



Agenda

Notice of a public meeting of:

Executive

To: Councillors Carl Les (Chair), Gareth Dadd (Vice-Chair), David Chance, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Date: Tuesday 16 February 2021

Time: 11.00 am

Venue: Remote meeting held via Microsoft Teams

Pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held using video conferencing with a live broadcast to the Council's YouTube site. Further information on this is available on the committee pages on the Council website -

<https://democracy.northyorks.gov.uk/>

The meeting will be available to view once the meeting commences, via the following link - www.northyorks.gov.uk/livemeetings. Recordings of previous live broadcast meetings are also available there.

Business

1. **Introductions**
2. **Minutes of the Meeting held on 26 January 2021** (Pages 5 - 6)
3. **Declarations of Interest**
4. **Exclusion of the public from the meeting during consideration of each of the items of business listed in Column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph(s) specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006:-**

| Item number on the agenda | Paragraph Number |
|---------------------------|------------------|
| 11 | 3 |

5. Public Questions and Statements

Members of the public may ask questions or make statements at this meeting if they have given notice to Melanie Carr of Democratic and Scrutiny Services and supplied the text (contact details below) by midday on Thursday 11 February 2021, three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

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

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

6. Area Constituency Committee Feedback Report (Pages 7 - 10)

The Executive are asked to note the report and consider any matters arising from the work of the Area Constituency Committees, that merits further scrutiny, review or investigation at a county-level.

7. Special Schools Budget 2021-2022 (Pages 11 - 18)

A report seeking approval to apply a Minimum Funding Guarantee (MFG) of 0% in the calculation of special school budgets for the 2021/22 financial year, and to use the revised methodology for calculating the contextual funding component of the formula allocation for special school budgets.

8. Lowering the Age Range of Stillington County Primary School to 3-11 (Pages 19 - 24)

The report seeks Executive approval to lower the age range of Stillington County Primary School from 23 February 2021. If no objections to the statutory notices are received by the end of the consultation period, the report will be removed from this agenda, and the decision will be taken by the Corporate Director for Children & Young People's Service.

9. Winding-up of SJB Recycling Ltd (Pages 25 - 30)

The report seeks approval to wind up SJB Recycling Ltd, a company that ceased trading in March 2020, and approval to distribute liquidated net assets of SJB Recycling Ltd in the form of a final dividend to its shareholders.

10. Review of Traded Services in Education and Skills due to Covid-19 (Pages 31 - 38)

The report seeks approval to implement immediate short-term solutions to address the financial shortfall facing the Outdoor Learning Service, due to the impact of the Coronavirus pandemic.

11. Potential Purchase of Land within the County (Pages 39 - 54)

To update the Executive in relation to the proposed acquisition of land within the County

12. Forward Plan (Pages 55 - 66)

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

Contact Details

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Barry Khan
Assistance Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

Monday, 8 February 2021

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North Yorkshire County Council

Executive

Minutes of the remote meeting held on Tuesday, 26th January, 2021 commencing at 11.00 am.

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

In attendance: County Councillors Paul Haslam.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Neil Irving and Barrie Mason.

Other Attendees: .

Apologies: . .

Copies of all documents considered are in the Minute Book

535 Introductions

Members of the Executive and Corporate Management Team introduced themselves, and County Councillor Carl Les welcomed other officers present at the meeting. He also expressed his sadness at the recent death of County Councillor Richard Welch.

536 Minutes of the Meeting held on 12 January 2021

Resolved –

That the public Minutes of the meeting held on 12 January 2021, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

537 Declarations of Interest

There were no declarations of interest. However, County Councillor Michael Harrison drew members' attention to his dispensation granted by North Yorkshire County Council's Standards Committee, enabling him participate fully in meetings where decisions could have an impact on Health and Adult Services, which members of his family worked in.

538 Public Questions and Statements

The Leader noted that a written statement had been submitted by Mr Guy Barker, Director of Northallerton Business Improvement District, relating to Agenda item 8 - Performance Monitoring of 1-Hour Free Parking on Northallerton High Street. It was agreed that Mr Barker would present his statement at that start of consideration of that agenda Item.

539 Area Constituency Committee Feedback Report

Considered –

A report of the Assistant Chief Executive (Legal & Democratic Services) providing an overview of the key issues considered at recent meetings of the Area Constituency Committees.

Resolved - That the report be noted.

540 Revenue Budget 2021/22 and Medium Term Financial Strategy (MTFS)

Considered –

A joint report of the Chief Executive and the Corporate Director for Strategic Resources, asking the Executive to make recommendations to the County Council regarding the Medium Term Financial Strategy (MTFS) for 2021/22 to 2024/25, the Revenue Budget for 2021/22 and Council Tax for 2021/22.

County Councillor Carl Les introduced the agenda item, and acknowledged the difficult times being faced by Local Authorities, the pressures being faced by society and therefore the importance of finding the right balance between what the Council needs in order to deliver those services and what the community of North Yorkshire can afford to pay for them. He also thanked Gary Fielding, Corporate Director for strategic Resources and his team for their work on the budget and for producing a comprehensive report.

Medium Term Financial Strategy 2020/21 to 2023/24 & Revenue Budget for 2020/21

County Councillor Gareth Dadd reiterated those thanks and went on to introduce the first section of the report. He acknowledged it had been a difficult year to attempt to set a medium term outlook. Given the uncertainties surrounding it he confirmed there would likely be more variants on the budget figures as the year progressed.

He draw attention to a number of headline figures in the budget including use of Reserves in the amount of £43.2m over the next three years, and the projected £18.5m recurring deficit. He acknowledged the need for further efficiencies or stronger income streams in coming years. He also confirmed that if the situation worsened as the year progressed, there may be a need for a further budget. Finally, he confirmed that at the end of the budget period the Council's spending power would likely have reduced by approximately 40%.

Gary Fielding confirmed that the MTFS being presented was the best strategy to mitigate and enhance the chances of success for the Council going forward, given the importance of the services provided.

It was noted that past financial achievements had enabled the Council to buy some time pending further clarity on the issues contributing to the uncertainty such as the outcomes from the spending review and local government re-organisation, and the demands of COVID and its legacy. He confirmed that by the end of the year the Council would have spent an additional £93m directly in response to COVID (25% of net revenue budget).

Gary Fielding went on to highlight:

- The revenue budget for 2021/22 reliance on £8.2m of internal funding to get it to balance, made up of £3.1m of reserves and the re-positioning of £5.1m previously set aside for ASC market shaping;
- The gap in revenue budget had been helped by the £20m received direct from

Government as a consequence of Covid, and the proposed ASC precept which would raise a further £5m;

- The MTFs up to April 2024 reliance on £58.5m cash funding in order to balance over the three year period. If market shaping money of £15.3m over the three years was used, the cash funding required would drop to £43.2m which would need to come out of reserves, leaving a recurring shortfall of £18.5m for 2024 onwards;
- The figures in the report were predicated on a Council Tax rise of 1.99% and an ASC Precept rise of 1.5% in 2021/22,
- Based on the amount of uncertainty, the projections in the report were likely to change;
- The use of reserves was not sustainable in the longer term;

He also detailed a number of positive actions in the MTFs i.e.:

- Use of Reserves to fund 2021-22;
- Provision of £10m contingency to respond to identified pressures;
- Implementation of a service planning regime and exploration of savings options;
- Closer monitoring of revenue budget through the quarterly performance reports;
- Delivering all possible savings;
- Have an additional Council budget later in the 2021/22, if needed;
- Review the position on extra headroom on ASC precept for next year;

Importantly, Gary Fielding stressed the Council was not even close to requiring a Section 114. He also asked Members to note:

- The possible need for a Section 25 Statement as set out in the report at paragraph 9.12;
- The investments as set out in the report at paragraphs 4.8.2 and 4.8.3 around Locality Budgets and Carbon Reduction Initiatives;
- The Environmental Implications set out at section 11 of the report
- The Equalities Impact Assessments at section 8.3 of the report and;
- Approval of the pay policy set out at section 7 of the report.

In supporting the suggested rise in Council Tax, County Councillor Gareth Dadd again reiterated the difficult balance between the propensity of residents to pay an increased Council Tax and the need of the Council to provide critical services. He noted that those services were very important for the most vulnerable residents of North Yorkshire. He also noted that the Local Assistance Fund was there to support those who might struggle to pay, and that resources would be directed to those most in need.

In regard to Local Government Re-organisation, it was noted that both options put forward would deliver efficiency savings. There was also the possibility of a further 1.5% increase ASC Precept next year if needed. Finally that work would continue to lobby Central Government for fairer funding and a better settlement.

Executive Members agreed with the comments made by County Councillor Gareth Dadd and voted in favour of the recommendations related to the Revenue Budget and MTFs.

Capital Plan and Treasury Management

County Councillor Gareth Dadd introduced those sections of the report. Specifically in relation to the Capital Plan, he highlighted an issue with the proposed free special school in the Selby area. He also noted there were some unallocated funds.

Gary Fielding drew attention to a number of new additions in the Capital Plan. He also referenced the risks and financing sections of the report and the updates on a number of ongoing schemes.

In regard to the new special school at Selby, he confirmed that negotiations were ongoing regarding the Council's £1m contribution to the development for highways works and other exceptional costs identified.

In regard to Treasury Management he highlighted the various components i.e. the Prudential Indicators, the Minimum Revenue Provision Policy, the Borrowing Strategy, the Investment Strategy and the Capital Strategy.

Finally, he drew members attention to a typo in the table at paragraph 4.26 of the report. He confirmed the net yield for Bank unit in Stafford town centre should of stated 6.1, and the net yield for Harrogate Royal Baths should of stated 0.6.

All Members voted in favour of the recommendations relating to the Capital Plan and Treasury Management

Resolved –

In regard to the Revenue Budget and MTFs, that it be recommended to County Council that:

- a) The Section 25 assurance statement provided by the Corporate Director for Strategic Resources regarding the robustness of the estimates and the adequacy of the reserves (**paragraph 9.12**) and the risk assessment of the MTFs detailed in **Section 10** be noted.
- b) In accordance with Section 42A of the Local Government Finance Act 1992 (as amended by Section 75 of The Localism Act 2011), a Council Tax requirement for 2021/22 of £332,531,725.62 be approved and that a Council Tax precept of this sum be issued to billing authorities in North Yorkshire (**Section 4.3** and **Appendix D**).
- c) In accordance with Section 42B of the Local Government Finance Act 1992 (as amended by Section 75 of The Localism Act 2011), a basic amount (Band D equivalent) of Council Tax of £1,411.05 be approved (**paragraph 4.3.6** and **Appendix D**).
- d) That a Net Revenue Budget for 2021/22, after use of reserves, of £400,248k (**Section 5.0** and **Appendix F**) be approved and that the financial allocations to each Directorate, net of planned savings, be as detailed in **Appendix C**.
- e) In the event that the level of overall external funding (including from the final Local Government Settlement) results in a variance of less than £10m in 2021/22 then the difference be addressed by a transfer to / from the Strategic Capacity unallocated Reserve in line with **paragraph 4.2.6** with such changes being made to **Appendix E** as appropriate.
- f) The Corporate Director for Children and Young People's Service be authorised, in consultation with the Corporate Director for Strategic Resources and the Executive Members for Schools and Finance, to take the final decision on the allocation of the Schools Budget including High Needs, Early Years and the Central Schools Services Block (**paragraph 3.1.15**).
- g) A sum of £720k be provided in 2021/22 and a further sum of £720k be provided in 2022/23 for Member Locality Budgets as set out in **paragraph 4.8.2**.
- h) A one-off sum of £1m be provided in 2021/22 to provide pump priming for Carbon Reduction & Environmental schemes as set out in **paragraph 4.8.3**.
- i) The Medium Term Financial Strategy for 2021/22 to 2023/24, and its caveats, as laid out in **Section 4.0** and **Appendix G** be approved.
- j) The Corporate Director for Business & Environmental Services be authorised, in consultation with the Executive Members for BES, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in **Appendix B1 (BES 1 to 6)**.
- k) The Corporate Director for Health and Adult Services be authorised, in consultation

with the Executive Members for HAS, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in **Appendix B1 (HAS 1 to 7)**.

- l) The Corporate Director for Children and Young People's Services be authorised, in consultation with the Executive Members for CYPS, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in **Appendix B1 (CYPS 1 to 5)**.
- m) The Chief Executive be authorised, in consultation with the Executive Members for Central Services, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in **Appendix B1 (CS 1 to 9)**.
- n) Any outcomes requiring changes following **Recommendations j), k), l) and m)** above be brought back to the Executive to consider and, where changes are recommended to the existing major policy framework, then such matters be considered by full County Council.
- o) The existing policy target for the minimum level of the General Working Balance is retained and be set at £28m in line with **paragraphs 4.5.4 to 4.5.5** and **Appendix F**.
- p) The pay policy statement (**Appendix I**) covering the period 1 April 2021 to 31 March 2022 be approved as set out in **Section 7**.
 - The delegation arrangements referred to in **Section 12** that authorise the Corporate Directors to implement the Budget proposals contained in the report for their respective service areas and for the Chief Executive in those areas where there are cross-Council proposals, be noted and approved.
 - In approving the Budget proposals contained in the report, the Executive gave due regard to the Public Sector Equality Duty (identified in **Section 8** and **Appendix J**).

In regard to the Capital Plan, that it be recommended to County Council that:

- a) The refreshed Capital Plan summarised at **paragraph 3.4** be approved;
- b) A £1.0m budget provision from Capital Receipts be approved, to address the DfE funding conditions for the proposed Free School development as set out at **paragraph 3.13** and that authority be delegated to the Corporate Director, Children & Young Peoples Service in consultation with the Corporate Director, Strategic Resources and the Assistant Chief Executive, Legal & Democratic Services to agree terms and arrangements with the Department for Education;
- c) No action be taken at this stage to allocate any additional capital resources (**paragraph 6.7**)

In regard to the Treasury Management, that the Treasury Management Strategy at **Annex 1** be recommended to County Council including:

- Capital Prudential Indicators (**Appendix A**), Borrowing Strategy and Treasury Prudential Indicators (**Appendix B**) and Annual Investment Strategy 2021/22 (**Appendix C**), and in particular:
 - i. an authorised limit for external debt of £577.9m in 2021/22;
 - ii. an operational boundary for external debt of £557.9m in 2021/22;
 - iii. the Prudential and Treasury Indicators for 2021/22 to 2023/24:
 - iv. a limit of £40m of the total cash sums available for investment (both in house and externally managed) to be invested in Non-Specified Investments over 365 days;
 - v. a 10% cap on capital financing costs as a proportion of the annual Net Revenue Budget;
 - vi. a Minimum Revenue Provision (MRP) policy for debt repayment to be charged to Revenue in 2021/22;
 - vii. the Corporate Director – Strategic Resources to report to the County Council if and when necessary during the year on any changes to this Strategy arising from the use of operational leasing, PFI or other innovative methods of funding not

previously approved by the County Council;

- The Capital Strategy as attached at **Appendix D**;
- The Treasury Management Policy Statement as attached at **Schedule 1**; and

Finally, that the Audit Committee be invited to review **Annex 1** including **Appendices A to D and Schedules 1 to 6** and submit any proposals to the Executive for consideration at the earliest opportunity.

541 Council Plan 2021-2025

Considered –

A report of the Assistant Director for Policy, Partnerships & Communities seeking Executive agreement for the submission of a refreshed Council Plan to the County Council for adoption.

County Councillor David Chance introduced the report, confirming that this year, only a light refresh had been undertaken following the significant re-write last year which included the addition of a new ambition. He confirmed that the ambitions, priorities, approach and principles all remained relevant and appropriate, and each ambition now had COVID specific priorities.

It was noted that the Plan:

- Reflected the significant work undertaken in response to COVID in the key achievements section;
- Referenced Local Government Re-organisation and devolution;
- Took into account the Council's Growth Plan and Children & Young People's Plan;
- Set out clear priorities for the next four years;

In regard to future service change proposals, Neil Irving, Assistant Director for Policy, Partnerships & Communities confirmed any adverse impacts on those on a low income or living in rural communities, would be identified (together with appropriate mitigation actions), within the reports brought forward seeking approval for those changes, as part of the equalities impact assessment process.

County Councillor Paul Haslam welcomed the Council Plan but suggested that the council's climate change ambition should be included in the Council Plan 'plan on a page' diagram.

All members voted in favour of the recommendations in the report, and it was

Resolved – That:

- i) The draft Council Plan be approved and recommended to the County Council for its approval at its meeting on 17 February 2021, and
- ii) It be recommended that the County Council authorise the Chief Executive to make any necessary changes to the text, including reflecting decisions made by the County Council on the budget, Medium Term Financial Strategy and updated performance data.

542 Performance Monitoring of 1-Hour Free Parking on Northallerton High Street

Considered – A Report of the Corporate Director for Business and Environmental Services on the consultation exercise completing the Right to Challenge Parking Policies Petition Scheme.

Mr Barker read out his statement, as shown below:

“Good morning. I’m Guy Barker, Director of Barkers Northallerton and a Director of Northallerton Business Improvement District. Thank you for the opportunity to comment on the Northallerton High Street Parking Performance, Monitoring and Petition Review. We welcome the temporary extension of one hour free until the end of March - but regret that no long-term solution is being proposed for the fundamental problem of lack of free parking in our town-centre.

Thirty minutes is simply not long enough. Survey after survey tells us that shoppers feel rushed and would prefer to take their custom to neighbouring towns where there is more generous free parking. From 100 shoppers polled by the BID recently, an overwhelming majority of 95 per cent told us that extra free parking encourages them to spend more time in local shops and businesses. Furthermore, 84 per cent strongly favoured two hours and told us free parking provision has a strong influence on where they shop.

Now more than ever, when many businesses are facing an uncertain future, we need support and intelligent leadership to make it as easy as possible to park in Northallerton and enjoy everything our town has to offer. We will continue to campaign for fairness on behalf of our businesses. Please be in no doubt about the strength of feeling on this issue in Northallerton.

I must also register our disappointment with the handling of the parking petition review procedure where the County Council has failed to follow its own guidelines. Several important issues we raised have been ignored, and there remain significant disagreements over how by any sensible measurement the charging regime can be deemed a success.

It remains our belief that an ungenerous 30 minutes of free parking on our High Street puts us at a serious competitive disadvantage to adjacent towns. All of us must do everything in our power to protect the commercial health of Northallerton. That means we will always be open to further discussion and engagement on this vital issue.”

In response, Karl Battersby Corporate Director for Business & Environmental Services confirmed that Northallerton High Street, benefited from a significant on-street parking facility, which was well utilised and included short term free parking of up to 30 minutes, complemented by up to 1 hour free parking in the nearby off-street Applegarth car park.

As stated in the report, he noted that other than a 20-minute free parking allowance in Market Place, Knaresborough; the High Street was the only other location in the County which offered a free on-street parking period where Pay and Display charges applied. He stressed the purpose of the 30 minutes free parking was to facilitate a short errand, drop off/collection or similar trip and not a full shopping experience. Also, that the charges themselves compared very favorably with others in the area.

He also confirmed that without a robust parking management approach, the network would suffer from increased congestion, delay and lesser turnover of spaces, which would be of greater deterrent to shoppers and visitors. He explained the Council Council’s strategic approach to on-street parking management i.e. to encourage the use of off-street car parks by making on-street parking more expensive and/or time restricted and confirmed the current arrangement was in accordance with that strategic approach, and substantially achieved the intended traffic management benefits. Also, that the available data had been reviewed objectively, consistently and appropriate conclusions drawn based on the strategic approach.

Karl Battersby accepted that, in considering the petition, officers should have carried out

some formal consultations, and confirmed that this procedural oversight had been acknowledged and rectified as set out in the Executive report. He also noted that as the report was published late, additional time had been given to Northallerton BID to provide their statement to the Executive.

Finally, he recognised the challenges facing high street trade in the county and nationally and confirmed the County Council was committed to supporting local business at this time of increased pressure, as shown by the temporary extension to the free parking period during the current Covid pandemic. He noted the Executive report reaffirmed the intention to review the free parking time period on the High Street - north of Friarage Street, on a permanent basis.

County Councillor Don Mackenzie thanked Mr Barker for his contribution but reflected his disappointment that BIDs were not more creative in their dealings with the Council, rather than just focusing on parking charges. He acknowledged that retail outlets were under pressure everywhere as a result of COVID and noted that the income from parking charges was used to deliver concessionary services and subsidised bus services, making it easier for shoppers to access the high street. Finally, in expressing his full support for the Council policy on parking charges, he suggested that departing from it in Northallerton would be unfair on other areas.

County Councillor Don Mackenzie went on to introduce the report, which provided detailed feedback on the performance of the temporary one hour free parking concession introduced on Northallerton High Street in September 2020.

All members voted in favour of the recommendations, and it was

Resolved - That:

- i. The existing Pay and Display arrangement and tariffs remain unchanged;
- ii. A review be carried out to consider increasing the free time allowance to that part of High Street north of Friarage Street;
- iii.. The temporary free parking extension for High Street, Northallerton and Market Place, Knaresborough continue until the end of March 2021, and that any further consideration beyond that date be delegated to the Corporate Director for Business & Environmental Services BES in consultation with the BES Executive Members.

543 Admission Arrangements

Considered –

A report of the Corporate Director for Children & Young People's Services seeking Members views on the response to the proposed admission arrangements for Community & Voluntary Controlled Schools for the school year 2022/23, and to seek approval for recommendation to the County Council for determination.

County Councillor Patrick Mulligan introduced the report confirming that the catchment areas for community and voluntary Controlled Schools across the Local Authority area remained unchanged with a number of exceptions, as detailed in the report. He went on to detail the consultations process that had been undertaken and confirmed 219 responses had been received.

All members voted in favour of the recommendation, and it was

Resolved – That the proposed Admission Arrangements be recommended to the County Council for approval on 17 February 2021, to include the proposed:

- Admission policy for community and voluntary controlled schools;
- Admission policy for nursery schools, schools with nursery classes and pre-reception classes, appendices 1 & 2.
- Co-ordinated admission arrangements at Appendix 3;
- In-Year Fair Access Protocol at Appendix 4;
- Published admission numbers (PAN's) for community and voluntary controlled schools as shown in Appendices 5 (Primary) & 6 (Secondary)

544 Kell Bank CE Primary School - Proposed Closure

Considered:

A report of the Corporate Director for Children and Young People's Service, detailing the outcome of the public consultation carried out by the Children and Young People's Service on a proposal to close Kell Bank CE VA Primary School, with effect from 31 August 2021.

County Councillor Patrick Mulligan introduced the report, confirming the consultation process undertaken, and provided an overview of the school's history, its catchment area, and feedback received from stakeholders. He also outlined the next steps in the process.

Members noted the falling number of children currently at the school and the longer-term forecast, which indicated that the number would not recover significantly and may reduce still further.

Members voted in favour of the recommendations, and it was

Resolved – That:

- i) That statutory proposals and notices be published on 5 February 2021 proposing:
 - To cease to maintain Kell Bank CE VC Primary School with effect from 31 August 2021 and;
 - To expand the catchment area of Masham CE VA school with effect from 1 September 2021, to serve the area currently served by Kell Bank CE VC Primary School.
- ii) That a final decision on the proposals be scheduled for the Executive on 23 March 2021

545 Healthy Child Programme Consultation Report

Considered –

A report of the Corporate Director for Health & Adult Services informing the Executive of the results of the public consultation on changes to the Healthy Child Programme, and detailing the potential mitigations proposed as a result.

County Councillor Caroline Dickinson introduced the report, which detailed the results of a public consultation on changes to the Healthy Child Programme, and proposed a number of potential mitigations based on the consultation feedback.

It was noted that the Healthy Child Programme was aimed at ensuring every child got a good start in order to lay the foundations for a healthy life, and that the proposals would transform the service for the 21st century.

County Councillor Caroline Dickinson outlined the services that made up the current programme and the main points of the consultation undertaken.

Richard Webb, Corporate Director for Health & Adult Services, confirmed that health visiting and school nursing had been successfully provided by Harrogate & District NHS Foundation Trust for some years and that the current contract with them was up for review. This, alongside a national reduction in funding for the Public Health Grant, had led to the service review and the consultation.

It was noted that going forward, work would be prioritised on the under 5's, ensuring every child had the best start in life, and would integrate the healthy child service more closely with other children's services. The Healthy Child programme needed to be seen as part of a comprehensive range of children's services, led by the Council's Children and Young People's Services directorate and would also involve NHS partners.

County Councillor Gareth Dadd welcomed the proposals as they provided the means for directing the resources to those that actually needed it.

County Councillor Janet Sanderson highlighted the council's good track record of successful transformation programmes and noted the opportunity presented by COVID to test pilot other ways of delivering services. She also highlighted there would be no change to safeguarding arrangements as a result of the proposals.

Members all voted in favour of the recommendations, and it was

Resolved - That:

- i. The result of the public consultation on changes to the Healthy Child Programme, and potential mitigations proposed as a result of the consultation be noted and;
- ii. Any further mitigations to the service model as a result of the consultation and the approval of the final service model be delegated to the Director of Public Health, in consultation with the Director of Health and Adult Services and Director of Children and Young Peoples Services.

546 Approval of the 0-19 Healthy Child Draft S75 Agreement

Considered –

A report of the Corporate Director for Health & Adult Services presenting a draft Section 75 Agreement in relation to North Yorkshire County Council's joint working with Harrogate & District NHS Foundation Trust on the delivery of the Healthy Child Programme, and seeking approval to begin a four-week consultation on the draft Section 75 document.

County Councillor Caroline Dickinson introduced the report, confirming the Section 75 approach would enable the development of a long-term partnership and ensure the ongoing development of the service.

All Members voted in favour of the recommendations, and it was

Resolved - That:

- i) The content of the draft Section 75 Agreement be noted;
- ii) A 4 week public consultation be approved, to run from 02/02/21 until 03/03/2021;
- iii) Consideration of the responses to the public consultation on the Section 75 along with

any final draft Section 75 Agreement, be scheduled for a meeting of the Executive in March 2021.

547 Forward Plan

Members considered the Forward Plan for the period from 15 January 2021 to 31 January 2022.

Resolved – That the Forward Plan be noted.

The meeting concluded at 1.15 pm.

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North Yorkshire County Council

Executive

16 February 2021

Area Constituency Committee Feedback

1.0 Purpose of the Report

To bring to the attention of the Executive key issues considered at recent meetings of the Area Constituency Committees.

2.0 Thirsk & Malton Area Constituency Committee on 13 January 2021

2.1 The committee considered the Council Budget Proposals for 2021/22, with a particular focus upon the area covered by the committee. The following issues were discussed:

- The need to strike the correct balance between providing services and not raising Council Tax more than necessary, and the options available regarding the adult social care precept;
- The number of schools expected to be in deficit over the next 3 years and the value of that deficit - Members noted that the average deficit figures provided often masked some serious problems for some individual schools;
- The potential budgetary impact on schools beyond 2023, and the particular difficulties faced by smaller schools;
- The reduced 'business-as-usual' activity, as a result of COVID e.g. a 30% reduction in Living Well referrals and a 25% reduction in reablement activity etc - Members raised concern about the likely impact of a growing backlog of need in those areas;
- The level of existing residential and nursing care contracts were being paid above NYCC rates;

2.2 The Committee also considered a report on some proposed amendments to Hambleton District Council's operation of off-street car parks. Members from the affected divisions confirmed their support for the proposed amendments.

2.3 Finally, the committee considered the proposed changes to the Healthy Child Programme. The committee broadly supported the proposed changes, and noted that the proposed provision of remote meetings/appointments/assessments and an increased use of internet-based services was in line with a whole range of public, private and third sector organisations who had also adopted new ways of working in response to the pandemic, two national lockdowns and various local restrictions. It was acknowledged that for many the changed ways of working had been liberating, but for some there was a risk of exclusion from the services they needed. The committee were therefore pleased to note that face-to-face and telephone-based access to services would be maintained for those most vulnerable or for those unable to use/access technology. Reassurance was also sought that the impact of the pandemic on children and young people's mental health would be taken into account as the proposed changes to services were being finalised.

3.0 Selby and Ainsty Area Constituency Committee on 15 January 2021

3.1 Executive Members provided an update on the current approach to the COVID 19 pandemic, following the recent implantation of a further national lockdown. The following issues were highlighted during the discussion:-

- Regular updates being provided by the County Council to the whole of North Yorkshire
- The vaccination programme and how that is developing
- Regular meetings with local MPs regarding the response to the pandemic
- Measures being taken to ensure compliance with lockdown and dissuade others from travelling into the County for recreational purposes
- The continuing work of the community Care teams to assist local communities
- The need to focus on the majority complying with lockdown rather than those who were not
- The response to the provision of free school meals for those requiring them
- The multi-agency response to reducing the infection rate and responding to the needs of local communities.

3.2 Consideration was given to the Council Budget Proposals for 2021/22, with a particular focus upon the area covered by the committee. The following issues were discussed:

- The possible use of Central Government “Levelling up Funds” to assist with the budget
- The need to provide funding to upgrade the A19/M62 roundabout to encourage better employment opportunities into the area. It was explained that this was predominantly Highways England matter, but the County Council could support such a venture in the interests of local businesses.

3.3 The Committee considered an annual update on Schools, Educational Achievement and Finance. The wide-ranging report provided information on: the number of schools across the area and their status; school standards and attainment; exclusions; special education needs; schools' finance; and planning of school places. The following issues were discussed:-

- The provision of technological resources to children who are unable to access remote learning due to them being unable to access those facilities and details were provided as to how that was being addressed through a number of national and local initiatives.
- An update on the provision of 3 new classrooms at Barlby School

3.4 James Malcolm (Area Highways Manager) provided an update on the progress being made to rebuild, repair and reopen the A19 following severe flooding earlier in the year. The following issues were highlighted:-

- Work had commenced on site and initially efforts were being made to strengthen the site against the potential of further flooding.
- Progress had been good to date with work taking place during all daylight hours available.
- The contractor had been working with local communities to ensure that liaison was maintained and had supported a number of charity and community events.
- Some Members expressed their disappointment with the expected completion date of June 2021 and wondered why work had not been taking place at week-ends or during the Christmas period. In response it was explained why work could not take

place during these times, however, as daylight hours extended, so would the working day and it was hoped that the completion date could be brought forward, with regular feedback provided to Members in respect of this.

4.0 Scarborough & Whitby Area Constituency Committee on 20 January 2021

4.1 The Committee considered the Council Budget Proposals for 2021/22, with a particular focus upon the area covered by the Committee, and the following issues were discussed:

- The projected HAS overspend and adult social care precept options, and the reduction in business as usual which was likely to lead to a backlog of need;
- The reluctance of some families to place relatives in care under the current circumstances;
- The financial difficulties for schools in the area, and the worsening projections for those schools over the next 3 years;
- The need to strike the correct balance between raising Council Tax to pay for services, and the propensity of residents to pay.
- The services available for residents who fall into financial difficulty
- The potential for significant savings should the local government review prove successful, and the continued increase in Locality budgets unto LGR is determined

4.2 The Committee also received a development update on NHS North Yorkshire Clinical Commissioning Group's East Coast Transformation Programme, together with a performance update for Scarborough hospital from York Teaching Hospital NHS Foundation Trust.

4.3 The transformation programme update provided an overview of the recognised challenges for coastal communities and isolated rural District General Hospitals e.g. dis-economy of scale, workforce recruitment and retention, infrastructure, limitations of effective networks and the impact of the wider economy. It also detailed the programme to date and gave reassurance that the principal aim of the Scarborough Acute Review was to support the ongoing provision of an Emergency Department in Scarborough. It was confirmed that as part of this, a new £47m capital programme for a new Emergency Department and Intensive care unit was being developed.

4.4 Members raised their ongoing concerns about the quality of basic care being provided in Scarborough Hospital as evidenced by a number of recent CQC reports. In response, information was provided on the quality improvement achievements to date and the planned actions going forward which would deliver the improved standards on wards that Members were seeking. The Committee agreed to keep a watching brief and requested a further update in June 2021

5.0 Recommendation

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

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

Northallerton

4 February 2021

Background Documents: None

Appendices: None

NORTH YORKSHIRE COUNTY COUNCIL

EXECUTIVE

16 FEBRUARY 2021

SPECIAL SCHOOLS BUDGET

Report of the Corporate Director – Children and Young People’s Services

1.0 PURPOSE OF THE REPORT

- 1.1 This report asks the Executive to agree a number of recommendations relating to Special school funding arrangements for 2021-22, which need to be compliant with the operational guidance issued by the Department for Education (DfE).
- 1.2 These recommendations include:
- Applying a Minimum Funding Guarantee (MFG) of 0% in the calculation of special school budgets for the 2021/22 financial year.
 - Revising the contextual funding component of the special school funding formula, so that there is a robust evidence base that the factor is responsive to changing circumstances at individual schools.
- 1.3 These recommendations have been broadly supported by the Special schools community during a county-wide consultation and the recommendations in this report were discussed positively by the North Yorkshire Schools Forum.

2.0 BACKGROUND

- 2.1 Discussions took place with the Schools Forum meeting in September regarding Special school funding arrangements in 2021/22 being impacted by a combination of:
- uplift factors applied to banding allocations (for top-up funding);
 - the specific operation of the Minimum Funding Guarantee in the Special school sector (taking into account that the local authority determined a rate of +4% in 2020-21 to provide additional protection to the sector);
 - any review of the Contextual funding arrangements, which were acknowledged to have reached a stage where it was challenging to evidence that the allocations to individual schools were appropriate reflections of their specific circumstances and relative level of need;
 - any implications to emerge from the DfE High Needs funding operational guidance (which at that stage had not been issued by the DfE).
- 2.2 Reviewing each of those elements in turn:
- 2.2.1 Firstly, it was determined that the **Banded funding allocations (Element 3 funding in the DfE terminology)** would increase in line with an assumed rate of inflation of +2%, which is the same percentage uplift in baseline pupil-led funding for mainstream schools in 2021-22 (as per Schools block national funding formula: technical note July 2020). Since the banded funding allocation is reflecting costs incurred beyond the Element 2 funding allocation of £6,000, and because this figure

has been held constant for many years by the DfE, the allocations for each banding will actually increase by greater than 2% with the highest percentage increases applying to the lower banding allocations. These rates will apply across all settings in receipt of top-up funding.

2.2.2 A proposal was developed that the **Minimum Funding Guarantee** should be set at 0% for Special schools, taking into account the significant pressure on the high needs budget and the previous years' position of providing an MFG rate significantly in excess of the rate of inflation. This proposal, along with an alternative option of setting the MFG at +2% was included in a consultation exercise with the Special school sector.

2.2.3 A proposal was developed to modify the **Contextual funding allocation**, so that it operates with a combination of a lump sum factor, per pupil allocation and a floor area factor (to reflect the differential pressure of premises costs between schools). In addition, it was proposed to recognise split site operations and the costs associated with operating hydrotherapy pools. The proposal considered that, in comparison to the existing arrangements, this proposal would assure schools that changing circumstances (for example, significant expansion) are reflected in the formula allocations. It would also provide greater transparency on differing allocations between schools. This proposal was also the subject of the consultation exercise, with schools being invited to express support for either the proposed approach or continuing with the existing approach, or to provide any alternative approaches.

2.3 The consultation exercise with Special schools took place during November and December 2020. Responses were received from eight of the ten Special schools – a very encouraging response rate.

2.4 In terms of the proposed change to the Contextual funding component, six schools were supportive of the proposal, whilst the other two schools did not support the proposal. Furthermore, the two schools that did not support the proposal both agreed in their responses that the current arrangements should not continue.

2.5 One of the schools not supportive of the proposal provided a more detailed articulation of their concerns, and how they considered that the revised arrangements would not provide an adequate base level of funding for their particular operation (a school supporting pupils with SEMH needs). Our analysis of their response was that it raises two key concerns that:-

- a) the reduction in the allocation of contextual funding would be sufficiently substantial that the school would be dependent upon the Minimum Funding Guarantee for a significant number of years
- b) that the contextual funding allocation for the school does not reflect the “additional needs and hence costs associated with the delivery of SEMH provision

2.6 On the former issue, there is the potential that this individual school could be dependent upon the Minimum Funding Guarantee for a number of years (dependent on the rates agreed for future years). However, in the light of no alternative proposals being suggested, the only means to avoid this being the case would be to leave the contextual funding factor in its current form – which all consultation respondents felt should not be the case.

2.7 In terms of the view about the factor not reflecting the needs of SEMH pupils, the local authority view would be that is more a consideration for the overall special school funding arrangements. The local authority would contend that the banded allocations methodology for top-up funding does permit appropriate differentiation of the needs of pupils, and that

the solution to addressing this particular concern does not reside in the contextual funding factor.

- 2.8 Turning to the issue of the Minimum Funding Guarantee, in terms of headline response rates, there was a mixed response – with 3 schools supporting the 0% proposal, and 5 schools supporting the +2% proposal.
- 2.9 Specifically schools articulated that:
- they were concerned about the equivalence of Minimum Funding Guarantee rates between mainstream and special schools
 - they were concerned that the proposed Minimum Funding Guarantee of 0% represented a precedent for future years' settlements for the sector
- 2.10 In terms of the precedent issue, the local authority position is that the requirements will be reassessed each year in the light of the challenges being faced within the sector. The local authority will consider the overall financial challenge being experienced on the high needs budget, and the issue appropriately raised of achieving at least equivalence with the mainstream sector to protect the education of some of our most vulnerable learners.
- 2.11 In terms of the equivalence issue, as set out in the consultation document and previous discussions, the proposal of 0% for the Minimum Funding Guarantee for 2021-22 was linked to the significantly higher rate of +4% applied in 2020-21, despite the DfE only prescribing an MFG rate of 0% for the Special school sector. The equivalent rates for mainstream schools across the two financial years were +1.84% and +2%. So our conclusion is that a school in relatively stable circumstances (recognising that there are nuances to how the MFG calculation protects individual schools) in the Special school sector has been protected at a slightly higher rate than schools in the mainstream sector across those two years.
- 2.12 Taking into account the above factors, it was proposed to the Schools Forum that the local authority was minded to implement the 0% MFG. There was also a commitment that the rate applicable in 2022-23 will be discussed with the Schools Forum in the Autumn term 2021.
- 2.13 The propositions that the local authority was minded to proceed with the revision to the contextual funding arrangements and setting an MFG of 0% for the Special school sector were discussed at the Schools Forum meeting on January 21st 2021, where no concerns were expressed with this approach.

3.0 FINANCIAL IMPLICATIONS

- 3.1 All funding discussed in this paper is part of the Dedicated Schools Grant (DSG). There is no direct impact on the Council's budget as a result of the recommendations in relation to the level of the Minimum Funding Guarantee or revision to contextual funding arrangements for Special Schools.
- 3.2 The proposals have been designed to be cost neutral within the High Needs component of the Dedicated Schools Grant. Our assessment was that three schools would, all other things being equal, receive a lower funding allocation as a consequence of the changes to contextual funding, which was exemplified to schools within the consultation document. However, with the operation of the Minimum Funding Guarantee, no school will receive a reduction in funding per pupil between 2020-21 and 2021-22.

4.0 LEGAL IMPLICATIONS

4.1 No specific legal implications are identified as a result of the recommendations contained within this report.

5.0 EQUALITIES IMPLICATIONS

5.1 An Equality Impact Assessment (EIA) initial screening has been completed, and is attached as **Appendix 1**. It is anticipated that there will be no impact on any persons with protected characteristics as defined by the Equality Act 2010.

5.2 At this stage of the EIA there is no evidence to suggest that the proposal made will significantly disadvantage one or more protected characteristics.

6.0 CONSULTATION UNDERTAKEN AND RESPONSES

6.1 As discussed within Section 2, a consultation was undertaken with all Special schools and academies in North Yorkshire, following discussions with the North Yorkshire Schools Forum.

6.2 This consultation lasted from Tuesday 10th November 2020 until Thursday 17th December 2020. There were 8 school responses – six of these were from maintained schools and both special academies responded. The response rate was a very positive 80%.

7.0 RECOMMENDATIONS

7.1 The Council's Executive is asked to agree:

- i. That the Council applies a Minimum Funding Guarantee (MFG) of 0% in the calculation of special school budgets for the 2021/22 financial year.
- ii. That the Council uses the revised methodology for calculating the contextual funding component of the formula allocation for special school budgets.

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

February 2021

Report Author – Howard Emmett, Assistant Director – Strategic Resources

Appendices:

Appendix 1 – EIA Screening Form


Background Documents:

Reports to the North Yorkshire Schools Forum dated 17th September 2020 and 21st January 2021 – see: <http://cyps.northyorks.gov.uk/nyep-meetings-and-agendas>

| 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 | Children and Young People Services |
| Service area | Strategic Resources |
| Proposal being screened | Review of Special school funding arrangements 2021-22 |
| Officer(s) carrying out screening | Martin Surtees |
| What are you proposing to do? | <p>(a) Set the level of the minimum funding guarantee for special school funding allocations at 0%, so that every special school will receive at least the same level of funding per pupil in 2021-22 as they received in 2020-21</p> <p>(b) Change the basis of calculating the “contextual funding” part of the special school funding formula. This will result in schools being allocated resources on a combination of a lump sum allocation (£45,000 per school), a per pupil allocation (£500 per pupil) and a floor area allocation (£31 per square metre). In addition those schools with split site arrangements will receive an additional £20,000 and those schools with hydrotherapy pools will receive an additional £5,000.</p> |
| Why are you proposing this? What are the desired outcomes? | <p>The objective of the change to contextual funding is to increase the transparency in the special school funding arrangements, and also to ensure that changing circumstances at individual schools (such as growth in pupil numbers) are reflected in funding arrangements</p> <p>The purpose of the minimum funding guarantee is to provide a safety net to provide sufficient resources to enable all schools to effectively deliver the curriculum, whilst on the other hand not protecting schools to such an extent that the formula allocations become redundant.</p> |
| Does the proposal involve a significant commitment or removal of resources? Please give details. | The proposal is cash neutral in terms of the redistribution of contextual funding between Special schools, involving approximately £1.8 million of funding. |
| <p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC’s additional agreed characteristics</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> 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 info available |
| Gender reassignment | | | No info available |
| Religion or belief | | | No info available |
| Pregnancy or maternity | | Not applicable | |
| Marriage or civil partnership | | Not applicable | |
| NYCC additional characteristics | | | |
| People in rural areas | | No | |
| People on a low income | | No | |
| Carer (unpaid family or friend) | | | No info available |
| 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 proposal relates to ensuring each of the ten special schools within North Yorkshire have a sufficient budget allocation for 2021-22 to adequately meet the needs of their pupil population. | | |
| Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion. | It is not anticipated that the proposals will result in any significant impacts for partner organisations. | | |
| Decision (Please tick one option) | EIA not relevant or proportionate: | Yes | Continue to full EIA: |
| Reason for decision | The assessment is that, given our proposition that all special schools will be funded at a sufficient level to effectively deliver the curriculum and continue to meet the EHCP needs of their pupil population, that there is no scope for adverse impact for any protected characteristic groups. | | |
| Signed (Assistant Director or equivalent) |  | | |
| Date | 03 February 2021 | | |

NORTH YORKSHIRE COUNTY COUNCIL

EXECUTIVE

16 February 2021

LOWERING THE AGE RANGE OF STILLINGTON COMMUNITY PRIMARY SCHOOL

1.0 PURPOSE OF THE REPORT

- 1.1 To provide Executive Members with information upon which to make a decision on proposals published by North Yorkshire County Council to change the age range of Stillington Community Primary School from 4-11 to age 3-11 with effect from 23 February 2021.

2.0 EXECUTIVE SUMMARY

- 2.1 The Governing Body of Stillington CP School has asked the Local Authority to propose lowering of the age range of their school from 4-11 to 3-11 in order to offer nursery education for three year old children.

- 2.2 The Governing Body of Stillington CP School consulted with parents and the local community on their proposal from 21 September to 26 October 2020.

- 2.3 The Executive met on 24 November 2020 and considered the outcome of the governors' consultation. They agreed to publish statutory proposals on 11 January giving 4 weeks until 8 February for representations to be made. At the time of writing this report there have been no objections or responses to the statutory notice.

- 2.4 The Executive agreed a model for making decisions on school organisation proposals on 25 September 2007. Under this model, school organisation decisions, for which the decision-maker is the Local Authority, will be taken by the County Council's Executive, or if there are no objections to the statutory notice, the decision is delegated to the Executive Members for Education and Skills and for Children's Services.

- 2.5 If at close of business on Monday 8 February 2021 there have been no objections to this proposal the matter will be determined by the Executive Member for Education and Skills at his meeting with the Corporate Director for Children and Young People's Service on Tuesday 16 February 2021.

- 2.6 This report is supported by a number of appendices as listed below:

Appendix 1: Statutory Notice

Appendix 2: Statutory Proposal

Appendix 3: Consultation document and consultation responses

Appendix 4: School Organisation Guidance for Decision Makers

Appendix 5: Equality Impact Assessment

3.0 BACKGROUND

- 3.1 All three and four year old children are entitled to 15 hours of government funding known as Universal Funding per week for 38 weeks per year to access Early Years Foundation Stage education and childcare. This will be from the beginning of the school term following their third birthday until compulsory school age or until they take up a place in a Reception class. From September 2017, eligible working families have been able to access up to an additional 15 hours of government funding known as Extended Entitlement to access the equivalent of 30 hours of government funded childcare per week for 38 weeks of the year. A government funded place can be taken in a maintained school nursery and Foundation Stage class and/or in an Ofsted registered private or voluntary sector provision. It is parental choice as to which type of provision is most appropriate for their child and most convenient for individual circumstances.
- 3.2 Stillington CP School currently provides education for children from 4-11 years. There is no nursery provision within the village and Governors have been aware for some time that some of their children do not access nursery education.
- 3.3 Following an inadequate judgement by OFSTED in 2017 Stillington CP School was issued with a directive academy order by the Regional Schools Commissioner (RSC). Despite engagement with academy trusts, an academy sponsor could not be found. Although Stillington CP was judged inadequate by Ofsted again in January 2019, Ofsted undertook a special measures monitoring inspection in February 2020 which found that “leaders and managers are taking effective action towards the removal of special measures”. Significant LA support for school improvement has included additional adviser time for English, Maths, SEN, Early Years and governance. In March 2020 the RSC wrote to the Corporate Director – Children and Young People’s Service saying that, while the RSC cannot either revoke an academy order or endorse a federation proposal, NYCC “should pursue the proposal it finds best for the school at the current time”. This led to a collaboration with the Foston and Terrington federation, which involved structural re-organisation/ reduction in staffing, including a shared headship across the collaboration. The collaboration’s ‘strategic growth plan’ proposes to extend Stillington’s age range from 4-11 to 3-11. The headteacher has done this successfully and viably at both Foston and Terrington with a positive impact on the attainment and progress of those children.

4.0 THE PROPOSAL

- 4.1 The proposal is to provide places for 3 - 4 year olds as an extension of current reception class provision, by the creation of a Foundation Stage Class from 23 February 2021. The Foundation Stage Class would be very similar to what is available for the existing children in school. The 3 - 4 year olds would be taught in the indoor and outdoor areas currently used by the Reception and KS1 children, which is equipped to provide a high-quality learning environment. The Foundation Stage Class would have a qualified teacher to support the learning and development and for staff with a good understanding of the Reception curriculum, nursery education is not a completely new area to understand.

4.2 Stillington CP School is proposing to offer up to 10 full time (or equivalent part-time) nursery-aged places. This would be arranged flexibly depending upon the needs of the family and current legislation, including provision over lunchtime although there will be an additional charge if a school dinner is provided.

4.3 Priority for admission of nursery-aged children will be determined by the County Council's Admissions Policy for Nurseries. Admissions for the nursery-aged children are separate from admissions to the school, which are determined by the County Council's policy for Community and Voluntary Controlled Schools.

5.0 CONSULTATION UNDERTAKEN AND ANALYSIS OF RESPONSES

5.1 From 21 September to 16 October 2020 the Governing Body of Stillington Community Primary School consulted the local community on their proposal. The consultation document, which is appended to this report, was sent out to parents, local stakeholders, and other Early Years providers. The consultation document and the responses to the consultation are included in Appendix 3.

5.2 The Executive met on 24 November 2020, considered the consultation responses, and resolved to proceed with publication of the statutory proposals.

6.0 STATUTORY PROPOSALS AND NOTICES

6.1 The Statutory Notice was published on 11 January and a representation period of 4 weeks has been observed. A copy of the Statutory Notice is enclosed as Appendix 1 of this report. A copy of the complete proposal, including all the information required in the school organisation regulations and guidance, was published on the County Council's website. A copy of the proposal is attached as Appendix 2.

6.2 At the time of writing this report there have been no objections received to this Statutory Notice, with the end of the representation period due on Monday 8 February. If any objections are received they will be verbally reported to the Executive on 16 February.

7.0 FINANCIAL IMPLICATIONS

7.1 School revenue funding

Following their staffing restructure as part of their collaboration with Foston CE (Voluntary Controlled) and Terrington CE (Voluntary Aided) schools, Stillington's revenue forecast has improved to a projected surplus of £15,000 in 2020/21. A revenue surplus is also projected for 2021/22, with a small deficit (£1,700) forecast in 2022/23. The Governing Body and the Headteacher have modelled the potential income and costs of running nursery-aged provision and feel that this is financially viable. They have also discussed the financial implications of temporary closure of the school during the coronavirus (COVID-19) pandemic.

7.2 Capital Implications

The overall learning environment and space available meets the requirements of the Foundation Stage Class. Over the summer the school refurbished this area

from their devolved capital, which facilitated an improved learning environment for current KS1 children and the proposed Foundation Stage Class.

The school is currently reviewing provision and resources for the outdoor area, and considering ways in which younger children can access appropriate equipment and resources independently. This may lead to some further minor capital works which the school would fund from their Devolved Capital.

7.3 Transport costs

There are no transport costs related to this proposal.

8.0 REGULATIONS AND GUIDANCE

8.1 The consideration and determination of school organisation proposals by the Local Authority is set out in regulations and in guidance produced by the Department for Education. Careful regard has been had to these provisions.

PRELIMINARY CHECKS

8.2 The guidance requires that the Decision Maker must consider, on receipt of each proposal, whether any information is missing; whether the published notice of the proposal complies with statutory requirements; whether the statutory consultation has been carried out prior to the publication of the notice; and whether the proposal is related to other published proposals.

Having undertaken an audit of these preliminary checks, the Assistant Chief Executive (Legal and Democratic Services) advises that:

- all information required has been supplied;
- the published notice complies with statutory requirements;
- statutory consultation has been carried out prior to publication of the notice;
- and that the preliminary points for consideration have been dealt with sufficiently to permit the Executive to proceed to determine this proposal.

TYPES OF DECISION THAT CAN BE MADE

8.3 In considering proposals for making changes to school provision, the Executive, as Decision Maker can decide to:

- reject the proposals;
- approve the proposals;
- approve the proposals with a modification;
- approve the proposals subject to them meeting a specific condition (these conditions are set out in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations, and are not considered applicable to this proposal).

9.0 PROCEDURE FOR THE MEETING

9.1 The Executive agreed on 25 September 2007 that in making a decision on school organisation proposals:

(a) The Executive must have regard to decision makers guidance published by the DfE and to the Executive Procedure Rules laid down in the North Yorkshire County Council Constitution.

(b) All decisions must give reasons for the decision, indicating the main factors/criteria for the decision.

10.0 REASONS FOR RECOMMENDATIONS

EDUCATION STANDARDS

- 10.1 Following LA support for school improvement and consultation with the RSC, Stillington's formal collaboration with Foston and Terrington includes a shared headship. A review of improvements in standards was recently undertaken by the Principal Adviser and the Senior Early Years Adviser. Their review during November found that overall, there has been strong progress made at the school since the monitoring inspection in February 2020. Leadership is strengthened, with a balanced and well-sequenced curriculum now in place. Expectations have been raised. There is also a growing evidence base to support leaders' views that the school is no longer inadequate. The advisers are confident in the capacity of leadership, including governance, to drive through continued improvements so that Stillington becomes a securely good school.

VIEWS OF INTERESTED PARTIES

- 10.2 45 written responses to the consultation had been received. 43 respondents, including the Diocesan Director of Education, wrote in support of the proposal. Two objections were received from the same nursery setting in Easingwold. However, there are no childminders or other early years provision based in Stillington. There is provision in Easingwold but this involves travelling. The location of Stillington means that, without early years provision in the village, parents would need to drive. The infrequent bus service through Stillington means families who do not have access to a car would be limited about how they were able to access early years provision. The governing body met (virtually) on 28 October and unanimously voted to proceed with the nursery proposal.

11.0 HUMAN RIGHTS IMPLICATIONS

- 11.1 There are no Human Rights issues in relation to this decision.

12.0 OTHER IMPLICATIONS

- 12.1 An Equality Impact Assessment has been undertaken in respect of this change and is attached at Appendix 5. This includes an assessment of the potential impact of the proposals on rural communities.

13.0 RECOMMENDATIONS

13.1 Having undertaken the required preliminary checks, that Executive Members resolve that:

- (a) The four key issues listed above in paragraph 8.2 have been satisfied and there can be a determination of the proposals.
- (b) The age range of Stillington Community Primary School be lowered to age 3-11 with effect from 23 February 2021.

Stuart Carlton
Corporate Director – Children and Young People’s Service

Report prepared by Mark Ashton – Strategic Planning Officer

Appendices

Appendix 1: Statutory Notice

Appendix 2: Statutory Proposal

Appendix 3: Consultation Document & consultation responses

Appendix 4: School Organisation Guidance for Decision Makers

Appendix 5: Equalities Impact Assessment

Background documents

Report to Executive, 24 November 2020

North Yorkshire County Council

Executive

16 February 2021

Winding-up of SJB Recycling Ltd

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of Report

- 1.1 To obtain approval to wind up SJB Recycling Ltd, a company that ceased trading in March 2020.
- 1.2 To seek approval to distribute liquidated net assets of SJB Recycling Ltd in the form of a final dividend to its shareholders.

2.0 Background

- 2.1 SJB Recycling Ltd ("SJB" or "the Company") was acquired in 2010 as a subsidiary to Yorwaste Ltd, as a vehicle through which to dispose of garden/green waste. Later, in 2015, ownership of SJB transferred to North Yorkshire County Council & City of York Council (77.8% & 22.2% respectively) as part of Yorwaste's change to 'Teckal' status. SJB is not a 'Teckal' company.
- 2.2 The business model for the Company was originally based on "co-composting" where green waste would be mixed with sewerage solids to produce a high-nutrient material which was used as fertiliser. The Environment Agency then changed the guidelines which essentially ended the co-composting practice. The impact on SJB was to have a substantial increase in operating costs for processing green waste.
- 2.3 The higher operating costs pushed the Company from a profitable operation to a loss making one. As existing contracts expired the customers were either not prepared to meet the higher operating costs or offer the volume guarantees required to cover the fixed costs. Consequently, SJB ceased operations in March 2020.
- 2.4 Since that time SJB's directors have cleared all the operating sites of remaining material, sold all plant and equipment belonging to SJB, and cleared almost all of the working capital balances. What remains is an unaudited cash balance which SJB Board have recommended be returned to the shareholders in the form of a final dividend prior to the closure of the company.
- 2.5 Once the reserves have been distributed the recommendation is to wind-up SJB Recycling Ltd as there is no residual value in the brand. As City of York Council are a minority shareholder in SJB, they will need to follow their own approval processes to deal with the dividend and winding-up. The winding-up process is also known as dissolution and voluntary strike off.

3.0 Financial Implications

- 3.1 Before applying to Companies House to begin the process of dissolution, the Company is required to inform HMRC of its plans. Additionally, the Company must send

final statutory accounts and a company tax return to HMRC, expressing that they are the final trading accounts and that the Company will soon be dissolved. The Company must also pay all corporation tax and any other remaining tax liabilities, if any. Part of the residual amount remaining in the Company's bank account will be used to pay for final accounts to be prepared and the application to Companies House.

- 3.2 Subsequent to any remaining costs as described in paragraph 3.1, the final, remaining balance is to be distributed to the Company's shareholders in the form of a final dividend. It is expected there is to be an approximate £1.3m cash balance which is to be distributed 77.8% NYCC (circa £1.0m) and 22.2% CYC (circa £0.3m), as per the shareholding.
- 3.3 External financial advice received from NYCC's tax advisors stated that no liability will be created as a result of the dividend distribution. The reason provided was that as both shareholders (NYCC & CYC) are Local Authorities then corporation tax would not be liable. As a result the recommended option to distribute dividend in this fashion is deemed to be the most efficient way to extract the remaining value from the Company.

4.0 Legal Implications

- 4.1 An Ordinary Resolution of the shareholders is required to declare a final dividend. As the intention is for the Company to be wound-up shortly after the final dividend is distributed, the Company seeks Executive approval, acting as shareholder to approve the proposal in accordance with the terms of reference of the Shareholder Committee. The Company will need to put in place the actions as set out in 3.1 above before it can be dissolved.
- 4.2 The Company must have been dormant for at least 3 months before an application for striking off can be made to Companies House.
- 4.3 Once an application for striking off has been received by Companies House, a formal notice will be published in the London Gazette. If there are no objections, the Company will be struck off the register after a period of 2 months has passed as stated in the notice. A second notice will then be published in the London Gazette, meaning the Company will no longer exist.

5.0 Human Resources Implications

- 5.1 As the Company does not have any employees, there will be no implications in respect of redundancies or payment of final wages, PAYE and national insurance contributions. As part of the requirement to inform HMRC of its plans, the Company will confirm this position.

6.0 Equalities Implications

- 6.1 Officers have completed an equality impact assessment initial screening form (Appendix 1) and do not believe that the proposal has an adverse impact of any of the protected characteristics identified in the Equalities Act 2010.

7.0 Risk Implications

- 7.1 Although the Company is dormant and is not actively trading, it is still required to file annual accounts and confirmation statements to HMRC and Companies House at a cost to the Company. Dissolving the Company will remove those costs.

8.0 Recommendation

8.1 The Executive are requested to:

- i. approve the winding up of SJB Recycling Ltd;
- ii. authorise the Chief Executive (as Shareholder Representative) to approve the final dividend and sign the relevant shareholder resolutions in relation to the final dividend; and
- iii. authorise the Assistant Chief Executive (Legal and Democratic Services) to prepare the necessary shareholder resolutions and any action necessary to wind-up the company.

KARL BATTERSBY
Corporate Director – Business & Environmental Services

Author of Report: Michael Leah,
Assistant Director – Strategic Resources

Background Documents: None

| | | | |
|---|---|--------------------------|----------------------|
| Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA') | | | |
| 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 | Strategic Resources | | |
| Proposal being screened | Dissolving a limited company | | |
| Officer(s) carrying out screening | Michael Leah | | |
| What are you proposing to do? | The County Council wishes to obtain approval to dissolve SJB Recycling Ltd and apply to Companies House to have it struck off the Register. | | |
| Why are you proposing this? What are the desired outcomes? | The company is no longer actively trading and now has a residual amount remaining in its bank account. | | |
| Does the proposal involve a significant commitment or removal of resources? Please give details. | The Company does not have any employees. | | |
| Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic As part of this assessment, please consider the following questions: | | | |
| <ul style="list-style-type: none"> • 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 a significant 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 | Yes | No | Don't know/No |
| Age | | <input type="checkbox"/> | |
| Disability | | <input type="checkbox"/> | |
| Sex (Gender) | | <input type="checkbox"/> | |
| Race | | <input type="checkbox"/> | |
| Sexual orientation | | <input type="checkbox"/> | |
| Gender reassignment | | <input type="checkbox"/> | |
| Religion or belief | | <input type="checkbox"/> | |
| Pregnancy or maternity | | <input type="checkbox"/> | |
| Marriage or civil partnership | | | |
| NYCC additional characteristic | | | |
| People in rural areas | | <input type="checkbox"/> | |
| People on a low income | | <input type="checkbox"/> | |
| Carer (unpaid family or friend) | | <input type="checkbox"/> | |

| | | | | |
|--|---|---------------------------------|------------------------------|--|
| <p>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.</p> | <p>n/a – the company ceased trading in March 2020</p> | | | |
| <p>Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</p> | <p>n/a</p> | | | |
| <p>Decision (Please tick one option)</p> | <p>EIA not relevant or proportionate:</p> | <p><input type="checkbox"/></p> | <p>Continue to full EIA:</p> | |
| <p>Reason for decision</p> | <p>As the Company has ceased trading and has no employees, Officers do not believe the proposal will have an adverse impact on any of the protected characteristics or the NYCC additional characteristics.</p> | | | |
| <p>Signed (Assistant Director or equivalent)</p> | <p>Michael Leah</p> | | | |
| <p>Date</p> | <p>25.01.2021</p> | | | |

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NORTH YORKSHIRE COUNTY COUNCIL

EXECUTIVE MEETING

Tuesday 16 February 2021

Review of Traded Services in Education and Skills due to Covid-19

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

1. EXECUTIVE SUMMARY

- 1.1. To seek approval to implement immediate short-term solutions to address the financial shortfall facing the Outdoor Learning Service due to the impact of the Coronavirus pandemic. This would include mothballing both sites (include winterising both sites and draining down services, plus the installation and monitoring of CCTV systems) and commencement of consultation to reduce staffing.
- 1.2. To seek approval for a strategic review of the service with the ambition to ensure a long-term sustainable operating model is developed and established, subject to detailed consideration and approval of a business case by the Executive later in 2021.

2. CONTEXT

- 2.1. The Education and Skills Service has responsibility for the delivery of a number of key traded services for schools. Many services have been adjusted or restricted in their delivery over the last 12 months; small group music teaching is delivered via video link, training for teachers and governors has been digitalised and delivered remotely and although very few meetings have taken place in school buildings, much of the traded delivery has continued.
- 2.2. The Outdoor Learning Service (OLS) was forced to close to all customers in March 2020. Since this time Department for Education (DfE) guidance has advised against residential school visits. This guidance was most recently reviewed in November 2020, and no changes were made.
- 2.3. The income into the service each year is typically £2,257,400. This includes residential income (£2,105,600), outreach income (£137,800) and tenancy income (£14,000). There is no subsidy from the council's core budget. Staffing costs amount to £1,500,800 and in 2019-20 the outturn was a deficit of £78,813.
- 2.4. However, the forecasted outturn for 2020-21 as of Q3 shows a deficit of £984,182 if no immediate action is taken given the cessation of all income streams.
- 2.5. Management actions have been taken swiftly to ameliorate the financial position. The majority of OLS staff have been 'furloughed' under the Coronavirus Job Retention Scheme and five staff are seconded to the Covid locality response teams until March 2021; relevant income for these staff have been accounted for in the forecast in 2.4. The current furlough scheme is due to end in April 2021.
- 2.6. Each year the service employs a group of trainees; eight staff were on fixed term contracts but these expired on 31 December 2020. One tutor is currently also employed on a fixed term contract and this will expire on 28 February 2021.

- 2.7. There are two sites used by the service. The Bewerley Park estate, comprising of a series of wooden buildings constructed immediately post-war, with an expected life span of 10-20 years, and East Barnby, a site currently subject to a lease with a break clause in 2023. The Bewerley Park site requires significant investment to maintain and improve the facilities; there is a capital maintenance backlog and the design and layout of the current buildings do not meet the demands and function required by a modern outdoor education centre. A strategic review of the service was planned in early 2020 but was put on hold due to the pandemic.

3. IMPLICATIONS OF COVID-19

- 3.1. From January to December 2019, 133 North Yorkshire schools and a number of schools outside of the county enjoyed residential visits to one of the Outdoor Learning Service centres. From a sample of 132 North Yorkshire schools surveyed in September and early October 2020, 97 schools indicated that they were still planning outdoor learning residential visits in the spring and summer term 2021 however, current guidance continues to prevent these from taking place.
- 3.2. Furthermore, it is important to note that when a school residential visit is arranged, a long lead in time is required for schools to seek commitment from parents to sign-up to, and financially contribute to the visit before the visit takes place. Due to the current closure of the service, it is expected that there will be a further time lag between an announcement of a change in government guidance and schools being able to confirm and undertake visits following a period of planning and consultation with parents and staff. The effect of the current public health and economic situation and their impact on schools and parents' willingness to commit to residential learning experiences is not yet understood.
- 3.3. The prospect of sufficient confirmed bookings of residential visits with numbers to produce a viable income for the service to balance its budget is unlikely to improve in the next financial year. When residential visits are permitted it is likely that risk mitigation measures will lead to much smaller sized cohorts accessing the residential centres at any time and this will significantly affect levels of income.
- 3.4. The current additional national restrictions mean that it is becoming increasingly unlikely that residential visits will take place in the spring term and there is continued uncertainty about the summer term of 2021 and beyond this into the autumn-winter season 2021-22.

4. POLICY IMPLICATIONS

- 4.1. The Outdoor Learning Service contributes to Young and Yorkshire 2 across at least seven of the nine priorities.
- Protect those at risk of harm
 - Encourage fun, happiness and enjoyment of life
 - Promote health and wellbeing through positive choices from conception to adulthood
 - Improve social, emotional and mental health and resilience
 - Reduce health inequalities
 - Equip young people for life and work in a strong North Yorkshire economy
 - Raise achievement and progress for all

5. SHORT TERM PROPOSAL

- 5.1. The proposal offering the most cost effective solution in the short term would see both sites being mothballed before the end of the financial year. This would necessitate a whole service staffing review.
- 5.2. The associated savings achieved through this proposal are detailed in the Forecast 2020-21 table below:

| Proposal | 2020/21 |
|---|-------------------|
| Property costs 'Mothballing' | £36,000 |
| Forest/ Beach School Training- refund est | £12,774 |
| Total Change from Forecast (Q3)/ Budget | £48,774 |
| Current Forecast (Q3 excluding mothballing costs)/ Budget position | £984,182 |
| Total Forecast Outturn | £1,032,956 |

- 5.3. The key risks associated with this decision are a loss of expertise in the service, the potential loss of customer base (should government announce plans for residential centres to re-open) and the impact of long-term periods of non-occupancy.

6. LONG TERM SERVICE PROPOSAL

- 6.1. Alongside the short-term proposal above, a long-term review of the service will be undertaken. In part, this is due to the need for significant re-investment in the building facilities for the service and at the highest level, the review would determine the requirements of outdoor learning provision for children and young people of North Yorkshire and match this to an operating model designed to deliver these educational requirements in the long term.
- 6.2. The staffing and estate requirements to re-launch and deliver a sustainable model would be evaluated upon the outcome of the review, and specific recommendations for the longer term future of the service would be brought back to the Executive for decision at that time.
- 6.3. It is intended that the review commence at the earliest opportunity so that associated service development plans can be established with minimal delay and disruption to existing customers. The ability to do this in a transparent and open arena would enable the council to seek the widest range of business delivery options, including partnerships with voluntary and community sector organisations.
- 6.4. The aims of the review have been identified as:
- Identify stakeholders and build a review team with a nominated business lead
 - Review the core objectives and benefits of the service
 - Review alternative operating models, taking into account a broad view of the outdoor activity market and competitors
 - Review the property and infrastructure position and provide costed options for improvement and/or replacement to support one or more proposals for re-launch of the service

- Provide a view of the commercial business case for the service, balanced against a realistic cost base including staffing, equipment, property and infrastructure investment so that the operating model is self-sustaining.
- Produce a strategic proposal for the future of the service, supported by an outline business case

7. FINANCIAL IMPLICATIONS (SHORT TERM PROPOSAL)

- 7.1. Minimum losses to staffing and redundancy costs would be achieved if staff are successfully redeployed in like for like roles.
- 7.2. Redundancy costs are applicable for both STPC and NJC staff. The earliest redundancy date for individuals on school teacher pay and conditions is 31st August 2021 and notice would need to be served in May 2021. The job retention scheme (if available after April 2021) ceases to apply if employees are issued with notice. Maximum redundancy costs are expected to be £202,950, as detailed in the Spending Plan 2021-22 table below:

| Proposed spending plan | 2021/22 |
|--|--------------------|
| Minimum staff costs | £ 611,167 |
| Staff savings- Furlough income estimate | -£ 52,604 |
| Potential redundancy costs | £ 202,950 |
| Potential pension strain costs | £ 47,553 |
| Property Costs- Superintendent | £ 40,000 |
| Property Costs- Rates | £ 36,000 |
| Property Costs- Maintenance | £ 141,700 |
| Property Costs- East Barnby Property Insurance | £ 3,900 |
| East Barnby Lease | £ 10,000 |
| Tenancy income | -£ 5,833 |
| Total Budget | £ 1,034,832 |

- 7.3. Pension costs are approximately £47,553.
- 7.4. Mothballing costs of £36,000 include winterising both sites and draining down services, plus the installation and monitoring of CCTV systems.
- 7.5. Superintendent activity will be required to maintain a service and security schedule at both sites in order to cover insurance expectations. Property Services could fulfil this requirement at a cost of £20,000 per site per year from 2021-22.
- 7.6. Specific issues regarding the surrendering of the lease at East Barnby will require further investigation.
- 7.7. Other costs include estimates around disposal and subsequent repurchase of residential equipment, for example, mattresses that would be required after a substantial period of no use. However, the current reactive and preventative maintenance costs of up to £64,100 remain in the budget for 2021-22 and some savings will be made whilst the centres are mothballed.

8. LEGAL IMPLICATIONS

- 8.1. Potential legal implications regarding the lease arrangement for East Barnby and a potential long-term period of no occupancy.
- 8.2. Contractual arrangements around repair and maintenance of East Barnby, and requirements to continue maintenance to ensure compliance with the lease.
- 8.3. A small number of individuals have tenancy agreements at Bewerley Park linked to their employment. Where necessary, tenancy agreements would need to be terminated in line with legal requirements and notice periods.
- 8.4. Laying off staff is not considered an appropriate option.

9. CONSULTATION UNDERTAKEN AND RESPONSES

- 9.1. A survey of 132 schools across North Yorkshire took place in September and October as to their intentions over the rest of the school year 20-21 (subject to government restrictions being lifted) with regard to educational visits, outdoor learning and residential visits. All schools planning an outdoor learning residential experience said they would consider an alternative delivery model if the residential element were not possible.

10. IMPACT ON OTHER SERVICES/ORGANISATIONS

- 10.1. There will be an impact on schools who wish to organise residential outdoor learning visits if government guidance is relaxed in the near future, and one or both of the centres is closed. During the first lockdown in summer 2020, the centres worked with Children and Families and hosted individuals in need of short-term placements. This might be possible again, if at least one of the centres remains open, but would require pre-planning to organise staff and facilities.
- 10.2. There could be an impact on out of county schools and non-school groups, with potential long-term loss of these customers. However good communication and involvement in the long-term strategic review could mitigate against this risk.
- 10.3. The short-term mothballing of the centres will require liaison with the Communications Unit to ensure appropriate public messaging is maintained.
- 10.4. Mothballing of the sites will require oversight from within Property Services to ensure the sites are maintained and kept secure and may require additional start-up costs after a period of mothballing. This would be factored into the long-term review.
- 10.5. The greatest impact is on children and young people having restricted access to the outdoors and outdoor learning opportunities. Purposeful experiences in the outdoors can be a catalyst for powerful and memorable learning. Education visits advisers in the school improvement service will continue to work with schools on maximising the potential of learning outside the classroom - in the local area.

11 RISK MANAGEMENT IMPLICATIONS

- 11.1 Suspending the residential offer may initially result in lower uptake in future years when the residential service is re-instated, as schools may break with their annual tradition, transfer to other providers (where these are able to open), move to a day outreach model or cease to return for future visits.

- 11.2 There is a risk of loss of existing personnel with experience and skills in outdoor learning. This would be detrimental to the service should the strategic review determine that the existing residential model is an appropriate future option, and this may affect the ability of the centres to re-open at pace.
- 11.3 In addition to this, there is a risk of additional costs to bring elements of the service (buildings, furnishings) up to an appropriate standard following the period of mothballing.
- 11.4 The Outdoor Learning Service has a long history delivering to generations of children in North Yorkshire. There is a requirement for careful communications to all stakeholders.

12 HUMAN RESOURCES IMPLICATIONS

- 12.1 Service staffing is 42 individuals in 31.7 FTE positions.
- 12.2 One tutor (28/02/2021) and eight trainee tutors (31/12/2020) were on fixed term positions that will not be replaced at the current time.
- 12.3 Staffing structure (directly employed staff from 1/1/21)

| | Staff in post | FTE | Annual budget (funded by generated income) |
|-------------------------------|----------------------|------------|---|
| Total directly employed staff | 42 | 31.7 | £1,200,402 |

- 12.4 It may be possible to redeploy some-facilities staff to Property Services, and for Property Services to provide on-going superintendent services at both centres to ensure contractor access and limit degradation and damage. It may be possible to redeploy domestic staff, including cooks and cleaners to Facilities Management. However, any redeployment of staff is dependent on there being vacancies and opportunities in the outgoing service.
- 12.5 Redeployment of business support staff (not shown in the table above) normally allocated to working in the service can take place into the Business Support Service.
- 12.6 Once decisions are taken around the future of the service, appropriate consultation with staff and unions will take place in line with NYCC policies and procedures and timeframes adhered to.

13 EQUALITIES IMPLICATIONS

- 13.1 A full equalities impact assessment will need to take place as part of a staffing consultation.

14 ENVIRONMENTAL IMPACTS/BENEFITS

- 14.1 The impact of any renovation to the sites as a result of the long term review, in particular Beverley Park, which is in an Area of Outstanding Natural Beauty, needs to be determined.
- 14.2 There is an added requirement to undertake a climate change impact assessment <http://nyccintranet/content/climate-change> prior to any proposal being presented to full council.

15 COMMUNITY SAFETY IMPLICATIONS

- 15.1 Requirements around maintaining the site and additionally preventing misuse or vandalism will need to be managed through the CCTV monitoring and superintendent cover.

16 REASONS FOR RECOMMENDATIONS

- 16.1 Postponement of a strategic review of the service occurred in early 2020 due to the coronavirus pandemic.
- 16.2 The service is temporarily restricted in its activities due to DfE coronavirus guidance and this is unlikely to change in the timescales required to avoid significant financial shortfalls in the service during the current or next financial year.
- 16.3 As service costs are normally fully recovered through income generation, urgent action is required to address the forecast deficit for 2020-21 and to ensure the minimum impact into 2021-22. Reduction and potential redeployment of staff into vacant positions in other services could reduce the burden of staffing costs on the council during and after the furlough scheme ends, whilst income generation is continues to be negligible.
- 16.4 Increased awareness of the benefits of the outdoors will be capitalised upon by using other NYCC services to assist in marketing and promoting outdoor learning and leisure outreach activities.

17 RECOMMENDATIONS

- 17.1 To commence the mothballing of both sites as soon as possible.
- 17.2 To commence a consultation with regard to reducing the staff levels, including through redeployment wherever possible and as soon as possible. The aim of this would be to retain sufficient expertise in the area but reduce the financial burden on the service.
- 17.3 To bring recommendations resulting from the strategic review for decisions later in the year.

Stuart Carlton
Corporate Director – Children and Young People’s Service
County Hall
Northallerton

February 2021

Author of report – Amanda Newbold, Assistant Director – Education and Skills

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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FORWARD PLAN

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

Publication Date: 29 January 2021

Last updated: 29 January 2021

Period covered by Plan: up to 31 January 2022

All public Committee meetings of the Council where the public can attend have been suspended. Following on from the Prime Minister's announcement on 23 March 2020 about fundamental restrictions on public travel and movement, the Leader of the Council, Cllr Carl Les, has stopped all public, committee meetings of the Council for the foreseeable future. The council business will continue to be conducted in a different way. Emergency powers have been invoked that enable the Chief Executive, Richard Flinton, to make decisions that would previously have been made by the Council's committees. We will keep the position under review as the Government consider drafting legislation and regulations to allow for virtual meetings and we will consider how best to engage with the public to ensure that good governance, transparency and public engagement is maintained during this time.

PLEASE NOTE:-

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

FUTURE DECISIONS

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

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) | 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) | Relevant documents already submitted to Decision Taker |
|-------------------------|--|--|----------------------------|--|---|---|---|--|
| | | | | therefore a standard item is included on the Forward Plan to give notice that such a decision may be requested by the Executive. | | | | |
| TBC | Executive | To consider a proposal to formalise the relationship between NYCC and Brierley Homes Limited in relation to selling sites for development | Yes | Whether or not to enter into a promotion and option agreement with Brierley Homes Limited in relation to sites owned by NYCC. | None | None | | None |
| TBC | Executive | Review of Extra Care provision The report will contain exempt information | Yes | Decision to agree to commence a consultation on extra care provision. | Employees and existing providers of Extra Care Provision | Online and face to face engagement and consultation | Michael Rudd Michael.rudd@northyorks.gov.uk | N/A |
| TBC | Executive | Consideration of proposal to rescind an historic approved proposal for an inner relief road in Ripon City Centre between | YES | To seek Executive approval to rescind the County Council's current approved preferred route | Harrogate Borough Council Ripon City Council Local Elected Members Executive Members | Letters & emails to key groups and meetings where appropriate | Via email to ltp@northyorks.gov.uk | None |

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) | 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) | Relevant documents already submitted to Decision Taker |
|--------------------------------|---|---|--|--|--|---|---|--|
| | | Blossomgate and Somerset Row | | | | | | |
| TBC | Executive | Minerals and Waste Joint Plan approval for Adoption | YES | To make a recommendation to County Council regarding the adoption of the Minerals and Waste Joint Plan | Extensive consultation has taken place during preparation of the Plan. Representations will be sought on Main Modifications to Minerals and Waste Joint Plan (date of commencement TBC) and will subsequently be provided to the Planning Inspector for confirmation as to whether the Joint Plan may proceed towards adoption | Direct notification, website and deposit of documents at designated locations. | By email to mwjointplan@northyorks.gov.uk | Minerals and Waste Joint Plan Submission version recommended to Full Council for submission on 31 January 2017 |
| 16 February 2021 | Executive | Special Schools Budgets 2021-22 | YES | To approve final details of the Special Schools Budgets 2021-22 including: - The level at which the minimum funding | NY Special Schools and Governing Bodies, North Yorkshire Schools Forum | Consultation with all special schools and special academies and discussion at North Yorkshire Schools Forum | In writing to Howard Emmett, Assistant Director, Strategic Resources (email to howard.emmett@ | None. |

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) | 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) | Relevant documents already submitted to Decision Taker |
|--------------------------------|--|---|--|---|--|---|---|---|
| | | | | guarantee (MFG) protection is set for special schools - the special school funding formula - banded values for Element 3 top-up funding | | | northyorks.gov.uk) | |
| 6 February 2021 | Executive or if there are no objections to the statutory notices, the Executive Member for Education and Skills at his meeting with the Corporate Director – CYPS | Lowering the age range of Stillington Community Primary School to 3-11 | Yes | Following the publication of statutory notices, to seek approval to lower the school age range of Stillington Community Primary School from 23 February 2021. | School community, wider community, other schools, Early Years providers, | In September 2020 the Governing Body of Stillington CP School consulted the local community and other providers on their proposal. Statutory notices have been published between 11 January and 8 February 2021. | In writing to Corporate Director – Children and Young People's Service, County Hall, Northallerton DL7 8AE by 8 February 2021 | Executive report of 24 November 2020 |
| 16 February 2021 | Executive | Young People's Accommodation Pathway Item may contain exempt information | Yes | To consider options for the future commissioning of arrangements. A decision is required to approve the approach and to agree a public consultation with service users. | District Councils | Officer engagement via working group | Mel Hutchinson by email: mel.hutchinson@northyorks.gov.uk | None |

FUTURE DECISIONS

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| 16 February 2021 | Executive | Review of Traded Services in Education and Skills due to Covid-19 The report will contain exempt information | Yes | To consider future operational delivery. | Staff | Not applicable | Amanda Newbold via email amanda.newbold@northyorks.gov.uk | |
| 16 February 2021 | Executive | Potential purchase of land within the Harrogate Borough area This item will contain exempt information. | Yes | To update Members on land issues. | Internal | Meetings and Review of Draft Report | Ken Moody, Major Projects Manager Roger Fairholm, Asset & Workplace Manager, Property Service | None |
| 16 February 2021 | Executive | SJB Recycling Ltd has ceased to trade and a decision is required to distribute the final dividend. Financial amount is commercially sensitive. | YES | Agreement on winding up of SJB Recycling Ltd and distribution of final dividend of liquidated net assets. | n/a | n/a | Michael.Leah@northyorks.gov.uk | |

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| 9 March 2021 | Executive | Q3 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> • Revenue Plan • Capital Plan • Treasury Management • Prudential Indicators | | | Management Board | | Corporate Director - Strategic Resources | Previous quarterly reports |
| 9 March 2021 | Executive | Annual Report of the Looked After Children Members Group | No | To approve the Annual Report of the Chair of the LAC Group | LAC Members Group | LAC group meeting on 24 January 2020 | Via Cllr Annabel Wilkinson, Chair of LAC Members Group & Principal Scrutiny Officer – Ray Busby | Young Peoples Overview and Scrutiny Committee meeting 26 June 2020 |
| 9 March 2021 | Executive | Report of the Transport, Economy and Environment Overview and Scrutiny Committee on its review of ways to reduce single-use plastics usage by the County Council, its | No | The Executive is recommended to agree that the Executive Member (Andrew Lee) takes forward the recommendations in the report in consultation with the relevant Corporate Director. | The Executive | Task Group to report to the Transport, Economy and Environment Overview and Scrutiny Committee on 21/01/21 | By email to Jonathan Spencer, Corporate Development Officer jonathan.spencer@northyorks.gov.uk | None |

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| | | suppliers and amongst residents | | | | | | |
| 9 March 2021 | Executive | Consideration of proposed amendments to the Council's Constitution. | YES | Subject to any comments Members may have, to recommend the proposed amendments to the Constitution to full Council for approval. | Relevant NYCC Officers and Members The Members' Working Group on the Constitution | Correspondence and meetings | Daniel Harry, Democratic Services Manager | |
| 9 March 2021 | Executive or Executive Member for Education and Skills (If no objection is made to the Statutory Proposal) | St Hilda's R.C Primary School, Whitby – school closure proposal | YES | Consider responses to statutory notices Determine whether to proceed with closure of St Hilda's R.C Primary School | Parents, Staff, Governors, Local Elected Members, District and Parish Councils, Diocesan Boards and other local stakeholders. | Informal consultation ran from 2 November to 14 December 2020 Statutory notice will be published on 22 January 2021 for a further four weeks | In writing to the Corporate Director- Children and Young People's Service, County Hall, Northallerton, DL7 8AE, by 19 February 2021. | Report to Executive Member for Education and Skills dated 20 October 2020 Report to Executive dated 12 January 2021 |
| 9 th March 2021 | Executive | Redeployment of land to the north and south of Crosshills Lane, Selby | Yes | To approve, or otherwise, the proposed redeployment of the property | None | None | 0845 034 9494 | None |

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| 23 March 2021 | Executive | A new NYCC Plan for Economic Growth | YES | To approve the revised NYCC plan for Economic Growth | NYCC Directorates, BES Executive members, District Authorities / NPA's LEP | The consultation process will consist of internal workshops with NYCC members and colleagues and written / informal consultation with external partners | representations can be made by email to Mark Kibblewhite mark.kibblewhite@northyorks.gov.uk | Current Plan for economic Growth approved by Executive May 2017 |
| 23 March 2021 | Executive | To inform Executive of the 0-19 Healthy Child Section 75 agreement consultation feedback and to request formal approval to move to a Partnership agreement | Yes | Approve the final model and section 75 agreement to move to Partnership model. | Harrogate District Foundation Trust | Published via the Council's website | Michael Rudd 01609 535347 Victoria Ononeze 01609 797045 | Reports to Executive dated 13/10/20 26/01/21 |
| 20 April 2021 | Executive | A59 Kex Gill Diversion contract award Includes commercially sensitive information | YES | To inform members of the outcome of the tendering process and seek approval to award the contract subject to full funding approval from DfT. | Not applicable | Not applicable | Email Kenneth.moody@northyorks.gov.uk | |
| 20 April 2021 | Executive | Outcomes/update on the results of the public consultation with | Yes | Permission to extend and vary the current foundation Pathway 2 contract by 2 years | Service users | Direct communication | Mel Hutchinson – Head of Child Placement – 01609 536542 | Reports to the Executive on 15 |

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| | | service users who will be affected by the change in age range for the Young Person's Accommodation Pathway service (pathway 2). Results of procurement for YPP Pathway 2 contracts and permission to award. Exempt reports will be submitted and not for publication | | (1+1) at a reduced age range Key decision on awarding contract for emergency and extended supported lodgings | | | | December 2020 |
| 25 May 2021 | Executive (Performance Monitoring) | Q4 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> • Revenue Plan • Capital Plan • Treasury Management | | | Management Board | | Corporate Director - Strategic Resources | Previous quarterly reports |

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| | | <ul style="list-style-type: none"> Prudential Indicators | | | | | | |
| 24 August 2021 | Executive (Performance Monitoring) | Q1 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> Revenue Plan Capital Plan Treasury Management Prudential Indicators | | | Management Board | | Corporate Director - Strategic Resources | Previous quarterly reports |
| 7 December 2021 | Executive (Performance Monitoring) | Q2 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> Revenue Plan Capital Plan Treasury Management Prudential Indicators | | | Management Board | | Corporate Director - Strategic Resources | Previous quarterly reports |
| 25 January 2022 | Executive | To consider and recommend to County Council the Revenue Budget 2022/23 and the Medium | | Approval of the Revenue Budget/MTFS | Proposals will be subject to the appropriate consultation process | Budget Consultation Process | Gary Fielding, Corporate Director - Strategic Resources | County Council consideration of Budget savings proposals |

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| | | Term Financial Strategy (MTFS). Also to consider: <ul style="list-style-type: none"> • Revenue Plan • Capital Plan • Treasury Management • Prudential Indicators | | | | | | |

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.