.
- 32.2 All new proposed trading operations and commercial activities therefore require the preparation of a business case by the relevant Corporate Director and the approval of the CFO before they commence.
- 32.3 If the trading operation or commercial activity requires the formation of a company then the approval of the Executive is also required.
- 32.4 The business case should include:
- the key business objectives, and how these fit with the Council's overall aims and objectives

- a full description of the legal powers and financial implications of the trading activity
 - a list of the key risks, and how these will be mitigated
 - a forecast of income and expenditure (including estimates of overhead costs) for the next three years
 - the proposed accounting, audit and governance arrangements
- 32.5 The CFO will determine the minimum financial reporting requirements for the trading operation or commercial activity. The Monitoring Officer, in consultation with the CFO, will determine the legal and governance framework of the trading operation or commercial activity where it is delivered through a company. Each trading operation should prepare an annual business plan which includes a budget or financial forecast, objectives and targets. Performance against these objectives and targets should be reported regularly throughout the year.
- 32.6 The performance of Council owned companies should be reported to the Shareholder Committee at least annually.
- 32.7 Any proposed loan or grant by the Council to a trading operation or commercial activity requires the approval of the CFO. The approval of the Executive is also required if the loan or grant is over £500,000. Where a number of loans or grants have been made in a financial year then the aggregate value should be used to determine the approval required.
- 32.8 The CFO, in consultation with the Monitoring Officer, should report any concerns about the financial management of a trading operation or commercial activity to the Audit Committee, Shareholder Committee and/or the Executive as deemed appropriate.
- 33.0 HARBOUR ACCOUNTS**
- 33.1 The CFO will determine the administrative and accounting arrangements for Scarborough and Whitby harbours, including the use of earmarked reserves and the apportionment of costs and other recharges from the general fund.
- 33.2 The CFO is responsible for preparing an annual income and expenditure statement for both harbours.
- 34.0 DEVELOPER CONTRIBUTIONS**
- 34.1 Financial and non-financial contributions from developers support investment in infrastructure and the provision of public amenities within local communities. Contributions can be secured by way of Section 106 agreements (Town and Country Planning Act 1990) or through Community Infrastructure Levy (CIL) planning charges.
- 34.2 The Council's Planning and Development Service is responsible for monitoring s106 agreements and for ensuring any financial contributions are received once the relevant planning conditions are met.
- 34.3 The CFO is responsible for recording all financial contributions received and for establishing processes to monitor the use of the funding. The Planning and Development Service will ensure financial and non-financial contributions are used for their intended purpose and in accordance with the Council's policies. This will

include consulting with relevant agencies and elected members as required.

- 34.4 The CFO is also responsible for publishing an annual Infrastructure Funding Statement (IFS), showing the value of CIL charges and s106 contributions collected, the total expenditure incurred on related infrastructure and public amenities, and the purposes for which the funding was used.

35.0 HOUSING REVENUE ACCOUNT

- 35.1 The Council is a housing landlord and provides properties for use by its tenants. The housing revenue account is a ring-fenced account within the Council's general fund which is used to record all income and expenditure in respect of the Council's housing stock and related services.
- 35.2 The long-term strategic aims and objectives for the management of the Council's housing stock will be set out in a 30-year Housing Revenue Account (HRA) business plan. The HRA business plan will include details of investment and funding plans.
- 35.3 The CFO will determine the administrative and accounting arrangements for the housing revenue account subject to all relevant statutory provisions and any guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC).
- 35.4 The CFO will provide guidance on the apportionment of support and overhead costs between the general fund and housing revenue account. Any apportionment of costs must be fair to both council tenants and council tax payers.
- 35.5 The CFO is responsible for ensuring any borrowing for housebuilding is undertaken in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code of Practice and the Council's approved prudential borrowing indicators.

36.0 MAINTAINED SCHOOLS

- 36.1 To reflect their particular circumstances, separate financial procedures are in place for maintained schools. These are the LMS Financial Procedure Rules and LMS Procurement and Procedure Rules. These rules preserve the essence of the Council's Financial, Procurement and Contract Procedure Rules but are adapted to reflect the specific arrangements applying in maintained schools.
- 36.2 Where this creates possible conflict or doubt, the Financial Procedure Rules and Procurement and Contract Procedure Rules will take precedence.
- 36.3 The School Finance Manual contains more detailed information in relation to particular areas such as budgets and forecasting, banking arrangements, accounting for VAT and charging for school activities.

37.0 VOLUNTARY FUNDS

- 37.1 A voluntary fund is any fund which is held or controlled by the Council as trustee for the benefit of a third party and/or for a specified purpose.
- 37.2 The CFO should be informed of the purpose and nature of all voluntary funds maintained or managed by officers.

- 37.3 Annual accounts should be prepared for all voluntary funds. The accounts should be examined by a competent person independent of the fund or subject to an audit (if specifically required by the Charity Commission or CFO).
- 37.4 A copy of the annual accounts and relevant independent examiner's report or audit report should be provided to the CFO within 9 months of the financial year end. The CFO is entitled to undertake further checks, request additional information or to require a full audit of the fund if considered necessary.
- 37.5 Voluntary funds registered with the Charity Commission must also comply with all statutory registration, governance and reporting requirements. These include the preparation and submission of an annual return within the required timescales. Copies of the independent examiner's report or audit report should also be submitted if the annual income of the fund exceeds prescribed limits.

38.0 COURT OF PROTECTION

- 38.1 The Court of Protection makes decisions about how the financial affairs of people who lack mental capacity will be managed. The Council may apply to the Court of Protection to be appointed as a Deputy or Appointee where a person has no close family members or anyone else suitable to undertake these roles.
- 38.2 The CFO is responsible for maintaining appropriate administrative and accounting arrangements for managing the assets and funds of people where the Council has been appointed as a Deputy or Appointee. The CFO will also maintain a scale of charges in accordance with Court of Protection guidelines for providing these services.

39.0 DOCUMENT RETENTION

- 39.1 All financial and accounting documents must be retained in accordance with the Council's approved document retention period. The CFO is responsible for determining the minimum document retention periods for all finance related documents.
- 39.2 If the retention period is not stated then any accounting records should be retained for a minimum period of 6 years following the relevant financial year.

Financial Procedure Rules

Contents

1.0	Introduction
2.0	Scope
3.0	Objectives
4.0	Policy framework
5.0	Roles and responsibilities
6.0	Medium Term Financial Strategy
7.0	Revenue budget
8.0	Capital strategy and plan
9.0	Financial control and budget management
10.0	Financial management permissions
11.0	Budget virements
12.0	Maintenance of reserves and provisions
13.0	Emergency procedures
14.0	Financial systems and records
15.0	Statutory accounts and external audit
16.0	Review of the system of internal control
17.0	Risk management
18.0	Internal audit
19.0	Treasury management
20.0	Asset management
21.0	Stocks and inventories
22.0	Preventing fraud and corruption
23.0	Income and accounts receivable
24.0	Ordering and accounts payable

25.0	Banking
26.0	Payroll and expenses
27.0	Insurance
28.0	Grants and external funding
29.0	Partnerships
30.0	Accountable Body status
31.0	Grants to the community and other organisations
32.0	Commercial activities and interests
33.0	Harbour accounts
34.0	Developer Contributions
35.0	Housing Revenue Account
36.0	Maintained Schools
37.0	Voluntary funds
38.0	Court of Protection
39.0	Document retention
40.0	Glossary of terms

1.0 INTRODUCTION

- 1.1 The Financial Procedure Rules provide the framework for the Council's financial management and administration.

2.0 SCOPE

- 2.1 These Financial Procedure Rules apply across the Council and to all of the Council's services and operational activities. They also apply to all partnerships where the Council is the designated accountable body. Where the Council has a financial interest in a partnership arrangement, joint venture or trading operation but is not the accountable body then officers should ensure equivalent governance arrangements exist.
- 2.2 All Members and officers are required to comply with these Financial Procedure Rules. Contractors and agency staff are also required to comply with the Financial Procedure Rules when undertaking Council related business. Any failure by officers to comply with these Rules may constitute misconduct and could result in disciplinary action being taken against them.

3.0 OBJECTIVES

- 3.1 The objectives of the Financial Procedure Rules are to ensure:
- the proper financial management and control of all the Council's activities and the efficient, effective and economic use of its resources
 - that appropriate processes exist to allow effective financial planning and to enable informed decision making
 - that systems and processes support the proper administration of the Council's financial affairs
 - that Members and officers abide by the highest standards of probity and integrity
 - that financial risks are identified and effectively managed
 - that the Council's assets are kept secure
 - that arrangements exist to achieve value for money

4.0 POLICY FRAMEWORK

- 4.1 The Financial Procedure Rules should be read in conjunction with other relevant sections of the Constitution, in particular:
- the Budget and Policy Framework Procedure Rules
 - the Executive Members' scheme of delegation
 - the Officers' scheme of delegation
 - the Procurement and Contract Procedure Rules
 - the Property Procedure Rules
- 4.2 A number of policies, protocols and guidance documents exist which supplement the Financial Procedure Rules, and which enable the Rules to be applied in practice, as follows:
- Financial Policies and Practices Manual
 - Local Code of Corporate Governance
 - Treasury Management Policy Statement

- Asset Management Planning Framework
- Risk Management Policy
- Internal Audit Charter
- Counter Fraud and Corruption Policy
- Anti Money Laundering and Terrorist Financing Policy
- Whistleblowing Policy
- Reserves Policy
- Fees and charges Policy
- Debt management Policy
- Housing Revenue Account Business Plan
- LMS Scheme (funding framework for school)
- LMS Procedure Rules
- School Finance Manual – more detailed information on the above

5.0 ROLES AND RESPONSIBILITIES

5.1 Chief Finance Officer (section 151 Officer)

5.1.1 The Corporate Director of Resources is the Council's appointed Chief Finance Officer (CFO) and s151 Officer. This post, as defined in the Constitution, has specific statutory duties in respect of the financial administration and stewardship of the Council. These duties derive from:

- section 151 (s151) of the Local Government Act 1972
 - Local Government Finance Act 1988
 - Local Government and Housing Act 1989
 - Local Government Act 2003
 - the Accounts and Audit Regulations 2015
- or any successor legislation in each case

5.1.2 Section 114 (s114) of the Local Government Finance Act 1988 requires the s151 Officer to report to the Council and Executive, and the external auditor where the Council:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the council
- is about to make an unlawful entry in the Council's accounts

5.1.3 The 1988 Act also requires the s151 Officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under s114 personally. The council should also provide the s151 Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under s114.

5.1.4 Section 25 (s25) of the Local Government Act 2003 requires the s151 Officer to report to Members on the robustness of estimates and the adequacy of reserves.

5.1.5 The CFO is responsible for determining the Council's financial processes, and for ensuring they are applied properly and consistently in practice. The CFO is also responsible for implementing appropriate systems to manage and record the Council's budgets, income, expenditure, assets and liabilities.

- 5.1.6 Where possible, the CFO should comply with the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code, the Statement on the Role of the Chief Financial Officer in Local Government and the Delivering Good Governance in Local Government: Framework (2016). Any areas of non-compliance and the reasons for these should be reported to the Audit Committee and be included in the Council's Annual Governance Statement.
- 5.1.7 The CFO is also responsible for ensuring that the annual Statement of Final Accounts (SoFA) is prepared and published in accordance with the 'Code of Practice on Local Authority Accounting in the United Kingdom' issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Accounts and Audit Regulations 2015.
- 5.1.8 The CFO also has overall responsibility for the Council's counter fraud arrangements, including the adoption of appropriate measures for the prevention and detection of fraud and corruption.
- 5.1.9 The CFO will report to the Council, the Executive and the Executive Member with responsibility for Finance on the discharge of these duties.
- 5.1.10 The CFO will keep the Financial Procedure Rules under review and propose changes to the Audit Committee as required.
- 5.1.11 The CFO should report any material breaches of the Financial Procedure Rules to the Audit Committee and propose appropriate remedial action to mitigate any remaining risk. The CFO should also issue instructions to the relevant Corporate Director(s) to immediately rectify any non-compliance with the Financial Procedure Rules.
- 5.1.12 The CFO may delegate specific responsibilities to other officers whilst retaining the role of s151 Officer. A written record of all such delegations should be maintained, including the limits on any delegation. See financial management permissions (section 10) below.
- 5.1.13 The CFO may also approve variations or exceptions from the Financial Procedure Rules to reflect specific circumstances. All such variations or exceptions should be reported the Executive and a written record maintained.

5.2 Corporate Director

- 5.2.1 Corporate Directors are responsible for the financial management and control of the resources allocated to them. This includes identifying nominated budget holders for each operational activity, scheme, project or capital programme. It also includes the allocation of appropriate resources to each budget, taking account of competing priorities, spending pressures and savings plans.
- 5.2.2 Corporate Directors should adopt measures to safeguard and keep secure all furniture, fittings, vehicles, equipment and stores assigned to their directorate.
- 5.2.3 Corporate Directors are also responsible for devising and maintaining effective systems of control to mitigate the risks of fraud, loss and error.
- 5.2.4 Corporate Directors are accountable for the budgets within their directorate. Corporate Directors must therefore establish effective budget monitoring and

reporting arrangements. Actual or forecast budget variances should be identified in a timely manner and, where possible, action should be taken to remedy the situation. Corporate Directors must advise the CFO immediately if it becomes clear that they are unable to balance expenditure or income within the existing approved budgets under their control.

- 5.2.5 Corporate Directors should ensure that all staff within their directorate are aware of the existence and content of the Financial Procedure Rules, and of the need to comply with them.

5.3 Budget Holder

- 5.3.1 An officer with delegated responsibility for the management of a defined budget or group of budgets.
- 5.3.2 Budget responsibility should always be aligned as closely as possible to the relevant decision making functions of the service area or portfolio. Budget holders should have input to the preparation and agreement of their budget(s). They should also be informed of their budget allocations in a timely manner so that they can plan effectively.
- 5.3.3 Budget holders are responsible for controlling all income and expenditure relating to their budget(s). This includes monitoring ongoing performance and reporting variances above prescribed limits in a timely manner. Where adverse variances are occurring or forecast, budget holders must identify the reasons and likely impact on the final outturn position. Where possible, timely and effective action should be taken to remedy any overspend or reduction in income. This may include restricting future expenditure or arranging for a virement from another budget.
- 5.3.4 Budget holders should receive guidance and be trained to undertake their responsibilities effectively. This includes understanding the financial implications of their decisions, and the need to manage risks and achieve value for money.

5.4 Head of Internal Audit

- 5.4.1 The Head of Internal Audit (HoIA) is responsible for providing independent, objective assurance to the Audit Committee and the CFO on the adequacy and effectiveness of the Council's framework of governance, risk management and control. The HoIA, alongside the Corporate Management Team, is also responsible for promoting the principles of good governance, probity and ethical standards across the Council.
- 5.4.2 Through the work of internal audit, the HoIA supports the CFO to discharge his/her statutory duties.
- 5.4.3 The HoIA should be involved in considering the impact of emerging risks and the control implications for any proposed changes or developments by the Council.
- 5.4.4 The HoIA should be professionally qualified and suitably experienced to undertake the role.

5.5 Officers

- 5.5.1 All employees of the council, contractors and agency staff working on behalf of the Council are required to safeguard the Council's resources. This includes protecting the Council's assets and minimising the risk of financial loss.

6.0 MEDIUM TERM FINANCIAL STRATEGY

- 6.1 In order for the Council to be able to plan the development and delivery of its services and to determine priorities for the allocation of resources between those services it needs to undertake multi-year financial planning. The Council will do this by preparing a Medium Term Financial Strategy (MTFS). The MTFS provides the framework for sustainable financial planning, enabling the Council to achieve its key strategic objectives whilst managing its financial and other risks. In doing so the MTFS helps to ensure the long-term financial wellbeing of the Council.
- 6.2 The MTFS provides the parameters within which annual budget and service planning takes place. The Council Plan and other related strategies should be prepared in accordance with the MTFS.
- 6.3 The CFO is responsible, in consultation with the CEO and other Corporate Directors, for preparing and maintaining the MTFS. The minimum period for the MTFS should be 3 years. The CFO will determine the format of the MTFS and once prepared it requires approval by the Council. The Council is also required to approve any subsequent changes to the MTFS.
- 6.4 The CFO should report to the Executive at least annually on the achievement of the strategic priorities contained in the MTFS.

7.0 REVENUE BUDGET

7.1 Overview

- 7.1.1 The revenue budget is an estimate of the annual income and expenditure requirements of the Council. The revenue budget will set out the allocation of resources to specific service areas and functions, and will determine the Council's annual council tax requirement. Approval of the revenue budget by the Council provides Corporate Directors with the authority to incur expenditure against the individual budgets for which they are responsible.

7.2 Setting the Budget / Annual Rate of Council Tax

- 7.2.1 Each Corporate Director will prepare estimates of their future income and expenditure requirements in a format and within timescales determined by the CFO. In preparing these estimates, Corporate Directors must highlight any areas of potential risk or uncertainty, including possible demand or inflation pressures.
- 7.2.2 Subject to any overriding requirements of the Council, the CFO will specify the format of the annual revenue budget and the timing of any reports to the Executive and Council. The annual revenue budget should identify the resource allocations to individual policy, portfolio and service areas, and should be of sufficient detail to ensure proper accountability.
- 7.2.3 The Council will set the annual rate of council tax based on total council tax requirement.

8.0 CAPITAL STRATEGY AND PLAN

- 8.1 Capital expenditure is an important element in the development and delivery of the Council's services, supporting investment in new and improved assets or infrastructure. Investment in capital assets also creates potential future financial commitments and risks.
- 8.2 Corporate Capital Strategy
- 8.2.1 The Council should establish and maintain a corporate capital strategy. The strategy forms the foundation for the Council's long-term planning and delivery of its programme of capital investment. It also sets out the parameters for the capital plan, helping to ensure that limited capital resources are used efficiently to achieve the best possible outcomes for the Council and the wider community. The aims of the strategy are to ensure:
- capital investment is targeted towards supporting the Council's corporate objectives
 - the stewardship of assets is properly taken into account in capital planning
 - capital investment is prudent, sustainable and affordable and provides value for money
 - Members and officers have a common understanding of the long-term context in which investment decisions are made and all the financial risks to which the Council is exposed
 - capital projects are delivered on time and within budget
 - there is improved transparency at programme level along with a clear process for Member engagement
- 8.2.2 The CFO is responsible for keeping the Corporate Capital Strategy under review and for proposing any changes to the Executive, and Council for approval.
- 8.3 Capital Plan
- 8.3.1 The capital plan is a long-term programme of estimated capital expenditure and associated funding. The Council will approve the capital plan each year, recognising that the estimates may change as schemes progress to completion.
- 8.3.2 The capital plan will include all capital schemes including those proposed to be financed from revenue resources or external funding sources or the realisation of capital receipts from the disposal of surplus assets.
- 8.3.3 Schemes to be included in the capital plan include those whose cost, size, configuration, or policy significance require them to be individually identified, and annual programmes of planned expenditure for designated purposes.
- 8.3.4 The capital plan will be approved by the Council as part of the annual budget setting process. Following approval, the Executive has overall responsibility for monitoring the delivery of the capital plan.
- 8.3.5 Any specific issues relating to the capital plan should be brought to the attention of the Executive at the earliest opportunity. The CFO, in conjunction with the relevant Corporate Director(s) will provide advice to the Executive on how any such issues can be resolved.
- 8.3.6 The CFO will be responsible for the format of the capital plan and the timing of reports to the Executive, subject to any overriding requirements of the Council. The

minimum period for the capital plan will be three years. The capital plan will identify individual corporate and directorate schemes, grouped into three categories:

- rolling programmes of planned capital expenditure
- capital schemes (gross expenditure equal to or over £200,000)
- minor capital schemes (gross expenditure less than £200,000)

- 8.3.7 Each Corporate Director, in consultation with the CFO, should prepare a draft capital plan for their individual service area as part of the annual budget setting process. These service based plans should identify the proposed capital expenditure, and the associated sources of funding, at individual scheme or programme level. Individual schemes should only be included in a directorate capital plan following the preparation of a business case and a full project appraisal process undertaken in accordance with the guidelines contained in the asset management planning framework.
- 8.3.8 The CFO is responsible for preparing the overall capital plan for consideration by the Executive, and approval by the Council. The funding of the capital plan should be compatible with the treasury management policy statement of the Council.
- 8.3.9 Any new proposed capital scheme identified during the year will require the preparation of a business case by the relevant Corporate Director, in consultation with the CFO. The business case should set out the full financial implications of the scheme including whole life costs, the source(s) of funding, expected timescales and deliverables. Details of the scheme must be submitted to the Executive with a recommendation that it be added to the approved capital plan.

8.4 Incurring expenditure against the Capital Plan

- 8.4.1 Following approval of the capital plan, Corporate Directors will be able to incur expenditure on each identified scheme providing all necessary approvals from the Government and external funding bodies have been obtained.

8.5 Monitoring of the Capital Plan

- 8.5.1 Once the capital plan has been approved by the Council each Corporate Director should identify a responsible budget holder for each scheme in the directorate capital plan within the appropriate limits for budget delegation.
- 8.5.2 Designated budget holders are responsible for monitoring expenditure and, if appropriate, grant funding and other income, on a scheme by scheme basis against the approved directorate capital plan.
- 8.5.3 The CFO will provide financial advice to assist budget holders to fulfil their responsibilities, consulting with the relevant Corporate Director in circumstances where it appears that variations to the approved budget for a scheme will occur.
- 8.5.4 Corporate Directors are responsible for maintaining an ongoing review of all aspects of the capital plan for their Directorate taking account of materiality and risk. This review should be undertaken in conjunction with service managers, budget holders and the CFO. The results of the review should be reported to the relevant Portfolio Holder at least quarterly.
- 8.5.5 The CFO will provide a quarterly capital plan update to the Executive in a format

approved by the CFO. The report should highlight any material variations to schemes in the capital plan and include details of any proposed changes to the timing of expenditure between current and future years.

8.5.6 Corporate Directors are required to report the following to the Executive if:

- the actual or projected cost of a scheme has increased by more than £200,000 compared to the original budget estimate, and the increase cannot be managed within the overall approved directorate capital allocation
- it is necessary to delete or materially modify an existing approved capital scheme
- the loss or revision of any funding will affect the ability of the Directorate to complete its approved capital programme
- in accordance with virement rules there is any proposed transfer of resources between the revenue budget and the capital plan

8.5.7 If expenditure in excess of the approved directorate capital plan expenditure limit for that year is incurred due to an emergency or other unforeseen event, this must be reported to the CFO and relevant Portfolio Holder as soon as possible. Any significant expenditure of this nature must also be reported to the Executive.

9.0 FINANCIAL CONTROL AND BUDGET MANAGEMENT

9.1 Expenditure on behalf of the Council can only be committed against authorised budgets and in accordance with the policies for which the budget was established. Any significant addition to recurring costs or commitments in future years in excess of current budget provision or any proposed change in policy likely to affect the current approved budget and/or the MTFs must be reported to the Executive. The report should be prepared by the Corporate Director, in consultation with the CFO and, if necessary, the relevant Executive Member. The full financial implications of the proposed decision together with any remedial actions, including virements from other budgets, should be clearly set out. Any additional expenditure or commitments which cannot be accommodated within the existing budget and policy framework must be considered and approved by the Council.

9.2 The CFO should submit quarterly monitoring reports covering both revenue and capital budgets to the Executive.

9.3 Budget holders are required to:

- authorise expenditure only from budgets under their direct control. If a budget holder plans to incur expenditure which will be charged against another budget, they must obtain the prior approval of the relevant budget holder
- monitor income (including any grants) and expenditure against those specific budgets for which they are responsible throughout the financial year
- supply the CFO with sufficient information, as and when required, to enable accurate budget profiling and/or financial projections to be undertaken
- immediately report any unexpected discrepancies, errors or suspected fraudulent activity relating to their budgets to the HoA

9.4 Corporate Directors are required to:

- define budgetary control arrangements within their own Directorate and ensure these are operated in accordance with corporate guidance provided by the

CFO. This will include identifying responsible budget holders and the limits of their budgetary authority

- maintain an ongoing review of the budgets under their control. This review should be undertaken in conjunction with relevant Assistant Directors or Service Managers in their directorate, and the CFO. The results should be reported on a regular basis depending on materiality and risk, and at least quarterly to the relevant Portfolio Holder
- advise the CFO immediately if it becomes clear that they will be unable to balance expenditure or income within the approved budgets under their control. Any significant matters must be reported to the Executive
- report to the CFO and the relevant Executive Member, as soon as practicable, any expenditure incurred in excess of the approved net budget for the Directorate due to an emergency. Any significant overspend should also be reported to the Executive

9.5 The CFO is required to:

- provide financial advice to assist budget holders to fulfil their responsibilities, consulting their Corporate Director in circumstances where it appears that variations to the approved budget will occur
- report to the Executive at no less than quarterly intervals throughout the financial year including but not limited to virements requiring approval, service under and overspends impacting on the forecast outturn for current and future years, and the status of cash flow, contingency funds and working balances as appropriate
- report to Executive, as soon as possible, any significant expenditure incurred in excess of the approved net budget of a Directorate due to an emergency

9.6 With the assistance of each Corporate Director, the CFO will periodically report the forecast budget outturn for each directorate to the Executive. The CFO will also report the final budget outturn, as soon as practicable after the end of the financial year.

9.7 Proposals by Corporate Directors to carry forward specific budget underspends to the next financial year require the agreement of the CFO. The approval of the Executive is also required if the budget carry forward is equal to or over £500,000.

10.0 FINANCIAL MANAGEMENT PERMISSIONS

10.1 The CFO will maintain a schedule of permissions detailing the specific authorisations for all aspects of the Council's financial management and administration. The schedule will identify the designated officers and the relevant limits or thresholds of their authority. The schedule will include the limits for authorising orders, payments, budget virements, debt write-offs, asset purchases and disposals, payroll and establishment changes, and bids for external funding.

10.2 The schedule of permissions should also be read in conjunction with these Financial Procedure Rules. Where there is any doubt between the two, the Financial Procedure Rules will take precedence.

10.3 The CFO should ensure the schedule of permissions is readily available to all officers involved in the Council's financial management and administration. Additional guidance and instructions will be contained in the Financial Policies and Practices Manual.

- 10.4 The CFO will keep the schedule of permissions under review and make changes as required.

11.0 BUDGET VIREMENTS

- 11.1 A virement is the transfer of the approved budget provision between defined budget headings or cost centres. The scheme of virement is intended to enable Corporate Directors to manage their budgets with a degree of flexibility within the overall budget and policy framework determined by the Council, whilst maintaining a corporate system of overview to ensure the best use of resources.
- 11.2 Corporate Directors and budget holders are required to manage their budgets responsibly and to ensure that the Council's resources are used for their intended purposes. This includes avoiding expenditure of a recurring nature, or committing the Council to future expenditure, for which there is insufficient budget provision.
- 11.3 Budget virements are required where actual or planned changes are made to the delivery of council services and functions, or to individual capital programmes, and there is a corresponding change to the level of resources required. All proposed virements should be based on realistic and robust assumptions. Budget virements should not be used to hide unplanned or short-term variances in income or expenditure.
- 11.4 Corporate Directors are responsible for undertaking budget virements in accordance with these Rules and for informing the CFO as soon as practicable that such virements have taken place. The CFO is responsible for maintaining a record of all virements and for ensuring that they are reflected in the financial ledger of the Council at the earliest opportunity. The revised budget will be regarded as the baseline against which all subsequent virements will be referenced.
- 11.5 Council approval is required for all changes to the overall budget and policy framework.
- 11.6 The approval of the Executive is required if any proposed virement involves one or more of the following:
- a significant addition to recurring costs or commitments in future financial years (equal to or over £500,000 per annum)
 - any significant transfer(s) of resources between individual policy or portfolio areas (including between directorates or between corporate budgets and directorates) (equal to or over £500,000 in aggregate each financial year)
 - any transfer of resources between the Revenue Budget and the Capital Plan
 - any permitted transfer of resources between the General Fund and Housing Revenue Account
- 11.7 The CFO has the right to refer any proposed virement to the Executive for approval.
- 11.8 Corporate Directors can make virements within or between defined budget headings or cost centres under their control subject to the following approvals:

Value	Required action / approval
Less than £200,000	N/A
£200,000 - £500,000	Obtain approval of CFO
£500,001 - £1m	Obtain approval of the relevant Executive Member(s)
Over £1m	Obtain approval of the Executive

- 11.9 Corporate Directors must ensure that aggregate income and expenditure in each financial year balances to the net approved budget for their directorate. For each directorate, expenditure in excess of the approved budget is therefore permitted if it is directly and fully offset by an increase in fees, income or other financial contributions. Income received in excess of the budgeted amount for a directorate may be spent within the relevant service area or be transferred to a different budget heading or cost centre within the same directorate. Where appropriate the relevant budgets should be adjusted to reflect the changes made.

12.0 MAINTENANCE OF RESERVES AND PROVISIONS

- 12.1 Reserves are maintained to fund planned projects, future liabilities and to provide a contingency for unexpected events or emergencies.
- 12.2 Provisions are created for current liabilities where the final cost is not yet established or known.
- 12.3 The Council will maintain reserves on a risk basis over a minimum 3-year period and in accordance with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom and agreed accounting policies. The management of reserves will be aligned to the MTFS and the annual budget setting process.
- 12.4 It is a statutory responsibility of the CFO to advise the Council on the appropriate and adequate level of reserves and the robustness of the estimates, and to act on the advice of external audit in this matter. The Reserves Policy will set out the process for reviewing the adequacy and appropriateness of reserves.
- 12.5 The CFO will determine whether the Council's funds are held as general reserves or in an earmarked or restricted reserve. Earmarked reserves are created for a specific purpose and should only be used for that purpose. Any remaining balance should be transferred to another earmarked reserve or to general reserves once that purpose has been fulfilled. Restricted reserves are used for ringfenced funds required for statutory purposes or other specified reasons, for example capital receipts, developer contributions or to support the Housing Revenue Account.
- 12.6 The CFO will keep the reserves under review and should report at least annually to the Executive on the level and adequacy of the reserves held. The CFO should also detail the purpose for which any earmarked reserves are being maintained and the period over which they will be used.
- 12.7 Any budget underspends will normally be added to general reserves at the end of the financial year. Corporate Directors may instead request that specific budget

underspends are transferred to the following financial year. The reason for any underspend and the purpose for which the additional budget provision will be used should be set out in a business case. Any such transfer of budget provision is subject to the agreement of the CFO. The approval of the Executive is also required if the budget transfer is equal to or over £500,000.

- 12.8 Any budget overspends cannot be carried forward and will instead be funded from reserves. Where this is the case, the Corporate Director must prepare a report for the Executive to explain the reasons for the continuing overspend and the actions being taken to remedy the situation. In such circumstances, the CFO may issue directions to the Corporate Director to undertake additional budget monitoring, restrict expenditure in specific areas or repay any overspend from future years.
- 12.9 Corporate Directors should ensure that adequate provision is made for all current liabilities where payment has not yet been made. The level of provision should be kept under review and adjusted to reflect any change to the estimated liability.

13.0 EMERGENCY PROCEDURES

- 13.1 Nothing in the Financial Procedure Rules shall prevent expenditure being incurred where an emergency or disaster involving destruction of, or danger to, life or property occurs or is imminent. Where in the opinion of the relevant Corporate Director, in consultation with the relevant Executive Member, Chief Executive Officer, Monitoring Officer and the CFO, the urgency of the situation will not permit delay, necessary expenditure may be incurred.
- 13.2 Where significant expenditure of this nature is incurred then it must be reported to the relevant Executive Member and to the next meeting of the Executive. This includes any expenditure over £200,000 but may also include expenditure of a particularly sensitive or unusual nature. The CFO will decide whether the circumstances which gave rise to the emergency should also be reported to the Audit Committee.

14.0 FINANCIAL SYSTEMS AND RECORDS

- 14.1 Sound systems and procedures are essential to the effective management and administration of the Council's financial affairs.
- 14.2 The CFO is responsible for determining the Council's financial processes, and for ensuring they are applied properly and consistently in practice. The CFO is also responsible for implementing appropriate systems to manage and record the Council's budgets, income, expenditure, assets and liabilities. The CFO must therefore be consulted prior to the development, acquisition or implementation of all finance related IT systems or processes. Corporate Directors are required to address any concerns raised by the CFO before proceeding. Corporate Directors must also follow the Council's corporate project management framework when implementing any new IT systems or processes.
- 14.3 Corporate Directors must consult with the CFO before changing any existing financial systems or processes within their areas of responsibility. Corporate Directors should also establish and maintain controls to mitigate the risks of fraud, loss and error.
- 14.4 The main accounting system (including the general ledger and all related feeder systems) will provide the prime source of financial data for the Council's

management accounts, the preparation of the annual Statement of Accounts, and the submission of government returns. It is therefore essential that the system complies with all relevant legislation and proper accounting practice. It is also essential that all financial information is recorded accurately, completely and in a timely manner, and that any errors are detected promptly and rectified.

- 14.5 Control accounts should be established for all feeder systems. Regular reconciliations should be completed for all control accounts and any discrepancies investigated. Any significant variances should be reported to the CFO in a timely manner. All suspense accounts should also be subject to regular monitoring.
- 14.6 All corporate and directorate based financial systems, processes and controls should be documented.
- 14.7 Officers should receive appropriate training to perform their duties and to operate the Council's financial systems and processes.

15.0 STATUTORY ACCOUNTS AND EXTERNAL AUDIT

- 15.1 The Accounts and Audit Regulations 2015 require the CFO to prepare the Council's Statement of Accounts in accordance with proper accounting practice as represented by the 'Code of Practice on Local Authority Accounting in the United Kingdom' issued by Chartered Institute of Public Finance and Accountancy (CIPFA).
- 15.2 The Statement of Accounts should include details of the Council's Collection Fund and Housing Revenue Account, and any other statements or disclosures required for statutory purposes. The CFO will determine whether the Council's arms-length trading companies are included in consolidated group accounts.
- 15.3 The CFO must sign and date the Statement of Accounts and certify that the Statement of Accounts present a true and fair view of the Council's financial position at the end of the year to which they relate, and the income and expenditure for that financial year.
- 15.4 The CFO is responsible for ensuring the Statement of Accounts are made available for audit by the Council's appointed external auditor and are approved by the Audit Committee in accordance with relevant statutory timescales. The CFO must re-certify the Statement of Accounts before they are approved by the Audit Committee.
- 15.5 The CFO is responsible for working with the Council's appointed external auditor and for advising the Council, Executive, Audit Committee and Corporate Directors of their responsibilities in relation to external audit. The external auditor has extensive rights of access to all documents and information considered necessary for audit purposes. The external auditor may also require any Member or officer to provide explanations on any matter relating to the audit.
- 15.6 The duties and responsibilities of the external auditor derive from the Local Audit and Accountability Act 2014. The Code of Audit Practice, prepared by the National Audit Office, sets out the specific powers and responsibilities of the auditor. The Code of Audit Practice is reviewed and updated periodically.
- 15.7 The CFO is responsible for ensuring the Council's financial and accounting records are ready for audit, and in the format required by the external auditors. The CFO should also respond to the external auditor's enquiries in a timely manner.

- 15.8 The CFO should ensure the Audit Committee is made aware of any concerns raised by the external auditor in respect of the conduct of the audit, the Statement of Accounts, the accounting records, the system of internal control or the Council's arrangements to secure value for money. Where concerns are raised, the CFO in conjunction with the Audit Committee should prepare an action plan to address the issues.

16.0 REVIEW OF THE SYSTEM OF INTERNAL CONTROL

- 16.1 The CFO is responsible for arranging for an annual review of the effectiveness of the Council's system of internal control to be undertaken. The CFO should report the results of the review to the Audit Committee, and highlight any significant control weaknesses or governance issues identified.
- 16.2 The CFO is also responsible for preparing the Council's Annual Governance Statement. The Annual Governance Statement must be prepared in accordance with proper accounting practices, and should accurately reflect the results of the annual review of the system of internal control. The Annual Governance Statement should be approved the Audit Committee and be signed by the Leader of the Council and the Chief Executive Officer.
- 16.3 In preparing the Annual Governance Statement, the CFO should identify any areas of non-compliance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code, the Statement on the Role of the Chief Financial Officer in Local Government, the Statement on the Role of the Head of Internal Audit and the Code of Practice on Managing the Risk of Fraud and Corruption.
- 16.4 Corporate Directors are required to assist the CFO in completing the review of the system of internal control by providing the necessary assurances and identifying any significant control issues or weaknesses within their areas of responsibility.
- 16.5 The preparation and publication of the Annual Governance Statement in accordance with the Delivering Good Governance in Local Government: Framework (2016) fulfils the statutory requirements contained in the Accounts and Audit Regulations 2015.

17.0 RISK MANAGEMENT

- 17.1 Risk is defined as the chance or possibility of loss, damage or injury caused by an unwanted or uncertain action or event. It is measured in terms of likelihood and impact. Risk management is the range of coordinated processes, structures and culture adopted by the Council in order to identify, evaluate, monitor, control, and mitigate the risks it faces.
- 17.2 The Council is responsible for approving the Risk Management Policy.
- 17.3 The Audit Committee is responsible for promoting a culture of risk management awareness throughout the Council. Monitoring of the effectiveness of the Risk Management Policy is an essential part of that process.
- 17.4 The CFO has overall responsibility for the management of risk in the Council and for overseeing the application of the Risk Management Policy. The CFO will advise the Executive and Corporate Directors on all significant risk management matters.

The CFO should report to the Audit Committee at least annually on the effectiveness of the risk management systems and processes in place.

- 17.5 The Corporate Management Team is responsible for ensuring the Council adopts a consistent, comprehensive and integrated approach to the management of risk. This includes maintaining a corporate risk register which enables the Council's key strategic risks to be monitored and reported to the Audit Committee.
- 17.6 Corporate Directors should ensure procedures are in place to systematically identify, assess and mitigate the risks facing their individual service areas. These procedures should enable any new or emerging risks to be identified in a timely manner. Identified risks should be recorded and managed in service risk registers, with the most significant or cross-cutting risks included in the directorate risk register. Risks should be recorded and assessed in accordance with the principles set out in the Council's Risk Management Policy.
- 17.7 Directorate and corporate risks should be reported to the Audit Committee in accordance with an agreed timetable.
- 17.8 Corporate Directors, in consultation with the CFO, should prepare appropriate risk mitigation plans for all significant risks. These plans should be subject to regular monitoring and update.
- 17.9 The CFO will periodically review the Risk Management Policy and recommend any necessary changes to the Audit Committee for consideration prior to approval by the Council.
- 17.10 Corporate Directors should ensure that all reports to the Council's Executive or Executive Member which require a decision include adequate reference to the associated risks to enable a properly informed decision to be taken.

18.0 INTERNAL AUDIT

- 18.1 There is a statutory duty on the Council to undertake an internal audit of the effectiveness of its governance, risk management and control processes. Internal audit is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations.
- 18.2 To provide optimum benefit, the Council requires that internal audit works in partnership with management to improve the control environment and to help the organisation achieve its objectives.
- 18.3 The Chartered Institute of Public Finance and Accountancy (CIPFA) is responsible for setting standards for proper practice for local government internal audit in England. CIPFA has adopted the Public Sector Internal Audit Standards (PSIAS), which are compliant with the Institute of Internal Auditors' (IIA) International Standards. The PSIAS and CIPFA's local government application note for the standards represent proper practice for internal audit in local government.
- 18.4 The purpose, scope, authority and responsibility of internal audit is detailed in the Audit Charter, approved by the Audit Committee. The HoIA will periodically review the Audit Charter and recommend any necessary changes to the CFO for approval by the Audit Committee.
- 18.5 The CFO in conjunction with the HoIA should ensure that the Council's

arrangements for internal audit comply with the Chartered Institute of Public Finance and Accountancy (CIPFA) Statement on the Role of the Head of Internal Audit. Any areas of non-compliance and the reasons for these should be reported to the Audit Committee and be included in the Council's Annual Governance Statement.

- 18.6 The HoIA should seek to maintain a positive and effective working relationship with the CFO. The HoIA will notify the CFO of any matter that may have implications for the CFO in respect of their statutory responsibilities. The CFO will also consult with the HoIA on any significant proposals that may have implications for the Council's control environment or management of risk.
- 18.7 The HoIA will plan and deliver a risk based programme of work designed to objectively examine and evaluate the adequacy and effectiveness of the Council's governance, risk management and control processes. This will include the provision of assurance and advice in respect of major projects, programmes and policy initiatives. The HoIA should consult with the CFO, Corporate Directors and the Audit Committee when preparing the programme of work.
- 18.8 Internal audit will be allowed to act independently and objectively in the planning and delivery of work and without undue influence by either officers or Members.
- 18.9 The HoIA may communicate directly with the Leader of the Council, the Executive, the Chief Executive Officer, any Corporate Director, the Monitoring Officer, the Chair of the Audit Committee, and any Member or officer on any matter relevant to internal audit. The HoIA may also raise matters of concern relating the Council's financial management arrangements or processes directly with the external auditors.
- 18.10 The HoIA will provide an annual opinion to the Council on the framework of governance, control and risk management. The opinion and details of any qualifications to that opinion will be reported to the Audit Committee. The HoIA will also report any significant control weaknesses identified through internal audit work as part of the annual opinion report.
- 18.11 The CFO and the Audit Committee will determine whether any of the control weaknesses identified by the HoIA should be included in the Annual Governance Statement.
- 18.12 The Accounts and Audit Regulations 2015 require Members and officers to make available any documents and records, and provide such information and explanations as may be required by internal audit. In addition, the Council grants internal audit staff the authority to:
 - enter all Council premises or land, at any reasonable time
 - have access to all data, records, documents, correspondence, or other information - in whatever form - relating to the activities of the Council
 - have access to any assets of the Council and to require any officer of the Council to produce any assets under their control
 - have access to the Council's partnerships and arms-length bodies where appropriate
- 18.13 Where appropriate, contracts to supply Council services or functions should grant internal audit the right of access to examine records, documents and other

information relating to the supplier's arrangements.

- 18.14 It is the responsibility of Council officers to consider and respond promptly to audit reports and to ensure all agreed actions are implemented in a timely and efficient manner. Officers should also provide confirmation and evidence that agreed actions have been implemented if requested to by internal audit.
- 18.15 The HoIA will escalate any matters of concern to the CFO and, if necessary, the Audit Committee.
- 18.16 The HoIA will also report to the CFO and, if necessary, the Audit Committee any instances where internal audit independence or objectivity is likely to be compromised, together with any planned remedial action.
- 18.17 The CFO should ensure that internal audit is adequately resourced to undertake its responsibilities. The CFO will also protect and promote the independence and rights of internal audit to enable it to conduct its work effectively and to report as necessary.

19.0 TREASURY MANAGEMENT

- 19.1 The Council is responsible for approving the Treasury Management Policy Statement (TMPS), which sets out the objectives and approach to the effective risk management of the Council's treasury management activities.
- 19.2 The CFO is responsible for maintaining suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve the Council's objectives, and prescribing how it will manage and control those activities
- 19.3 The TMPS and related treasury management practices must comply with all relevant statutory and regulatory requirements including:
 - Local Government Act 2003 or any successor legislation
 - Chartered Institute of Public Finance and Accountancy (CIPFA) - Prudential and Treasury Management Codes of Practice
 - Department for Levelling Up, Housing and Communities (DLUHC) Minimum Revenue Provision (MRP) and Investment Guidance
- 19.4 The CFO is also responsible for exercising the Council's borrowing and investment activities in compliance with the treasury management policies, and for monitoring compliance with the relevant Codes of Practice.
- 19.5 The CFO is responsible for reporting to the Audit Committee, the Executive and Council on the effectiveness of the treasury management policies and practices, and the achievement of the related objectives. The CFO should report the annual treasury management and investment strategy, and the associated prudential borrowing indicators to the Council in advance of the financial year. The CFO should also report quarterly to the Executive and Audit Committee on treasury management performance, and present an annual report on both treasury management and prudential borrowing indicators, setting out full details of activities and performance during the preceding financial year.
- 19.6 The CFO will meet periodically with the relevant Portfolio Holder to consider and review issues arising from the day to day treasury management activities.

- 19.7 The Audit Committee is responsible for monitoring the effectiveness of the Council's treasury management procedures and practices.
- 19.8 The CFO should periodically review the Treasury Management Policy Statement (TMPS) and associated management practices to ensure they continue to comply with relevant statutory and regulatory requirements, and best practice. The CFO should consult the Audit Committee and the Executive on any proposed changes to the TMPS, prior to approval by the Council.

20.0 ASSET MANAGEMENT

- 20.1 For the purposes of the Financial Procedure Rules, the term asset includes furniture, fittings, vehicles, plant, cash and cash equivalents, and operational equipment. It also includes intangible assets including licences, loans and investments. The acquisition and disposal of all land and property assets is covered by the Property Procedure Rules.
- 20.2 The CFO will determine the administrative and accounting arrangements for recording the acquisition and disposal of assets, and the maintenance of asset registers.
- 20.3 Appropriate security measures should be adopted to protect and safeguard the Council's assets, particularly items of high value or those susceptible to theft or damage. This includes protecting the Council's information technology systems from the threat of cyber-attack.
- 20.4 The Council's assets should only be used for legitimate purposes and to support the delivery of the Council's services and operational activities. Assets should not be made available to third parties or be used for other purposes without the prior approval of the relevant Corporate Director in consultation with the CFO.
- 20.5 Where required, assets should be appropriately security marked and insured. Corporate Directors are responsible for providing the CFO with the information required in order to arrange the Council's insurance.
- 20.6 Cash or cash equivalents held on any Council premises should not exceed the sums for which the Council is insured. If necessary for operational reasons, the CFO may approve temporary increases to safe limits and the value of cash or cash equivalents which may be held.
- 20.7 Assets should only be acquired where there is budgetary provision and the relevant approvals have been obtained. The relevant Procurement and Contract Procedure Rules should also be followed.
- 20.8 Assets should be properly maintained throughout their useful life. Where an asset is no longer required for operational or investment purposes, it should be disposed of.
- 20.9 Corporate Directors are responsible for maintaining effective business continuity and disaster recovery plans to mitigate possible loss or damage to the Council's assets.
- 20.10 Leasing Agreements
- 20.10.1 Corporate Directors must inform the CFO if they are considering the use of any type

of leasing agreement to finance the acquisition of an asset. The CFO is responsible for negotiating and agreeing the terms of all proposed leasing agreements. No lease agreements should be entered into without the approval of the CFO.

20.10.2 Corporate Directors must ensure the terms and conditions of the relevant leasing agreement are complied with, particularly in respect of wear and tear, or the residual condition of the asset at the end of the leasing period.

20.10.3 A full inventory of all leased assets valued over £20,000 must also be maintained by the Corporate Director.

20.10.4 Any assets subject to a leasing agreement must not be disposed of without the prior consent of the CFO. The CFO will be responsible for notifying the lease company of the intended disposal and for obtaining their consent.

20.11 Loans and investments

20.11.1 Corporate Directors must inform the CFO if they are considering making loans to third parties or entering into other types of investment for commercial or non-commercial purposes. The CFO is responsible for negotiating and agreeing the terms of all loan agreements and investments entered into by the Council.

20.12 Disposal of assets (excluding land and property)

20.12.1 The maximum economic benefit for the Council should be obtained for all asset disposals. Prior to the disposal of an asset, Corporate Directors must:

- ensure that the asset is of no use to any other Directorate
- for assets subject to a leasing agreement consult the CFO
- confirm whether the asset was purchased using grant funding, and if so, ensure the disposal and the allocation of proceeds complies with the relevant grant conditions
- notify the CFO of the intention to dispose of any item which might be regarded as a capital asset

20.12.2 If the asset disposal is subject to grant conditions then those conditions will take precedence, otherwise all disposals must follow these rules.

20.12.3 All surplus assets must be sold for the highest price unless the interests of the Council would be better served by disposing of the asset by an alternative method. The expected costs of disposal should be considered as part of any decision. Where an alternative method is used to dispose of an asset for less than its market value then a record must be kept of the options considered and the reason for adopting this approach.

20.12.4 Corporate Directors may dispose of assets subject to the following approvals:

Estimated Disposal Value	Required action / approval
Less than £50,000	N/A
£50,000 - £100,000	Obtain approval of the CFO
£100,001 - £200,000	Obtain approval of the relevant Executive Member
Over £200,000	Obtain approval of the Executive

20.12.5 Corporate Directors may dispose of a number of assets simultaneously if their aggregate estimated disposal value is less than £50,000. If the estimated aggregate disposal value is £50,000 or more then the approvals set out above will apply.

20.12.6 Low value, damaged or obsolete assets with an aggregate estimated market value of less than £5,000, can be disposed of by alternative methods following guidance contained in the Financial Policies and Practices Manual.

20.12.7 A record of all asset disposals should be maintained. Corporate Directors must also consider data protection issues when disposing of assets and ensure compliance with the Council's relevant information security and data protection policies.

20.13 Asset register

20.13.1 The CFO has overall responsibility for maintaining the Council's asset register. The asset register should record details of all assets owned by the Council together with their values. The CFO will determine the categories and values of assets to be recorded in the register. The register should be kept under review and updated as required.

20.13.2 Corporate Directors are responsible for providing any information required to the CFO in order to maintain the asset register, including the details of all asset disposals

20.13.3 The CFO may request confirmation of an asset's existence and current condition from a Corporate Director.

21.0 STOCKS AND INVENTORIES

21.1 The Council holds stocks of various goods and materials to support the delivery of services. It is essential that these stocks and stores are appropriately safeguarded to prevent theft, misuse or damage.

21.2 Corporate Directors are responsible for maintaining written inventories (in a form approved by the CFO) of all stocks of goods and materials, where the aggregate value of those stocks is over £10,000.

21.3 Periodic reconciliations should be undertaken to confirm the completeness and accuracy of the inventory records. An independent check of all inventories should be completed at least annually. All stock discrepancies should be investigated. Any individual stock discrepancies over £10,000 must also be reported to the CFO

and HoIA.

- 21.4 Corporate Directors may arrange for the disposal of unrequired stock or inventory items but should ensure the maximum benefit is obtained for the Council from any disposal. The CFO will provide guidance on appropriate disposal methods. All disposals of stock and inventories are also subject to the following approvals:

Estimated Disposal Value	Required action / approval
Less than £20,000	N/A
£20,000 - £100,000	Obtain approval of the CFO in consultation with the relevant Executive Member(s)
Over £100,000	Obtain approval of the Executive

- 21.5 Corporate Directors may also write off stock and adjust for inventory deficiencies subject to the following approvals:

Estimated Disposal Value	Required action / approval
Less than £10,000	N/A
£10,000 - £50,000	Obtain approval of the CFO in consultation with the relevant Executive Member(s)
Over £50,000	Obtain approval of the Executive

22.0 PREVENTING FRAUD AND CORRUPTION

- 22.1 Fraud and corruption is a significant risk to the Council. Any fraud committed against the Council effectively constitutes a theft of taxpayer's money. It is unlawful and deprives the Council of resources which should be available to provide services to the public. The Council has therefore established a counter fraud function to support the prevention, detection and investigation of possible fraud. The Council will also adopt measures to help deter the risk of fraud, including publicising the outcomes of counter fraud work. The counter fraud function reports to the HoIA.

- 22.2 For the purposes of the Financial Procedure Rules, the term fraud is used broadly and includes:

- acts which would fall under the definition in the Fraud Act (2006) or any successor legislation
- anything which may be deemed fraudulent in accordance with the generally held view of fraud as causing loss or making a gain at the expense of someone by deception and dishonest means
- any offences which fall under the Council Tax Reduction Schemes Regulations (2013) and the Prevention of Social Housing Fraud Act (2013) or any successor legislation
- any act of bribery or corruption including specific offences covered by the Bribery Act (2010) or any successor legislation

- acts of theft
 - any other irregularity which is to the detriment of the Council whether financially or otherwise, or by which someone gains benefit they are not entitled to
- 22.3 The Council will not tolerate fraud or corruption in the administration of its responsibilities, whether perpetrated by Members, officers, customers of its services, third party organisations contracting with it to provide goods and/or services, or other agencies with which it has any business dealings. There is a basic expectation that Members, employees, and contractors' staff will act with integrity and with due regard to matters of probity and propriety.
- 22.4 The CFO should ensure that the Council establishes and maintains effective counter fraud and anti-corruption arrangements.
- 22.5 The Council's arrangements for the prevention, detection and investigation of suspected fraud will be set out in relevant policies, approved by the Audit Committee. The Audit Committee will also review and approve the counter fraud strategy. The HoIA will periodically review the strategy and policies and recommend any necessary changes to the CFO prior to approval by the Audit Committee
- 22.6 Members and officers should immediately notify the HoIA of any suspected fraud, corruption, error, or wrongdoing, or any circumstances which might suggest the possibility of irregularity in the exercise of any of the Council's functions or related to the delivery of any of the Council's services.
- 22.7 The HoIA will determine the scope of any fraud investigations, subject to consultation with the CFO, Monitoring Officer, Human Resources and the appropriate Corporate Director as required.
- 22.8 The HoIA will decide whether any matter under investigation should be referred to the police or other agencies, subject to consultation with the CFO, Monitoring Officer and the appropriate Corporate Director as required.
- 22.9 As a further deterrent, and to minimise losses, the Council will attempt to recover any losses incurred through civil or legal action. In addition, the Council will seek to apply any appropriate fines or penalties, and recover any costs incurred in investigating and prosecuting cases.
- 22.10 The Monitoring Officer is the Council's Chief Money Laundering Compliance Officer (CMLCO) and has overall responsibility for monitoring anti-money laundering policy, regulations and procedures. The CMLCO will ensure appropriate procedures for regulated activity are in place and obtain approval of the policy from the Audit Committee. Corporate Directors should inform the CMLCO of all circumstances where regulated activity is likely to be taking place. The CMLCO will ensure that Directorates undertaking regulated activity have appropriate training and risk assessments in place.
- 22.11 The CLMCO will appoint a Money Laundering Reporting Officer (MLRO) and deputy MLRO. The MLRO is responsible for maintaining the Council's money laundering reporting procedures, raising awareness of possible money laundering issues within the Council and for reporting concerns to the National Crime Agency (NCA) when they arise.

23.0 INCOME AND ACCOUNTS RECEIVABLE

- 23.1 Effective income collection systems are necessary to ensure that all of the income due to the Council is identified, collected, receipted and banked properly. Where possible income should be collected in advance to improve cash flow and to avoid the risks and costs of debt recovery.
- 23.2 Fees and Charges
- 23.2.1 The Council is responsible for approving the fees and charges policy. Any departure from the approved policy requires the approval of the Executive. Unless permitted all fees and charges should be subject to annual review. The CFO will provide detailed guidance on the setting and review of fees and charges. Corporate Directors are responsible for the establishment and ongoing review of fees and charges payable in respect of the services and functions provided by their directorate.
- 23.2.2 A full list of the current year's approved fees and charges should be made available on the Council's website. The fees and charges for the following financial year should be published on the website by 31 December of the preceding year.
- 23.2.3 The correct rate of VAT should be applied to all fees and charges.
- 23.3 Commercial rents
- 23.3.1 Commercial rents should be reviewed and increased in line with the relevant tenancy agreements. The CFO may authorise the granting of rent-free periods for a maximum of 6 months or rent rebates in specific circumstances subject to consultation with the Monitoring Officer. A record of the decision must be retained where this occurs. The Monitoring Officer should also be consulted on possible subsidy implications if the proposed rent for a commercial property is below the current market rate.
- 23.4 Housing rents
- 23.4.1 Housing rents should be set and increased annually in line with the Council's rent policy, relevant tenancy agreements and guidance issued by the Regulator of Social Housing.
- 23.5 Council Tax and National Non-Domestic Rates
- 23.5.1 The setting and collection of council tax and non-domestic rates is determined by legislation. The Council will set the annual rate of council tax by dividing the total council tax requirement by the council tax base. The Council may also apply specific levies to fund designated services if permitted by legislation. Other bodies in North Yorkshire including parish and town councils, and the North Yorkshire Police, Fire and Crime Commissioner may raise a precept on the council tax bills raised by the Council.
- 23.5.2 The CFO is responsible for determining the administrative and accounting arrangements for the Council Tax collection fund. This includes approving the Council Tax base estimates.
- 23.5.3 As a billing authority, the Council will apply the relevant multiplier to the rateable value of each business property.
- 23.6 Grant income

23.6.1 Refer below to section 28 – Grants and External Funding.

23.7 Asset sales

23.7.1 Refer to above section 20 – Asset Management.

23.8 Accounts receivable and the administration of debt

- 23.8.1 Corporate Directors should agree with the CFO the administrative and accounting arrangements for the collection of each type of income. The collection of income and the recovery of debts will normally be the responsibility of the CFO. Any alternative arrangements for the collection of income require the prior written approval of the CFO.
- 23.8.2 Where possible income should be paid directly to the Council by bank transfer or through the Council's automated payment systems. Cheques received on behalf of the Council should, as soon as practicable, be banked. The only exception to this arrangement applies to maintained schools operating to the LMS Financial Procedure Rules as defined in section 37 below. Payment by cash is only permitted where alternative methods of payment are not practicable and with the prior written approval of the CFO.
- 23.8.3 Where a debt remains unpaid the CFO is authorised to agree repayment terms with the debtor or to take other recovery action as appropriate.
- 23.8.4 The CFO will agree with the Head of Legal Services the arrangements for debt recovery including the process for commencing civil debt recovery through the courts, the recovery of costs and the use of enforcement agents. The specific responsibilities and approach to debt recovery will be included in a debt management policy. The policy will set out expectations for the use of responsible debt collections methods, management of all debts owned by the individual or organisation, and enforcement activities.
- 23.8.5 Income due to the Council should be banked in full and should not be used to offset payments due by the Council.

23.9 Debt write-off

- 23.9.1 Debts should only be written off once all reasonable attempts to recover the debt have been exhausted or where it would prove uneconomical to pursue the debt further.
- 23.9.2 The procedure for writing off debts is:

Value	Required action / approval
Less than £50,000	Approval of the CFO only
£50,000 - £100,000	Approval of the CFO in consultation with the relevant Corporate Director(s)
£100,001 - £200,000	Approval of the CFO in consultation with the relevant Executive Member(s)

Over £200,000	Obtain approval of the Executive

23.9.3 The CFO has the right to refer any proposed debt write off to the Executive for approval.

23.9.4 The CFO will maintain a record of all debts written off each financial year including details of the attempted recovery action taken and the reasons for non-recovery.

23.9.5 Where a number of debts for the same debtor are being written off simultaneously, the aggregate value of those debts should be used to determine the approval required.

23.9.6 To ensure appropriate separation of duty, officers with responsibility for debt recovery and write off should not be involved in income collection.

23.10 Adjustments

23.10.1 Invoices which have been raised in error or the details are incorrect can be cancelled. The reasons for cancellation must be retained.

23.10.2 To ensure appropriate separation of duty, officers with responsibility for debt cancellation should not be involved in income collection.

23.11 Waiving a charge

23.11.1 In some circumstances it may be appropriate to waive a charge. A waiver should only be granted if the specific charging scheme permits this and there are legitimate and appropriate reasons for doing so. Examples include cases of financial hardship and where there are compassionate reasons for waiving the charge. Corporate Directors may waive charges of less than £10,000. Any waiver over this requires the approval of the CFO. A full record of the reasons for the waiver must also be retained.

24.0 **ORDERING AND ACCOUNTS PAYABLE**

24.1 All works, goods and services must be ordered in accordance with the Procurement and Contract Procedure Rules.

24.2 Members and Officers must also comply with respective Council rules and arrangements regarding the registration and declaration of any interests which may conflict with their role in Council business.

24.3 The CFO in consultation with the Monitoring Officer is responsible for determining the format of the Council's purchase orders and the associated standard terms and conditions.

24.4 Corporate Directors must use the Council's standard ordering system to raise purchase orders for all works, goods and services. The only exceptions are:

- where the supplier is on the list of exempt suppliers
- the expenditure has been incurred through petty cash or by using a procurement card
- the expenditure was incurred as a result of an emergency and the urgency of the situation would not permit a delay

- 24.5 All budget holders are responsible for ensuring that orders are only raised where there is an approved budget, and for maintaining proper records to support all purchasing decisions and transactions.
- 24.6 Purchase orders may only be raised and approved by designated officers, and in accordance with the approved financial management permissions.
- 24.7 The support and advice of the Corporate Procurement and Contract Management Team must be obtained for all significant, complex or more specialist purchasing transactions.
- 24.8 All works, goods and services should be checked to ensure they have been delivered in accordance with the original order. Any discrepancies must be identified and rectified before payment is authorised.
- 24.9 Invoices should only be approved once officers are satisfied that the correct charges have been applied and the identified works, goods or services have been received. All approvals must be in accordance with the limits set out in the financial management permissions. Where VAT has been charged it is essential that a valid tax invoice is provided by the supplier.
- 24.10 To ensure adequate segregation of duties, a different officer should authorise the order, confirm receipt and approve the invoice for payment. The CFO may agree alternative procedures for low value orders. Any alternative procedures must be documented and kept under review.
- 24.11 The CFO will determine the Council's standard payment terms and keep these under review. The CFO may agree different payment terms for small or medium suppliers and where prompt payment would be beneficial for the Council.
- 24.12 To ensure prompt payment, officers must ensure that invoices are matched to orders and authorised in a timely manner. Unmatched orders and invoices should also be monitored and followed up as required.
- 24.13 The CFO will establish a procedure for authorising and processing ad-hoc payments where there is no invoice. Such payments will include insurance settlements, grant payments, and fees or subscriptions which need to be paid in advance.
- 24.14 The CFO is responsible for ensuring all payments are made to the correct person or entity, and for the correct amount. The CFO must establish processes to verify creditor payment details when new suppliers are set up on the accounts payable system and for all subsequent changes. The CFO must also establish processes to identify potentially duplicate payments.
- 24.15 The CFO is also responsible for ensuring invoice and payment details are properly recorded in the Council's main accounting system and the expenditure is reflected against the relevant budget codes.

25.0 BANKING

- 25.1 The CFO is authorised to operate any bank accounts considered necessary for the effective management and administration of the Councils' services and functions. All arrangements for the operation, supervision and closure of the Council's bank

account(s) will be made by the CFO. Officers must not open bank accounts in the name of the Council unless they are acting on the instructions of the CFO.

- 25.2 The CFO will also make arrangements for the use and control of procurement cards for the payment of goods and services, and the operation of petty cash imprest accounts. The CFO will prepare specific guidance notes and instructions for both procurement cards and petty cash imprest accounts.
- 25.3 All bank accounts, petty cash imprest accounts and procurement card statements must be reconciled at least monthly. Any significant variances should be reported to the CFO in a timely manner.
- 25.4 Officers should be alert to the risks of money laundering and must report any suspicious activity or irregular banking transactions to the Council's designated Money Laundering Reporting Officer (MLRO).

26.0 PAYROLL AND EXPENSES

- 26.1 Employee related payroll related expenditure forms a significant part of the Council's budget and must therefore be accounted for correctly and accurately.
- 26.2 For the purposes of the Financial Procedure Rules, employee related payroll payments include:
- Monthly salaries
 - Overtime
 - Allowances
 - Travel and other expenses
 - Pensions (to former employees)
 - Redundancy payments and pay in lieu of notice.
- 26.3 All taxable expenses must be paid through the Council's payroll system. Managers should certify all travel and subsistence claims and ensure that claims are legitimate. Any unexplained discrepancies should be reported to the HoIA.
- 26.4 For all transactions and payroll related matters, the appropriate documentation and timetables, issued by HR must be followed. Copies of all relevant records should be retained in accordance with the Council's approved document retention period.
- 26.5 To ensure the Council complies with HM Revenue and Customs IR35, checks must be completed in accordance with agreed HR procedures before payments are made to contractors or agency workers.
- 26.6 Corporate Directors are responsible for ensuring all new appointments are made in accordance with the Council's approved establishments, grades, scales of pay and that adequate budget provision is available for the current financial year and subsequent years.
- 26.7 Corporate Directors are also responsible for ensuring all leavers are processed in a timely manner to avoid overpayments occurring.
- 26.8 The CFO is responsible for ensuring that regular reconciliations are undertaken between the Council's payroll system and the main accounting system (general ledger) to verify the accuracy and completeness of the payroll costing file. A similar

reconciliation should be undertaken with the pension system.

27.0 INSURANCE

- 27.1 The Council should have sufficient and adequate insurance cover to protect itself from the risk of financial claims arising from unforeseen events such as the theft of assets, damage to property, or injury to employees and the public.
- 27.2 Insurance has been the traditional means for transferring risk and protecting against such losses. By minimising or even preventing the incidence of losses, the Council may benefit from reduced insurance and related administrative costs. Corporate Directors therefore have a responsibility to identify, assess, prevent or contain all significant operational risks within their directorates.
- 27.3 The CFO is responsible for arranging all insurance on behalf of the Council and for providing advice to the Executive on the level of insurance cover required.
- 27.4 Corporate Directors must not admit liability or make any offer to pay compensation in respect of any claim. The CFO has sole responsibility for managing and negotiating all claims made against the Council, using specialist claim handlers as required. The CFO may require Corporate Directors to provide information and evidence relevant to any claim.
- 27.5 The CFO will also determine the level of self-insurance to be accepted for some risks and the value of reserves necessary to adequately fund future liabilities.
- 27.6 Corporate Directors must notify the CFO of any:
- event or incident which may result in a claim being made against the Council and/or its insurers
 - new risks which might require to be insured, together with details of any changed circumstances which might affect existing risks
 - other action(s) taken which might affect the Council's current or future insurance arrangements.

28.0 GRANTS AND EXTERNAL FUNDING

- 28.1 External funding can provide an important source of income to the Council but grant conditions must be carefully examined before any application is submitted or agreement is entered into to ensure they are compatible with the Council's aims and objectives. Grant conditions may also result in the Council committing to future expenditure for which there is no budget provision. A risk assessment must therefore be completed and documented to ensure all potential financial obligations and future liabilities are properly identified.
- 28.2 The CFO will provide detailed procedural guidance to follow when applying for grant or other external funding, and before any offers of funding are accepted.
- 28.3 Corporate Directors should consult with the CFO in all circumstances where applications for grants or other external funding are being considered.

Applying for a Grant

- 28.4 The following approvals are required before applications are submitted. The limits

apply to the aggregate level of funding where the grant is to be paid in instalments.

Estimated Value of Grant	Required action / approval
~~Less than £500,000~~ <u>Any Value</u>	Corporate Director in consultation with CFO
~~£500,000 and over~~	~~Obtain approval of the CFO in consultation with the Executive Member for Finance and other relevant Executive Member(s)*~~

* Recurring grants and external funding (a grant/funding which has been applied for previously with no substantial change to grant conditions or delivery of the grant) require consultation with the relevant Executive Member(s) at the discretion of the CFO.

Accepting a Grant or External Funding

- 28.5 The following approvals are required before any offers of grant or other external funding are accepted:

New, discretionary grants and external funding (a new grant/funding which at the discretion of the Council to apply for and has not been applied for previously):

Value of Grant Offer	Required action / approval
~~Less than £500,000~~ <u>Up to £1m</u>	Obtain approval of the CFO
~~£500,000 – £1m~~	~~Obtain approval of the relevant Executive Member(s) in consultation with the CFO and the Executive Member for Finance~~
Over £1m	Obtain approval of the Executive
<u>York and North Yorkshire Combined Authority Grant – Any value</u>	<u>CFO (in practice in consultation with the relevant Corporate Director).</u>

Recurring grants and external funding (a grant which has been applied for previously with no substantial change to delivery of the grant):

Estimated Value of Grant	Required action/approval
~~Less than £500,000~~ <u>Up to £1m</u>	Corporate Director to inform the CFO
~~£500,000 and over~~ <u>Over £1m</u>	Obtain approval of the CFO in consultation with the Executive Member for Finance and other relevant Executive Member(s) as necessary
<u>York and North Yorkshire Combined Authority Grant –</u>	<u>CFO (in practice in consultation with the relevant Corporate Director).</u>

Any value

Direct award grants (grant provided directly to the Council where there is no application requirement):

Type of grant	Required action/approval
Direct Award grant	Corporate Director to inform the CFO

- 28.6 Corporate Directors are responsible for ensuring all grant conditions are complied with and the required approvals and certifications are obtained before submitting claims or returns to the relevant funding bodies.

29.0 PARTNERSHIPS

- 29.1 The Council provides a leadership role for the community and by working in partnership with other organisations can help to promote or improve the economic, social and environmental well-being of its area. However, working in partnership can also present a number of risks.
- 29.2 All partnerships with outside bodies (including other local authorities, the NHS, government agencies, education bodies, private sector companies, voluntary sector organisations and community groups) must therefore be properly evaluated before they are entered into, and be supported by appropriate governance, accounting and audit arrangements. No partnership should be considered unless it can be shown that there are clear benefits to the Council and the proposed arrangement is compatible with the Council's aims and objectives
- 29.3 The form of partnership may also differ. Partnerships involving joint decision making and the sharing of budgets and other resources to deliver services will require a formal agreement. Other partnerships will be more informal and simply provide a forum to share information and to consult on future plans.
- 29.4 The Council's partnership governance risk assessment must be completed whenever a partnership is being considered. Any proposed arrangement which is assessed as high or medium risk should then be subject to a full assessment using the approved partnership governance guidance and toolkit. In addition, a full assessment must be completed for all cases where the Council's financial contribution to the partnership is expected to exceed £200,000 per annum. In calculating the Council's financial contribution any grant or external funding for which the Council is acting as the Accountable Body should be included in the total.
- 29.5 Where a partnership is considered to be in the Council's interests, Corporate Directors, in consultation with the CFO and Monitoring Officer, should agree appropriate terms and conditions with the other partner organisation(s). Depending on the form of partnership, Corporate Directors should also comply with the Procurement and Contract Procedure Rules where these apply. The CFO must also be satisfied that the accounting and audit arrangements are appropriate for the size and type of partnership, and the legal framework must be agreed by all the partners.
- 29.6 Unless otherwise approved by the CFO, the partnership must adopt the Council's Financial, Property, Procurement and Contract Procedure Rules where the Council

is to be the designated accountable body.

29.7 Other partnerships will be expected to adopt appropriate governance arrangements.

29.8 The Audit Committee is responsible for monitoring the governance arrangements in place for the Council's key partnerships. The CFO should report to the Audit Committee at least annually on these partnerships.

30.0 ACCOUNTABLE BODY STATUS

30.1 The approval of the CFO must be obtained before the Council agrees to act as the designated accountable body for any partnership or funding arrangement.

31.0 GRANTS TO THE COMMUNITY AND OTHER ORGANISATIONS

31.1 The Council works with many voluntary, community and social enterprise (VCSE) organisations to deliver services and to help achieve the Council's aims and objectives.

31.2 Corporate Directors should refer to the Procurement and Contract Rules when establishing grant schemes or paying grants. Grant conditions must be agreed and communicated to community and other organisations before bids for funding are invited and assessed. The conditions should include provision to recover funding in the event that the conditions are not fulfilled, the rights of audit, and the requirements for document retention.

31.3 The grant recipient must submit evidence of expenditure incurred and the achievement of required objectives in accordance with the published grant conditions.

32.0 COMMERCIAL ACTIVITIES AND INTERESTS

32.1 The Council undertakes a range of commercial activities delivered by in-house services or through arms-length trading companies. These commercial activities are intended to deliver a return on investment and/or provide other added value to the Council. However, there are also financial and other risks associated with trading operations.

32.2 All new proposed trading operations and commercial activities therefore require the preparation of a business case by the relevant Corporate Director and the approval of the CFO before they commence.

32.3 If the trading operation or commercial activity requires the formation of a company then the approval of the Executive is also required.

32.4 The business case should include:

- the key business objectives, and how these fit with the Council's overall aims and objectives
- a full description of the legal powers and financial implications of the trading activity
- a list of the key risks, and how these will be mitigated
- a forecast of income and expenditure (including estimates of overhead costs) for the next three years

- the proposed accounting, audit and governance arrangements
- 32.5 The CFO will determine the minimum financial reporting requirements for the trading operation or commercial activity. The Monitoring Officer, in consultation with the CFO, will determine the legal and governance framework of the trading operation or commercial activity where it is delivered through a company. Each trading operation should prepare an annual business plan which includes a budget or financial forecast, objectives and targets. Performance against these objectives and targets should be reported regularly throughout the year.
- 32.6 The performance of Council owned companies should be reported to the Shareholder Committee at least annually.
- 32.7 Any proposed loan or grant by the Council to a trading operation or commercial activity requires the approval of the CFO. The approval of the Executive is also required if the loan or grant is over £500,000. Where a number of loans or grants have been made in a financial year then the aggregate value should be used to determine the approval required.
- 32.8 The CFO, in consultation with the Monitoring Officer, should report any concerns about the financial management of a trading operation or commercial activity to the Audit Committee, Shareholder Committee and/or the Executive as deemed appropriate.

33.0 HARBOUR ACCOUNTS

- 33.1 The CFO will determine the administrative and accounting arrangements for Scarborough and Whitby harbours, including the use of earmarked reserves and the apportionment of costs and other recharges from the general fund.
- 33.2 The CFO is responsible for preparing an annual income and expenditure statement for both harbours.

34.0 DEVELOPER CONTRIBUTIONS

- 34.1 Financial and non-financial contributions from developers support investment in infrastructure and the provision of public amenities within local communities. Contributions can be secured by way of Section 106 agreements (Town and Country Planning Act 1990) or through Community Infrastructure Levy (CIL) planning charges.
- 34.2 The Council's Planning and Development Service is responsible for monitoring s106 agreements and for ensuring any financial contributions are received once the relevant planning conditions are met.
- 34.3 The CFO is responsible for recording all financial contributions received and for establishing processes to monitor the use of the funding. The Planning and Development Service will ensure financial and non-financial contributions are used for their intended purpose and in accordance with the Council's policies. This will include consulting with relevant agencies and elected members as required.
- 34.4 The CFO is also responsible for publishing an annual Infrastructure Funding Statement (IFS), showing the value of CIL charges and s106 contributions collected, the total expenditure incurred on related infrastructure and public amenities, and the purposes for which the funding was used.

35.0 HOUSING REVENUE ACCOUNT

- 35.1 The Council is a housing landlord and provides properties for use by its tenants. The housing revenue account is a ring-fenced account within the Council's general fund which is used to record all income and expenditure in respect of the Council's housing stock and related services.
- 35.2 The long-term strategic aims and objectives for the management of the Council's housing stock will be set out in a 30-year Housing Revenue Account (HRA) business plan. The HRA business plan will include details of investment and funding plans.
- 35.3 The CFO will determine the administrative and accounting arrangements for the housing revenue account subject to all relevant statutory provisions and any guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC).
- 35.4 The CFO will provide guidance on the apportionment of support and overhead costs between the general fund and housing revenue account. Any apportionment of costs must be fair to both council tenants and council tax payers.
- 35.5 The CFO is responsible for ensuring any borrowing for housebuilding is undertaken in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code of Practice and the Council's approved prudential borrowing indicators.

36.0 MAINTAINED SCHOOLS

- 36.1 To reflect their particular circumstances, separate financial procedures are in place for maintained schools. These are the LMS Financial Procedure Rules and LMS Procurement and Procedure Rules. These rules preserve the essence of the Council's Financial, Procurement and Contract Procedure Rules but are adapted to reflect the specific arrangements applying in maintained schools.
- 36.2 Where this creates possible conflict or doubt, the Financial Procedure Rules and Procurement and Contract Procedure Rules will take precedence.
- 36.3 The School Finance Manual contains more detailed information in relation to particular areas such as budgets and forecasting, banking arrangements, accounting for VAT and charging for school activities.

37.0 VOLUNTARY FUNDS

- 37.1 A voluntary fund is any fund which is held or controlled by the Council as trustee for the benefit of a third party and/or for a specified purpose.
- 37.2 The CFO should be informed of the purpose and nature of all voluntary funds maintained or managed by officers.
- 37.3 Annual accounts should be prepared for all voluntary funds. The accounts should be examined by a competent person independent of the fund or subject to an audit (if specifically required by the Charity Commission or CFO).
- 37.4 A copy of the annual accounts and relevant independent examiner's report or audit

report should be provided to the CFO within 9 months of the financial year end. The CFO is entitled to undertake further checks, request additional information or to require a full audit of the fund if considered necessary.

- 37.5 Voluntary funds registered with the Charity Commission must also comply with all statutory registration, governance and reporting requirements. These include the preparation and submission of an annual return within the required timescales. Copies of the independent examiner's report or audit report should also be submitted if the annual income of the fund exceeds prescribed limits.

38.0 COURT OF PROTECTION

- 38.1 The Court of Protection makes decisions about how the financial affairs of people who lack mental capacity will be managed. The Council may apply to the Court of Protection to be appointed as a Deputy or Appointee where a person has no close family members or anyone else suitable to undertake these roles.
- 38.2 The CFO is responsible for maintaining appropriate administrative and accounting arrangements for managing the assets and funds of people where the Council has been appointed as a Deputy or Appointee. The CFO will also maintain a scale of charges in accordance with Court of Protection guidelines for providing these services.

39.0 DOCUMENT RETENTION

- 39.1 All financial and accounting documents must be retained in accordance with the Council's approved document retention period. The CFO is responsible for determining the minimum document retention periods for all finance related documents.
- 39.2 If the retention period is not stated then any accounting records should be retained for a minimum period of 6 years following the relevant financial year.

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Proposed amendments to the Council's Constitution
Brief description of proposal	To consider proposed amendments to the Constitution.
Directorate	Central Services
Service area	Legal and Democratic Services
Lead officer	Barry Khan, Assistant Chief Executive Legal and Democratic Services and Monitoring Officer, North Yorkshire Council
Names and roles of other people involved in carrying out the impact assessment	Moiria Beighton, Senior Governance Lawyer, North Yorkshire Council

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel

- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	Not relevant/proportionate	Continue to full CCIA:	
Reason for decision	The issues covered by the report do not of themselves present any significant climate change implications.			
Signed (Assistant Director or equivalent)	BARRY KHAN, Assistant Chief Executive Legal and Democratic Services and Monitoring Officer			
Date	23 April 2026			

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Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Central Services		
Service area	Legal and Democratic Services		
Proposal being screened	To consider proposed amendments to the Constitution.		
Officer(s) carrying out screening	Barry Khan, Assistant Chief Executive Legal and Democratic Services and Monitoring Officer, North Yorkshire Council		
What are you proposing to do?	Approve amendments to the Constitution.		
Why are you proposing this? What are the desired outcomes?	To enable safe and legal decision making for the Council.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No significant implications.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics As part of this assessment, please consider the following questions: • To what extent is this service used by particular groups of people with protected characteristics? • Does the proposal relate to functions that previous consultation has identified as important? • Do different groups have different needs or experiences in the area the proposal relates to? If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		No	
Disability		No	
Sex		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	
NYCC additional characteristics			
People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	The decision relates to the whole area and applies equally.		
Will the proposal have a significant effect on how other organisations operate? (e.g.	No significant implications.		

partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.				
Decision (Please tick one option)	EIA not relevant or proportionate:	☒	Continue to full EIA:	
Reason for decision	The approval of amendments to the Constitution will not have an adverse impact on any protected characteristic and therefore a full EIA would be disproportionate in this case.			
Signed (Assistant Director or equivalent)	Barry Khan			
Date	23 April 2026			

North Yorkshire Council

Executive

12 May 2026

Area Committee Feedback Report

Report of the Assistant Chief Executive Legal and Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To bring to the attention of the Executive key issues considered at recent meetings of the Area Committees (ACs).

2.0 HARROGATE AND KNARESBOROUGH AC – 26 MARCH 2026

- 2.1 Members received a detailed report on current schemes, including Oatlands and Wetherby Road crossings, Bilton Crossing, Otley Road sustainable transport works, and the wider 20mph programme. While some schemes were moving to delivery, several required further design, land negotiation or contractor procurement. Members raised concerns regarding the timescales of the projects, and sought further information on 20mph sign visibility, and the future of Killinghall/Nidderdale Greenway improvements. Officers confirmed consultations and audit work were ongoing, and that the Committee would continue to receive regular updates on the schemes' progress. The Committee also heard three public questions and provided responses at the meeting.
- 2.2 Officers delivered the annual School Performance report, which gave a strategic overview of school performance, behaviour and SEND pressures, and the impact of national funding formulae. Members discussed forecasting methods and the effect of new housing developments at Penny Pot Lane, Knaresborough and other sites. Concerns were raised about the timing of triggers for new provision and transport impacts. Officers confirmed that current forecasts did not justify additional mainstream schools, but monitoring would continue. Technical matters regarding the reopening of Woodfield School remained in progress.
- 2.3 The Committee noted a series of written reports, including:
- a) An update on the referral of the Section 19 Flood Event Review and response to Transport, Economy, Environment, and Enterprise Overview and Scrutiny Committee, noting that it had been considered at their recent Mid Cycle Briefing. The Committee would be kept informed of future actions.
 - b) A written report from Harrogate Youth Council, which outlined issues of concern among the youth community in the area. The Committee commended the work of the Youth Council and would continue to engage with both them and Knaresborough Youth Council.
 - c) A written update on the progress to date on the Harrogate Town Investment Plan, with a full update planned for the next meeting in June.

- d) Information on Waste Performance and missed bin collections, the Committee noting the positive developments and marked increases in performance.

2.4 Further information about the meeting can be found here:

[Agenda for Harrogate and Knaresborough Area Committee on Thursday, 26 March 2026, 10.00 am | North Yorkshire Council](#)

3.0 SKIPTON AND RIPON AC – 5 MARCH 2026

- 3.1 Members received a verbal update from Rt Hon Sir Julian Smith MP on national and local issues, including cost of living pressures, SEND reform, the local government funding settlement and the potential impact of the Employment Rights Bill on small businesses. Issues raised by Members included rural energy costs, the impact of the draft National Planning Policy Framework on national parks and the Angus Fire PFAS incident in High Bentham.
- 3.2 The Committee received two public questions, one addressing community-led affordable housing for young people in the vacant space above shops in Skipton town centre, and another on road safety concerns and progress towards delivering a footpath on Sutton Lane, Sutton on Craven.
- 3.3 A detailed update was received from Airedale NHS Foundation Trust on progress towards the new Airedale Hospital, covering site preparation, design, funding, parking, transport access and future service delivery. Members noted the annual Schools Update report, highlighting school performance, SEND pressures and financial challenges, and discussed concerns relating to exclusions and school capacity. The Committee also considered a report on the feasibility of a Ripon Mobility Hub, suggesting that a hybrid of options B and C be further explored including the redevelopment of Ripon bus station and adding a recommendation that officers engage with local Members and consider funding opportunities, including those linked to recent major housing developments.
- 3.4 Members received a briefing note on the Wyvern Link Road scheme in Skipton, expressing concern about delays and requesting clearer timescales and Executive Member involvement. It was agreed that the two Executive Members for the area would write to the Executive on this matter. An update on rural energy policies and fuel pricing disparity highlighted the higher costs faced in rural communities, with Members welcoming the Government's Fuel Finder scheme and requesting further information on the uptake of the Council's Choices4Energy programme.
- 3.5 The Committee reviewed its work programme and suggested future items on exploring new funding sources for emerging schemes, an update on the Ousewem natural flood management modelling, and in relation to the Community Safety and CCTV annual report, a review of CCTV coverage gaps at Skipton bus station.
- 3.6 Further information about the meeting can be found here:

[Agenda for Skipton and Ripon Area Committee on Thursday, 5 March 2026, 10.00 am | North Yorkshire Council](#)

4.0 SCARBOROUGH AND WHITBY AC – 2 MARCH AND 23 MARCH 2026

2 March 2026

- 4.1 The committee met in Whitby to consider a range of strategic and local matters affecting coastal communities. The Chair provided feedback on actions arising from previous meetings, including progress on the review of the speed limit on New Bridge, Whitby, ongoing remediation works at the Scarborough Community Football Pitch, and progress on exploring future options for the Alpmare Waterpark.
- 4.2 Members considered a significant volume of public questions and statements, largely relating to the draft North Yorkshire Council Harbours Strategy and the closure of the Whitby West Cliff Lift. Issues raised included engagement with harbour users, governance arrangements, dredging capacity, supporting offshore renewables, and for the Cliff Lift, maintaining disabled access to the beach, and accurate and up to date costings for the repair of the facility.
- 4.3 The committee discussed in detail the condition and future of the Whitby Cliff Lift following updated inspection findings. Members expressed strong support for reinstating the lift, highlighting its importance as a heritage asset, for accessibility, and to Whitby's visitor economy. While recognising the council's financial pressures, the committee resolved to request that the Executive commission up-to-date technical surveys, prepare robust costings for repair and maintenance, and develop a full business plan before any decision is taken on decommissioning or repair.
- 4.4 The results of the Experimental Traffic Regulation Order restricting overnight motor caravan parking at Sandsend and Scarborough North Bay were also considered. Although consultation responses showed substantial opposition, members recognised longstanding amenity and safety issues. The committee supported targeted permanent restrictions where appropriate, while urging a strategic, county-wide approach to address displacement into residential areas through the forthcoming parking review.

23 March 2026

- 4.5 This extraordinary meeting held in Scarborough focused on bathing water quality in Scarborough's North and South Bays. Members considered extensive evidence from local stakeholders, the Environment Agency, Yorkshire Water, council officers and Professor Darren Grocke of Durham University, whose research identified Scalby Beck as a dominant source of pollution affecting both bays. Public questions highlighted concerns about year-round testing, storm overflow monitoring and transparency. The committee expressed frustration at longstanding poor water quality, reputational damage and impacts on livelihoods, and agreed a series of recommendations including further scientific studies, sand testing, strengthened planning policies, enhanced partnership working between the council and Environment Agency and improved accountability to support sustained improvements in bathing water quality.
- 4.6 Further information about both meetings can be found here:

[Agenda for Scarborough and Whitby Area Committee on Monday, 2 March 2026, 10.00 am | North Yorkshire Council](#)

[Agenda for Scarborough and Whitby Area Committee on Monday, 23 March 2026, 10.00 am | North Yorkshire Council](#)

5.0 THIRSK AND MALTON AC – 27 MARCH 2026

- 5.1 There were two public questions. One on the delivery of Quiet Lanes and one on the use of Grampian Conditions for planning applications when justified and necessary.
- 5.2 Sir Alec Shelbrooke MP provided a written update on the Dementia Directory, delivered to every household across Wetherby and Easingwold. Kevin Hollinrake MP updated the

Committee and took questions on a number of matters including the A64, housing, local transport, funding, solar development and the cost of living.

- 5.3 The Head of Primary Care, NHS Humber and North Yorkshire Integrated Care Board gave a detailed presentation on the operation of and pressures facing general practice across the Thirsk and Malton area. The presentation covered funding models, national trends, recruitment, estates planning and S106 funding and other demands on the primary care system. Members were grateful for the comprehensive presentation and requested that the matter be referred to the Scrutiny of Health Committee.
- 5.4 The Lead Local Flood Authority Team Leader and the Senior Engineer, Flood Risk Management gave a presentation on the outcomes of a recent report on the Section 19 Storm Daragh flooding on Rye tributaries. The presentation summarised the investigation, impacts, response and recommendations following the flooding event in Kirby Mills, Keldholme, Sinnington and Marton in December 2024 and gave the latest updates on the recommendations.
- 5.5 An update from previous meetings included discussion on the progress of recent meetings between NYC and Yorkshire Water and a request for written updates from the mayor.
- 5.6 Further information about the meeting may be found here:

[Agenda for Thirsk and Malton Area Committee on Friday, 27 March 2026, 10.00 am | North Yorkshire Council](#)

6.0 RICHMOND (YORKS) AC – 2 MARCH 2026

- 6.1 The Right Hon Rishi Sunak MP updated Members on matters including the Stokesley banking hub, congestion in the Catterick Garrison and Colburn area, the A66 upgrade, the Friary and the Catterick Integrated Care Centre, rural transport and a number of matters relating to military staff.
- 6.2 The Deputy Place Director, Humber and North Yorkshire Integrated Care Board gave an update on the new Catterick Integrated Care Centre and its aims and objectives. Members had questions including timescales, access to consultation events, dental services provision and the future of the Friary Hospital.
- 6.3 The Committee received a petition for congestion relief on the A6136 in Catterick. The petition had been submitted to North Yorkshire Council and to the Mayor of York and North Yorkshire Combined Authority (CA). The CA had considered the petition at its meeting held on 23 January 2026 and the committee supported the York and North Yorkshire Combined Authority's decision to refer the petition to the next meeting of its Transport Advisory Board for further discussion and the MP's offer to host a round table discussion with the council, the Combined Authority, the Ministry of Defence and defence estates to consider a way forward.
- 6.4 The Head of School Organisation and Transport and the Head of Education Access and Engagement attended to take questions on the schools, educational achievement and finance annual update. Members had questions on the provision of school transport to federated schools, increasing strains on provision and the actions taken to address this and on matters that may be considered in the review of the home to school transport policy.
- 6.5 Further information about the meeting may be found here:

[Agenda for Richmond \(Yorks\) Area Committee on Monday, 2 March 2026, 10.00 am | North Yorkshire Council](#)

7.0 SELBY AND AINSTY AC – 19 MARCH 2026

- 7.1 The Committee received its annual schools update. Members raised concerns about increasing school budget deficits, the impact of housing growth on local school capacity – particularly in Sherburn in Elmet – and the continued disadvantage caused by the national funding formula. The Committee agreed to raise the latter issue with local MPs and seek their views on potential reform.
- 7.2 An update on the Selby Station Gateway scheme was received, outlining the project, the causes of delay and the revised delivery programme. Members expressed frustration at the lack of progress but welcomed confirmation that work is due to begin shortly. Concerns were noted about the current condition of the site and the perception that delays were being attributed to ecological factors. Members also welcomed the reinstatement of the Bawtry Road underpass.
- 7.3 The Committee received an update on the Selby Town Investment Plan. The officer was unable to attend but Members raised several queries, which have been passed on. An informal briefing is being arranged to discuss this in greater detail.
- 7.4 An update was provided on the formation of a Youth Council for the area. Members welcomed the progress made, offered assistance, and requested updates as the group develops.
- 7.5 The Committee was asked to appoint Members to three outside body positions (Groundwork Yorkshire Ltd AGM, Groundwork North Yorkshire Ltd AGM, and Groundwork Yorkshire Board of Trustees). No volunteers came forward at the meeting, and Members suggested that the appointments be offered to the wider Council.
- 7.6 The Committee noted the written updates from the two local MPs, who are invited to each meeting.
- 7.7 Under the Work Programme, Members requested that items on the Maltkiln new settlement and Yorkshire Water investment be scheduled for future meetings.
- 7.8 Further information about the meetings can be found here:

[Agenda for Selby and Ainsty Area Committee on Thursday, 19 March 2026, 2.00 pm | North Yorkshire Council](#)

8.0 FINANCIAL & LEGAL IMPLICATIONS

- 8.1 The financial and legal implications of the issues raised in this summary report are included in the reports that went to the meetings of the Area Committees in March 2026.

9.0 CLIMATE CHANGE IMPLICATIONS

- 9.1 The climate change implications of the issues raised in this summary report are included in the reports that went to the meetings of the Area Committees in November and December 2025.

10.0 EQUALITIES IMPLICATIONS

- 10.1 The equalities implications of the issues raised in this summary report are included in the reports that went to the meetings of the Area Committees in March 2026.

11.0 REASONS FOR RECOMMENDATIONS

- 11.1 The recommendations to the Executive have been made by the Area Committees as part of their consideration of local issues at their March 2026 round of committee meetings.

12.0 RECOMMENDATIONS

- 12.1 The Executive is asked to note the report and consider any matters arising from the work of the Area Committees detailed above, that merit further scrutiny, review or investigation at a county-level.

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

Report Author:

Elizabeth Jackson – Principal Democratic Services Officer
elizabeth.jackson@northyorks.gov.uk

Background Documents:

Agenda, papers and minutes of the six Area Committee meetings in March 2026, which can be accessed via the following link -

<https://edemocracy.northyorks.gov.uk/mgListCommittees.aspx?bcr=1>

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

North Yorkshire Council

Executive

12 May 2026

Appointments to Committees and Outside Bodies

Report of the Assistant Chief Executive Legal and Democratic Services

1.0 PURPOSE OF THE REPORT

- 1.1 To enable the Executive to make appointments to Groundwork Yorkshire LTD and Groundwork North Yorkshire LTD.

2.0 GROUNDWORK

- 2.1 The current main base of operations of Groundwork Yorkshire LTD and Groundwork North Yorkshire LTD in the county is in Selby but there is also a presence in Scarborough, Northallerton and Harrogate. The priority is on areas of significant deprivation and so work tends to be focussed upon Selby and Scarborough.

- 2.2 Groundwork delivers a broad range of services, primarily focussed on supporting communities and improving the environment. The organisation's strategic aims are to:

- Improve people's prospects - increasing confidence, health and wellbeing, skills and employability of those most in need, lift themselves out of poverty.
- Create better places - helping people work together to make their surroundings greener, safer and healthier, getting involved in local decision making.
- Promote Greener choices - helping people, communities and businesses understand and reduce their environmental impact to fight the climate emergency.

The website for Groundwork Yorkshire is here, which provides further details of the work of the organisation and also the current membership of the Board of Trustees - [Yorkshire - Groundwork](#)

- 2.3 A report seeking appointment to vacancies on Groundwork Yorkshire LTD and Groundwork North Yorkshire LTD was brought to the meeting of the Executive on 16 December 2026. Executive resolved that the appointments be considered by the Scarborough and Whitby Area Committee and the Selby and Ainsty Area Committee respectively. As such, appointments reports were taken to those committees in March 2026. Councillor Derek Bastiman was appointed to Groundwork Yorkshire Board of Trustees at the meeting of the Scarborough and Whitby AC on 2 March 2026. The following vacancies, however, remain and need to be appointed to:

Groundwork Yorkshire LTD AGM

Councillor Arnold Warneken is the current nominated representative.
There remains a vacancy for the substitute position.

Groundwork North Yorkshire LTD AGM

Councillor Arnold Warneken is the current nominated representative.
There remains a vacancy for the substitute position.

(Groundwork North Yorkshire LTD is in the process of being wound up and so this will only be a temporary appointment.)

Groundwork Yorkshire Board of Trustees

Councillor Derek Bastiman is the current nominated representative.

There remains a vacancy to appoint to.

(The time requirement for a nominated Trustee is four meetings a year, typically 1.5 to 2 hours per meeting).

3.0 IMPLICATIONS

- 3.1 There are no equalities, finance, legal or climate change implications arising from the recommendations in this report.

4.0 RECOMMENDATION

- 4.1 That the Executive appoints to Groundwork Yorkshire LTD and Groundwork North Yorkshire LTD, as stated at paragraph 2.3.

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

1 May 2026

Report Author – Daniel Harry, Head of Democratic Services and Scrutiny

Background documents: [Constitution | North Yorkshire Council](#)



FORWARD PLAN

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

Publication Date: 1 May 2026

Last updated: 1 May 2026

Period covered by Plan: 1 May 2026 to 31 May 2027

PLEASE NOTE:-

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to information)(England) Regulations 2012, at least **28 clear days' notice**, including 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 Head of Democratic Services and Scrutiny on 01609 533531.

FUTURE DECISIONS								
Likely Date of Decision	Decision Taker (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	In Consultation with (Executive Member or Corporate Director)	Description of Matter – including an indication if the report contains any exempt (not for publication) information and the reasons for this	Key Decision YES/NO	Decision Required	Consultees (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process (ie the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (Tel: 0845 034 9494) unless specified otherwise)
12 May 2026	Executive		Amendments to the Council's Constitution	Yes	Consideration of proposed amendments to the Council's Constitution for recommendation to full Council. Subject to any comments Members may have, to recommend the proposed amendments to the Constitution to full Council for approval.	Relevant NYC Officers and Members The Members' Working Group on the Constitution	Correspondence and meetings	Maira Beighton moira.beighton@northyorks.gov.uk
12 May 2026	Executive		Introduction of a new Enforcement Policy aligned with Renters Rights Act	Yes	Following the introduction of the Renters Rights Act (currently due October 2025) we will need to align our enforcement policy to ensure compliance. There are significant changes proposed	As this is a legislative change consultation has been undertaken at government level, our policy will reflect the requirements set in the legislation.	Email, MS Teams and face-to-face meetings	Lynn Williams, Head of Housing Renewal lynn.williams@northyorks.gov.uk

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Page 555					which will affect tenants and landlords within communities across North Yorkshire.			
	12 May 2026	Executive		Yes	Following the introduction of the Renters Rights Act we need to align our Civil Penalties Policy and Enforcement Policy to ensure compliance. There are significant changes proposed which will affect tenants and landlords within communities across North Yorkshire.	As this is a legislative change consultation has been undertaken at government level, our policy will reflect the requirements set in the legislation.	Email	Lynn Williams, Head of Housing Renewal lynn.williams@northyorks.gov.uk
	12 May 2026	Executive		No	To seek approval to fund hosting part of the Tour de Britain in North	None.	None.	James Gilroy, Team Leader, Highway Asset Management

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12 May 2026 Page 356					Yorkshire			
	Executive		Review of Maximum Hackney Carriage Fares	Yes	To review the current maximum Hackney Carriage fares set by the Council and to agree proposals to be subject to consultation and statutory public notice.	Hackney Carriage trade and users of Hackney Carriages	Statutory public notice and email directly to the trade.	Simon Fisher, Licensing and Procurement Manager, Gareth Bentley, Head of Licensing gareth.bentley@northyorks.gov.uk,
12 May 2026	Executive		Regional Care Cooperative	Yes	To seek Executive approval to delegate authority to the Corporate Director – Children and Young People's Service (CYPS) to submit an Expression of Interest to the Department for Education to establish a Regional Care Cooperative (RCC). The proposed RCC will align with	Formal consultation is not required at Expression of Interest stage	Informal officer-level discussions to confirm regional appetite and suitability, in line with DfE guidance for Expressions of Interest prior to full business case development.	Jo Heaney jo.heaney@northyorks.gov.uk

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Page 357					the Department for Education's national programme for commissioning and sufficiency of placements for looked-after children and will support regional collaboration across partner local authorities and agencies.			
12 May 2026	Executive		SECTION 75 PARTNERSHIP AGREEMENT - in relation to the Targeted Healthy Child Service.	Yes	This report asks Executive to agree to consult on a new Section 75 agreement between North Yorkshire Council, NHS Humber North Yorkshire ICB and NHS West Yorkshire ICB for planning and delivering Community based emotional	The NHS and Local Authorities Partnership Arrangements Regulations 2000 stipulate that "the partners may not enter into any partnership agreements [under Section 75 (s75) of the NHS Act 2006] unless they have consulted jointly such persons as appear to them to be affected by such arrangements".	A published online consultation.	Emma Lonsdale Emma.Lonsdale@northyorks.gov.uk

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Page 358

					wellbeing support for Children and Young including in scope the Targeted Healthy Child Service. It further requests that the Corporate Director of Children and Young People's Service be given delegated authority for the final Section 75 sign off.	A Public consultation will take place for 60 days which is considered sufficient time to enable stakeholders to respond. The proposal is to put in place formal partnership working for planning and delivering Community based emotional wellbeing support for Children and Young including in scope the Targeted Healthy Child Service. The Section 75 Agreement would be in place, subject to the outcome of the consultation from 1 April 2027. It is planned the consultation will run from 1st June to 31st July.		
26 May 2026	Executive		Q4 Performance Monitoring and Budget Report	Yes	Q4 Performance Monitoring and Budget report including:	Management Board	Meetings	Gary Fielding, Corporate Director of Resources gary.fielding@north

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Page 359 6 May 2026					Revenue Plan; Capital Plan; Treasury Management and Prudential Indicators			yorks.gov.uk
	Executive		Scarborough Pride in Place funding programme	Yes	The purpose of this report is to seek Executive approval for North Yorkshire Council (NYC), as the accountable body, to formally award the allocated funding for the approved programme of projects selected by the Scarborough Neighbourhood Board under the Pride in Place programme for Scarborough. The report also sets out the proposed approach for entering into grant	Cllr Gareth Dadd – Executive Member for Finance Cllr Mark Crane – Executive Member for Open for Business Nic Harne - Corporate Director for Community Development Gary Fielding - Corporate Director for Resources NYC Procurement NYC Legal Services Local ward Councillors for Scarborough Community of Scarborough	Meetings will be arranged with the NYC Cabinet, as well as the Scarborough and Whitby Area Constituency Committee. Member briefings will also be held with the Executive Member for Open for Business and the Executive Member for Finance. A public engagement process has	Kerry Levitt, Regeneration Projects Officer Kerry.levitt@northyorks.gov.uk

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Page 360					funding agreements with any applicable external organisations responsible for delivering these projects and outlines the circumstances in which NYC may need to provide front funding to enable project delivery within the first year of the programme. Decision(s) Required The Executive is asked to: 1. Approve the allocation of funding for the agreed list of projects selected by the Scarborough Neighbourhood Board, with NYC acting as the		already been carried out with the Scarborough community. The feedback gathered has informed the Scarborough Neighbourhood Board's decisions on which projects to progress and are contained within the report.	

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Page 361

accountable body.
2.Authorise NYC, acting as the accountable body, to enter into grant funding agreements where required to enable the approved projects to proceed.
3.Approve, where necessary, the provision of front funding by NYC to support project delivery within the first year of the Pride in Place programme until funding is received from MHCLG.

26 May 2026	Executive		Westway Boxing Club	No	To seek approval for the allocation of funding to support the expansion of Westway Boxing Club in Eastfield.	Divisional Councillor Eastfield Town Council Local groups and partners developing the Town Investment Plan	One to one meetings with local stakeholders Meeting with Management	Marie-Ann Jackson 01609 532925

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Page 362					This request is being made as an exception to an earlier decision of the Executive made on 16 December 2025 regarding the allocation of capital reserves for Eastfield.	Management Board	Board	
16 Jun 2026	Executive (Scarborough)		Tree and Woodland Policy	Yes	North Yorkshire Council has a legal duty and powers to manage the risk and to protect trees on the land that we manage. This should be reasonable and proportionate to balance the many benefits that trees and woodlands bring. Developing a county wide approach to policy will provide Officers, elected	Members of the Transport, Economy, Environment and Enterprise Overview Property Services, Risk and Insurance, Health	Engagement with the TEEE O	Helen Arnold, Tree and Woodland Manager Helen.arnold@northyorks.gov.uk

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Page 363					Members and all other stakeholders clarity on how this will be managed. The report will present the Tree and Woodland Policy for adoption.			
	16 Jun 2026	Executive (Scarborough)		Yes	Approval of new Children and Young Peoples Strategy	Children, Young People and their families who live in North Yorkshire Partners e.g. Police, Education and Health Members C&F OSC	Online engagement Red Bag for schools Youth Voice and Creative Engagement Team	El Mayhew, Corporate Director for Children and Young People's Services el.mayhew@northyorks.gov.uk
	16 Jun 2026	Executive (Scarborough)		Yes	Report will detail the timetable for the preparation of the North Yorkshire local Plan as required under the new plan making	Executive Members Members Corporate Director Assistant Directors and key officers Climate and Equalities officers	Consultation on the Timetable is not required as it sets out the timescales for preparing the Local Plan.	Rachael Balmer rachael.balmer@northyorks.gov.uk

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Page 364					system. It will detail the timetable for the key stages in the system as well as the process for updating and publishing the timetable on the monthly basis required by the local plan regulations. Decisions will be on the timetable and asking for delegation to officers to update the timetable on a monthly basis and any other delegation arrangements that are required.			
	16 Jun 2026	Executive (Scarborough)		Updated Temporary Accommodation Business Case	Yes	The purpose of the report is to review and update the business case for	Community Development Management Team Management Board	No formal consultation is required as part of this report.

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Page 365					the provision of temporary accommodation for homeless households. The review is required in order to meet the on-going needs for temporary accommodation across North Yorkshire.	and key officers Housing Needs Executive Climate and Equalities	Any specific schemes requiring formal consultation will be subject to their own business case.	Hannah.heinemann@northyorks.gov.uk
16 Jun 2026	Executive (Scarborough)		Redeployment of land to the north and south of Crosshills Lane, Selby	Yes	To approve the proposed redeployment of the property	Executive members and Management Board at the informal Executive meeting held on 8 June 2021		Philip Cowan, Non-Operational Property Manager, NYCC Property Services Philip.Cowan@northyorks.gov.uk
16 Jun 2026	Executive (Scarborough)		Housing Delivery Joint Venture	Yes	The purpose of the report is to seek approval for the Council to enter into a Limited Liability Partnership to create a Housing Joint Venture	Housing and Leisure Overview	Presentation to Housing and Leisure Overview	Hannah Heinemann, Head of Housing Delivery and Partnerships Hannah.Heinemann@northyorks.gov.uk

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Page 366

16 Jun 2026	Executive (Scarborough)		Adoption of North Yorkshire Council Harbours Strategy	Yes	To seek approval to adopt the North Yorkshire Council Harbours Strategy	Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee; Scarborough and Whitby Area Committee; Filey Ward members; Scarborough Town Council, Whitby Town Council and Filey Town Council; Harbour User groups for Scarborough, Whitby and Filey and the strategy working groups.	The Council's website, via email and meetings	Chris Bourne, Head of Harbours and Coastal Infrastructure chris.bourne@northyorks.gov.uk
14 Jul 2026	Executive		Community Transfer Policy	Yes	To adopt the Community Transfer Policy – NB: is not part of the Council's policy framework and does not require Full Council approval	Deputy Leader of the Council and Executive Member for Finance and Resources Executive Member for Corporate Services Management Board Assistant Chief Executive	Draft Policy Developed by a working group of Officers (Property, Localities & Legal) and overseen by Assistant	Kerry Metcalfe, AD Property, Procurement & Commercial kerry.metcalfe@northyorks.gov.uk/017 23383542

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Page 367						Engagement Head of Localities Assistant Director Property, Procurement & Commercial Legal Property Corporate & Partnerships Overview and Scrutiny Committee	Director Property, Procurement & Commercial and Assistant Chief Executive Local Engagement Informal consultation with Deputy Leader of the Council and Executive Member for Finance and Resources, Executive Member for Corporate Services Review by Management Board Review by Corporate & Partnerships Overview and Scrutiny Committee – 15 June 2026	

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14 Jul 2026	Executive		Outdoor Learning Service	Yes	To provide an update on the Outdoor Learning Service provision in North Yorkshire			Amanda Fielding, AD Education & Skills Amanda.fielding@northyorks.gov.uk
4 Aug 2026	Executive		North Yorkshire Council Regulatory Services Urban Gull Strategy	Yes	To seek approval of a North Yorkshire Council Regulatory Services Urban Gull Strategy	Stakeholder consultation held February/March 2025 to inform the strategy development work.	Survey/questionnaire completed by stakeholders. Draft strategy scheduled at Overview and Scrutiny Committee and Scarborough and Whitby Area Committee in 2026 prior to submission to Executive	Dean Richardson, Head of Regulatory Services dean.richardson@northyorks.gov.uk
4 Aug 2026	Executive		Scarborough Harbour West Pier Delivery	Yes	The report will seek approval: 1.To agree final budget for delivery of the Scarborough Harbour West Pier Deliver. 2.To request	Community Development: Economic Development, Regeneration, Tourism and Skills, Resources Environment: Harbours, Resources Legal and Democratic	Email and briefing	Helen Jackson, Regeneration Projects Manager helen.jackson1@northyorks.gov.uk

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Page 369					approval of the NYC required funding. 3.To request approval to enter into a contract with construction contractor to deliver agreed works.	Services: Legal Resources: Property, Procurement and Commercial		
	18 Aug 2026	Executive		Yes	Q1 Performance Monitoring and Budget report including: Revenue Plan; Capital Plan; Treasury Management and Prudential Indicators	Management Board	Meetings	Gary Fielding, Corporate Director of Resources gary.fielding@north-yorks.gov.uk
	17 Nov 2026	Executive		Yes	Q2 Performance Monitoring and Budget report including: Revenue Plan; Capital Plan; Treasury Management and Prudential	Management Board	Meetings	Gary Fielding, Corporate Director of Resources gary.fielding@north-yorks.gov.uk

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Likely Date of Decision	Decision Taker (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	In Consultation with (Executive Member or Corporate Director)	Description of Matter – including an indication if the report contains any exempt (not for publication) information and the reasons for this	Key Decision YES/NO	Decision Required	Consultees (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process (ie the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (Tel: 0845 034 9494) unless specified otherwise)

1 Dec 2026 Page 370					Indicators			
	Executive		Director of Public Health Annual Report 2025-26	No	The Director of Public Health Annual Report is an independent report on the health of the local population. The Director of Public Health has a duty to write an annual report, whereas the local authority's duty is to publish it. The focus of this year's report is on the importance of 'getting people moving more' and how Public Health and partners are working to provide opportunities for and access to healthy movement. The Executive committee will be asked to consider	The report includes reflections on engagement already undertaken with a wide range of stakeholder groups. The report will be shared with HAS leadership teams, Executive Portfolio Holder and Management Board for comment as it progresses, and to the Health and Wellbeing Board, Scrutiny of Health Committee and Care and Independence Overview & Scrutiny Committee for information following Executive.	Meetings and correspondence	Louise Wallace, Director of Public Health Email: louise.wallace@northyorks.gov.uk

FUTURE DECISIONS								
Likely Date of Decision	Decision Taker (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	In Consultation with (Executive Member or Corporate Director)	Description of Matter – including an indication if the report contains any exempt (not for publication) information and the reasons for this	Key Decision YES/NO	Decision Required	Consultees (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process (ie the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (Tel: 0845 034 9494) unless specified otherwise)
					and note the report.			

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.

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