



## Agenda

**Meeting:** 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, 8th June 2021

**Time:** 11.00 am

**Venue:** Remote meeting held via Microsoft Teams

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed by full Council at its July meeting.

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

### Business

1. Introductions
2. Minutes of the Informal Meeting held on 25 May 2021 (To Follow)
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
8 – Appendices B & C	3
9 – Appendix A	3
10 – Appendices B & C	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 3 June 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. Amendments to Council Constitution (Pages 5 - 42)**

Recommendation: Subject to any comments Members may have, the Executive recommend to the Chief Executive Officer that under his emergency decision making powers he recommend to full Council for approval:

- i. The proposed amendments to the Constitution set out in Appendix 1;
- ii. The proposed changes to the Procurement and Contract Procedure Rules in the Constitution as set out in Appendices 2 & 3;
- iii. The proposed addition to Council Procedure Rule 13(h) in the Constitution as set out in paragraph 5.5(a) of the report;

**7. Levelling Up Fund Bid Submission (To Follow)**

Purpose of Report: To agree a response to this bidding opportunity.

**8. 0-19 Healthy Child Section 75 Agreement - Consultation Feedback (Pages 43 - 64) & Approval to move to a Partnership Model**

The Executive are asked to note the consultation responses received and the additional measures/investment proposed, and recommend to the Chief Executive Officer that using his emergency powers he:

- i. Approves the Council entering into the S75 Agreement with HDFT, and;
- ii. Delegates any amendments required to the S75 Agreement to the Corporate Director Health and Adult Services in consultation with the Assistant Chief Executive (Legal and Democratic Services) and Executive Member for Public Health, Prevention and Supported Housing including Sustainability and Transformation Plans

**9. Submission of North Yorkshire project applications to UK Community Renewal Fund (Pages 65 - 84)**

Recommendation: The Executive are asked to recommend to the Chief Executive Officer that under his emergency delegated powers he approve:

- i. NYCC acting as accountable body for the Community Renewal Fund in North Yorkshire;
- ii. Delegated approval be given to the Corporate Director of Business and

Environmental Services in consultation with the Corporate Director Strategic Resources and Assistant Chief Executive (Legal and Democratic Services) and the Executive Member for Open for Business to select, finalise and submit applications with a value of £8.4m as contained in Appendix A of this report, to the Ministry of Housing, Communities and Local Government for Community Renewal Funding in North Yorkshire; and

- iii. If funding is granted to all or part of the submitted projects the further administration and delivery of the Community Renewal Fund as Lead Authority be delegated to the Corporate Director of Business and Environmental Services (BES) in consultation with the Corporate Director, Strategic resources and Executive Members to oversee the implementation of the fund.

**10. Schools Condition Capital Programme 2021/22 (Pages 85 - 114)**

The Executive are asked to recommend to the Chief Executive Officer that under his emergency delegated powers he:

- i. Approve the proposed Schools Capital Programme for 2021/22 as summarised in Appendix A and including the increased allocation to the Specialist Provision Targeted Capital Programme;
- ii. Approve the list of strategic priority / modernisation schemes for 2021/22 as set out in Appendix B;
- iii. Approve the Planned Capital Maintenance Programme for 2021/22 as set out in Appendix C;
- iv. Agree the continuation of the approach for dealing with any schools that convert to Academy status following the approval of the Programme as laid out in paragraph 3.3

**11. Forward Plan (Pages 115 - 124)**

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

**Contact Details**

Enquiries relating to this agenda please contact Melanie Carr Tel: 01609 533849 or e-mail:

[Melanie.carr1@northyorks.gov.uk](mailto:Melanie.carr1@northyorks.gov.uk)

Website: [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

Barry Khan  
Assistant Chief Executive  
(Legal and Democratic Services)

County Hall  
Northallerton

Friday, 28 May 2021

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## North Yorkshire County Council

### Executive

8 June 2021

### Amendments to Council Constitution

#### Report of the Assistant Chief Executive (Legal and Democratic Services) and the Corporate Director Strategic Resources

#### 1.0 PURPOSE OF REPORT

- 1.1 To present proposed changes to the Constitution to Members, for their consideration and recommendation to the Chief Executive Officer for recommendation, under his emergency delegated powers, to full Council for approval.

#### 2.0 BACKGROUND

- 2.1 The Constitution is maintained by the Monitoring Officer and kept under review on an ongoing basis.
- 2.2 Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee.
- 2.3 Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed by full Council at its July meeting.

#### 3.0 AMENDMENTS TO THE CONSTITUTION

- 3.1 The more substantive items for consideration are the subject of separate sections in this report.
- 3.2 Minor miscellaneous changes proposed to the Constitution are set out in the table of proposed amendments set out at **Appendix 1**. These minor amendments are to update the Constitution and correct administrative/typographical amendments. In Part B of the table, amendments are set out for information which have or will be undertaken by the Assistant Chief Executive (Legal and Democratic Services) under his delegated powers in Article 15.02(c) of the Constitution to reflect administrative changes, legal requirements and changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.

#### 4.0 **PROCUREMENT AND CONTRACT PROCEDURE RULES**

- 4.1 The Audit Committee Terms of Reference state that the Audit Committee is to review and recommend to the Executive, changes to the Procurement and Contract Procedure Rules (PCPR). A comprehensive review of the PCPR takes place following County Council elections every four years; however, it is recognised that in the interim there is a need to ensure the PCPR are kept up to date for organisational reasons and legal compliance
- 4.2 Specific proposed changes to the PCPR are set out in **Appendix 2** to this report and seek to give Members an overview of the thinking behind the proposed changes.
- 4.3 The PCPR govern how the Council procures goods, works and services and aligns to the Public Contract Regulations 2015.
- 4.4 The Public Contract Regulations 2015 and the PCPR aim to:
- Simplify the procurement process;
  - Make the procurement process more efficient;
  - Support more cost effective procurement processes;
  - Promote sustainable procurement;
  - Drive supplier engagement and innovation.
- 4.5 The Procurement and Contract Management Strategy sets the vision “to be outcome focused ensuring that all Commissioning, Procurement and Contract Management activity delivers Value for Money and efficiencies for the Council”. The Public Contract Regulations 2015 and PCPR support the Council in delivering this vision.
- 4.6 The Brexit transition period has now concluded meaning that the UK is no longer a member of the EU. The PCPR have been reviewed and updated to remove any references to the EU and the Official Journal of the European Union.
- 4.7 A number of minor miscellaneous amendments have been proposed in order to provide clarity and to ensure the continued efficient operating of decision-making. The proposed amendments are detailed in **Appendix 2** to this report and set out for clarity by way of tracked changes to the PCPR in **Appendix 3**.

#### 5.0 **PROCEDURE FOR MOTIONS AT COUNTY COUNCIL**

- 5.1 On 12 August 2020, the Members’ Working Group on the Constitution considered a proposal to change the rules regarding amendments to motions at full Council to ensure that motions are not altered beyond recognition for political purposes to ‘spoil’ the original motion. The proposal was rejected by a majority vote by the Group at that meeting. Since that decision, the Group Leaders have virtually met to discuss the principle of ensuring that amendments are made for appropriate purposes and for the rules to be clarified so that the Chairman of the Council has the discretion to be able to rule amendments out of order if they are made to spoil the original motion for political purposes by changing it in a way that does not resemble the original motion. The Group Leaders were in favour of requesting the Constitution Working Group to reconsider this issue, which it did on 22 January 2021.
- 5.2 Council Procedure Rule 13(h) currently states:

*(h) An amendment shall be either:-*

- (i) *to refer the matter to an appropriate body or individual for consideration or recommendation;*
- (ii) *to delete words;*
- (iii) *to delete words and add others; or*
- (iv) *to add words;*

*but such deletion or addition of words shall not have the effect of introducing a new proposal into, or of negating the motion before the Council and every amendment must be relevant to the motion to which it is moved.*

5.3 At the meeting on 12 August 2020, it was recommended that a new paragraph be added at the end of Council Procedure Rule 13(h) to state:

“For motions moved under Rule 11.1, an amendment must not seek to substantially alter the proposal of the original motion so as to lose the meaning of the original motion.”

5.4 This wording was rejected and therefore upon the request of the Group Leaders, the Monitoring Officer reviewed alternative wording so that the Working Group could reconsider this issue.

5.5 At the Working Group meeting on 22 January 2021, the following two alternative proposals were considered for adding to Rule 13(h) following the Group Leaders’ discussion (a typographical error has been corrected in the wording of Option 1 – “substantial” in the wording considered by the Working Group has now been corrected to read “substantially”):

**(a) Option 1:**

“Where an amendment does not directly seek to negate or nullify a motion, the Chairman has the discretion to reject any amendment that seeks to substantially alter the proposal of the original motion so as to lose the intention of the original motion.”

or

**(b) Option 2:**

“Where an amendment does not directly seek to negate or nullify a motion, the amendment must not alter the proposal of the original motion so as to lose the intention of the original motion.”

The first option would clarify that the Chairman of the Council has the ultimate discretion in ruling such an amendment out of order for such purposes as it is clearly a judgement call to be made on each amendment and would place the decision on whether an amendment is seeking to politically spoil the original motion in the hands of an elected Member. The second option seeks to prevent all such amendments from being submitted in the first place, but would still rely on a level of interpretation by the Monitoring Officer and the Chairman.

5.6 The Working Group agreed unanimously to refer the proposed amendment to Council Procedure Rule 13(h) in Option 1 to the Executive for recommendation to full Council for approval, as it gives the discretion to the Chairman.

**6.0 FINANCIAL IMPLICATIONS**

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

7.0 **LEGAL IMPLICATIONS**

7.1 There are no significant legal implications arising from this report.

8.0 **ENVIRONMENTAL IMPLICATIONS**

8.1 There are no significant environmental implications arising from this report.

9.0 **CONSULTATION**

9.1 Relevant Officers and Members have been consulted on the proposed changes set out in this report and its appendices.

10.0 **REASONS FOR RECOMMENDATIONS**

10.1 For the reasons set out in **Appendices 1, 2 and 3** and in the body of this report, it is recommended that, subject to any comments Members may have, the recommendations and changes to the Constitution set out below be proposed to the Chief Executive Officer for recommendation to the County Council for approval.

11.0 **RECOMMENDATIONS**

11.1 That, subject to any comments Members may have, the proposed amendments to the Constitution set out in **Appendix 1** be recommended to the Chief Executive Officer for recommendation, under his emergency decision making powers, to full Council for approval.

11.2 That, subject to any comments Members may have, the proposed changes to the Procurement and Contract Procedure Rules in the Constitution as set out in **Appendices 2 and 3** be proposed to the Chief Executive Officer for recommendation, under his emergency decision making powers, to full Council for approval.

11.3 That, subject to any comments Members may have, the proposed addition to Council Procedure Rule 13(h) in the Constitution as set out in **paragraph 5.5(a)** of this report be proposed to the Chief Executive Officer for recommendation, under his emergency decision making powers, to full Council for approval

BARRY KHAN  
Assistant Chief Executive  
(Legal and Democratic Services)

GARY FIELDING  
Corporate Director Strategic Resources

County Hall  
NORTHALLERTON

25 May 2021

**Background Documents:**  
The Council's Constitution

**Appendices:**  
Appendix 1 – Proposed Amendments  
Appendix 2 – Proposed changes to the PCPR  
Appendix 3 – Tracked changes to the PCPR



**Proposed Amendments to Constitution – 2021**

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

<b><u>PART A: ITEMS FOR DECISION</u></b>			
<b>Provision in Constitution</b>	<b>Current Wording</b>	<b>Proposed Amendment</b>	<b>Reason(s)</b>
Part 3 Responsibility for Functions Schedule 2 - The Executive <b>Register of Executive Committees</b>	<b>Register of Executive Committees</b>  <i>There are currently no Committees of the Executive.</i>	<b>Register of Executive Committees</b>  <i>There is currently one Committee of the Executive – the Shareholder Committee</i>	To keep the Constitution up to date.
<b><u>PART B: ITEMS FOR INFORMATION</u></b>			
Whole Constitution		<i>Certain typographical/administrative errors have been corrected in the Constitution under the Monitoring Officer's delegated powers as set out in Article 15.02(c)(i) of the Constitution to correct administrative issues.</i>	To ensure that the Constitution is accurate and up to date.
Part 2 Articles of the Constitution Article 3 – Citizens and the Council 3.01 Citizens' rights		<i>Currently there are two sub-paragraphs (iv) in this section – the numbering will be corrected.</i>	To correct a typographical error. The Monitoring Officer will make these amendments under his delegated powers in Article 15.02(c) of the Constitution to correct administrative issues such as cross-references, title changes, typographical errors and formatting.

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**PROCUREMENT AND CONTRACT PROCEDURE RULES****PROPOSED AMENDMENTS**

<b>EXISTING RULE NO.</b>	<b>NEW RULE NO.</b>	<b>CURRENT WORDING</b>	<b>PROPOSED AMENDMENT</b>	<b>REASON</b>
1.1		<b>OJEU Tender</b> means the procurement process to be followed where the estimated whole life value of a Contract exceeds the relevant EU Threshold	<b>Above Threshold Tender</b> means the procurement process to be followed where the estimated whole life value of a Contract exceeds the relevant UK Procurement Threshold	Defined term amended.
1.1		<b>Director</b> means the Chief Executive Officer; Corporate Director Business and Environmental Services; Corporate Director Health and Adult Services; Corporate Director Children and Young People's Service; Corporate Director - Strategic Resources as the context requires	<b>Director</b> means the Chief Executive Officer; Assistant Chief Executive (Business Support), Assistant Chief Executive (Legal Services), Corporate Director Business and Environmental Services; Corporate Director Health and Adult Services; Corporate Director Children and Young People's Service; Corporate Director - Strategic Resources as the context requires	Defined term amended to include Assistant Chief Executive (Business Support) and Assistant Chief Executive (Legal Services), to ensure efficient operating of decision making
1.1		<b>EU</b> means the European Union	Removed	Not applicable
1.1		<b>EU Threshold</b> means the current threshold above which the PCR's apply, currently £189,330 for services and supplies £663,540 for social and other specific services and £4,733,252 for works	<b>UK Procurement Threshold</b> means the current threshold above which the PCR's apply, currently £189,330 for services and supplies £663,540 for social and other specific services and £4,733,252 for works	Defined term amended.
1.1		OJEU means the Official Journal of the European Union	Removed	Not applicable
1.1		Not currently included.	<b>Grant</b> means a sum of money awarded to the Council in anticipation of it being applied for an agreed purpose	Defined term added.

EXISTING RULE NO.	NEW RULE NO.	CURRENT WORDING	PROPOSED AMENDMENT	REASON
13.1		A written OJEU Threshold Tender may only be considered if:-  (a) it has been received electronically through the E-Sourcing System,	A written Above Threshold Tender may only be considered if:-  (b) it has been received electronically through the E-Sourcing System, or (where permitted in exceptional circumstances, and subject to agreement by the HoP) it has been received electronically through an appropriate alternative method, such as a secure email inbox; or	To allow flexibility of electronic method in exceptional circumstances
	16.7	Not currently included.	Specific exceptions to Rule 22.4 are permitted in such other circumstances as the CD-SR and the ACE(LDS) may agree.	To allow flexibility in process for the award of a grant in exceptional circumstances
22.4		Where the value of the grant exceeds £175,000 over 3 years but is less than the relevant UK Procurement Threshold detailed in <b>Rule 2.12 Table 4</b> a competitive grants process must be completed. The opportunity must be advertised on the Council's E-Sourcing system.	Where the value of the grant exceeds £175,000 over 3 years but is less than the relevant UK Procurement Threshold detailed in <b>Rule 2.12 Table 4</b> a competitive grants process should be completed. The opportunity should be advertised on the Council's E-Sourcing system.	Corrected to align with the award procedure set out in Table 4
		Various	Various	References throughout the PCPR to OJEU have been updated and replaced with "Above Threshold" and references to EU law replaced with UK Law.

# Procurement and Contract Procedure Rules

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8. Quotes
9. Bids
10. Post Bid Negotiations and Clarification
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12. Options for [Above Threshold OJEU Tenders](#)
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14. [Above Threshold OJEU Tender Evaluation and Acceptance](#)
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19. Contract Management
20. Training for Procurement
21. [Declaration of Interests](#)
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## 23. Hiring and Engaging Staff

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

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

### 1. INTRODUCTION

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

**Above Threshold Tender** means the procurement process to be followed where the estimated whole life value of a Contract exceeds the relevant UK Procurement Threshold

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

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

**CD-SR** means the Corporate Director - Strategic Resources

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

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

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

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

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

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

<b>Contract Register</b>	means the register of Contracts maintained by the Council as set out in <b>Rule 17.8</b>
<b>Contractor</b>	means a person or entity with whom the Council has a contract
<b>Council</b>	means North Yorkshire County Council
<b>Decision Record</b>	means a record of a decision produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012
<b>Director</b>	means the Chief Executive Officer; <a href="#">Assistant Chief Executive (Business Support)</a> , <a href="#">Assistant Chief Executive (Legal Services)</a> , Corporate Director Business and Environmental Services; Corporate Director Health and Adult Services; Corporate Director Children and Young People's Service; Corporate Director - Strategic Resources as the context requires
<b>Directors Recommendation</b>	means a written record of the decision and justification to apply one of the exceptions set out in <b>Rule 16.1</b> to be signed by the relevant Director
<b>DMT</b>	means the Directorate Management Team
<b>Electronic Signatures</b>	means an advanced electronic signature which is: <ul style="list-style-type: none"> <li>(i) uniquely linked to the signatory; and</li> <li>(ii) capable of identifying the signatory; and</li> <li>(iii) created using means that the signatory can maintain under his/her sole control; and</li> <li>(iv) linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.</li> </ul>
<b>E-Sourcing system</b>	means the Council's chosen E-sourcing system (currently YORtender) or an approved alternative
<del><b>EU</b></del>	<del>means the European Union</del>
<del><b>EU Threshold</b></del>	<del>means the current threshold above which the PCR's apply, currently £189,330 for services and supplies £663,540 for social and other specific services and £4,733,252 for works</del>
<b>FPP</b>	means the Forward Procurement Plan which outlines all future procurement requirements of the Council
<b>Framework Agreement</b>	means an agreement with one or more contracting authorities and one or more economic operator which establishes an arrangement for:

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

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

~~**Grant** means a sum of money awarded to the Council in anticipation of it being applied for an agreed purpose~~

**HoP** means the Head of Procurement and Contract Management

**Internal Audit** means the Council's appointed internal auditors (currently Veritau)

**ITB** means an Invitation to Bid

**ITQ** means an Invitation to Quote

**ITT** means an Invitation to Tender

**Key Decision** means a decision made in connection with the discharge of a function which is the responsibility of the Executive set out in Article 13.03(b) of the Constitution (<http://democracy.northyorks.gov.uk/>)

**Leasing Agreement** means a contract for the provision of finance to enable goods or services to be obtained and where ownership in those goods does not automatically pass to the Council at the end of the contract period

**LDSO** means a Legal and Democratic Services Officer

**MEAT** means the Most Economically Advantageous Tender

**Member** means a member of the Council or co-opted member on a Council committee

**Officer** means a Council employee or other authorised agent

~~**OJEU** means the Official Journal of the European Union~~

~~**OJEU Tender** means the procurement process to be followed where the estimated whole life value of a Contract exceeds the relevant EU Threshold~~



<b>PAB</b>	means the Procurement Assurance Board, chaired by the HoP
<b>Participant</b>	means a person or entity participating in a procurement process, who has expressed an interest in tendering for a Contract or who has tendered for a Contract
<b>PSBO</b>	means Public Sector Buying Organisation
<b>PCR</b>	means the Public Contracts Regulations 2015
<b>Person</b>	means any individual, partnership, company, trust, other local authority, Government department or agency
<b>Procurement Manual</b>	means the manual to accompany these Rules which provides detailed guidance on procurement techniques and the effect of the Rules
<b>Procurement and Contract Management Strategy</b>	means the Council's approved Procurement and Contract Management Strategy
<b>Property Contract</b>	means a contract which creates an estate or interest in land or buildings
<b>Responsible Officer</b>	means the Officer who is responsible for the procurement and/or management of a Contract
<b>Rules</b>	means these Procurement and Contract Procedure Rules
<b>SCM</b>	means Senior Category Manager
<b>Scheme of Delegation</b>	means a record of all duties and responsibilities as delegated under these Rules which is to be maintained by each Director, the CD-SR and the ACE(LDS)
<b>Services or Supplies</b>	means as defined in Regulation 2 of the PCRs
<b>Social and Other Specific Services</b>	means those services defined as such in Schedule 3 of the PCRs
<b>SQ</b>	means the Selection Questionnaire
<b><u>UK Procurement Threshold</u></b>	<u>means the current threshold above which the PCR's apply, currently £189,330 for services and supplies £663,540 for social and other specific services and £4,733,252 for works</u>
<b>Waiver Request Form</b>	means the prescribed form to be completed when requesting a waiver in accordance with <b>Rule 16.4</b>
<b>Works</b>	means as defined in Regulation 2 of the PCRs

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

1.3 References in these Rules to:-

- (a) any legislation (e.g. Act, Statutory Instrument, [EU-UK Directive](#)) include a reference to any amendment or re-enactment of such legislation;
- (b) the value of any contract are to the total estimated aggregate gross value payable over the full period of the Contract including any options or extensions to the Contract without any deduction for income due to the Contractor or the Council;
- (c) the singular include the plural and vice versa;
- (d) the masculine include the feminine and vice versa;
- (e) Directors, the CD-SR and the ACE(LDS) shall be taken to include such Officers as are designated by those officers to undertake the duties and responsibilities set out in these Rules, except in the case of the following Rules:-
  - (i) Director - **Rules 9.6, 16.1(d), (g) and (h), 16.3(b)**
  - (ii) CD-SR - **Rules 2.1, 2.4, 2.5, 9.6, 16.1(d), (g) and (h), 16.3(b), 16.4, 16.5 and 17.2**
  - (iii) ACE(LDS) - **Rules 2.1, 2.4, 9.6, 16.3(b), 16.4 and 18.1**

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

## 2. GENERAL

2.1 These Rules are made by the Council on the advice of the CD-SR (in consultation with the ACE(LDS)) under Article 14.02 of the Constitution and define the correct procedures to be followed when the Council enters into any contractual arrangement and should be read in conjunction with the Finance Procedure Rules under Article 14.01 of the Constitution.

2.2 These Rules apply to all Contracts for Works, Supplies, Services or Social and Other Specific Services but do not apply to:-

- (a) contracts of employment;
- (b) property contracts (which are covered by the Property Procedure Rules); and
- (c) financial instruments (including, but without limitation, shares, bonds, bills of exchange, future or options contracts) (which are covered by the Financial Procedure Rules).

- 2.3 The CD-SR (in consultation with the ACE(LDS)) shall review the application and effect of these Rules and make an annual report or as required but no less than once per year to the Audit Committee recommending such amendments to the Rules as are considered appropriate.
- 2.4 The CD-SR has produced a Procurement Manual which sets out important issues to be considered in the procurement context. These Rules should be read in conjunction with the Procurement Manual.
- 2.5 The CD-SR has also produced a Finance Manual which gives advice on financial procedures.
- 2.6 Where a contract for the acquisition or hire of goods or services involves any form of Leasing Agreement to finance the transaction then the CD-SR shall undertake the negotiation of terms and authorise the arrangement in accordance with Rule 9.3 of the Financial Procedure Rules.
- 2.7 Directors and the HoP shall ensure that all documentation relating to Contracts and procurement processes is retained in accordance with the Council's Records Retention and Destruction Schedule.
- 2.8 Where the Council has awarded a contract to any person to supervise or otherwise manage a contract on its behalf such a person shall be required to comply with these Rules as if they were an Officer of the Council.
- 2.9 Wherever appropriate procurement shall be undertaken using the standard documents contained in the Procurement Manual applying to SQ's, ITT's or ITBs. Wherever alternative documents are to be used they must be approved by the HoP and, where appropriate, the ACE(LDS).
- 2.10 All Officers shall adhere to the approved Procurement and Contract Management Strategy of the Council.
- 2.11 Where the Council is procuring in partnership with another contracting authority who are the lead procurer, subject to agreement from the HoP, the Council will follow the lead procurers Procurement and Contract Procedure Rules or equivalent.
- 2.12 Where the total Contract value for procurement is within the values in the first column of **Tables 1-4**, below, the award procedure in the second column must be followed.
- 2.13 Where a proposed procurement includes two or more types of provision (i.e. Goods, Services or Works) the value shall be based on the provision that characterises the main subject of the Contract in question.
- 2.14 For the purposes of the Transparency Procedures set out in Tables 1-4, below, the Responsible Officer must also consider the Key Decision criteria set out in Article 13.03(b)(i) of the Constitution when determining whether the procurement comprises a Key Decision.

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

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

**Table 2: Works & Concessions**

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
Up to £25,000	Quotes should be invited or the Best Value Form process followed in accordance with <b>Rule 8</b> . Does not need to be advertised using the E-Sourcing system or Contracts Finder.	The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded below £25,000.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
£25,001 up to <£1,000,000	Bids must be invited in accordance with <b>Rule 9</b> . These must be advertised using the E-Sourcing system and published to Contracts Finder.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 or above.  The Responsible Officer must complete the Key Decision process for Contracts with a value of £500,000 or above.  Contracts must be published on the Contracts Register.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
£1,000,000 up to <a href="#">UK Procurement Threshold</a> <a href="#">EU Threshold</a> (currently £4,733,252 for Works)	Bids must be invited in accordance with <b>Rule 9</b> . These must be advertised using the E-Sourcing system and published to Contracts Finder.  For Contracts with a value of £1,000,000 or greater approval must be sought through the Gateway Process.	The Responsible Officer must complete the Key Decision process.  Contracts must be published on the Contracts Register.	Contracts with a value in excess of £1,000,000 must be sealed by ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with <b>Rule 6</b> .

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

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

Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
Up to £25,000	Quotes should be invited or the Best Value Form process followed in accordance with <b>Rule 8</b> .  Does not need to be advertised using the E-Sourcing system or Contracts Finder.	The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded below £25,000.	One signature  The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
£25,001 up to <a href="#">UK Procurement Threshold</a> <a href="#">EU Threshold</a> (currently £663,540 )	Bids must be invited in accordance with <b>Rule 9</b> .  These must be advertised using the E-Sourcing system and published to Contracts Finder.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 or above.  The Responsible Officer must complete the Key Decision process for Contracts with a value of £500,000 or above.  Contracts must be published on the	One signature  The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).

		Contracts Register.	
Above <a href="#">UK Procurement Threshold</a> <del>EU Threshold</del> (currently £663,540)	Follow the appropriate <del>EU Procedure</del> <a href="#">procedure</a> as set out in <b>Rules 11 and 12</b> . Approval must be sought through the Gateway Process.	The Responsible Officer must complete the Key Decision process.  Contracts must be published on the Contracts Register.	Two signatures  The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).  <b>AND</b>  The ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation).  Sealing (where appropriate)  ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with <b>Rule 6</b> .

**Table 4: Grants**

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

**3. COMPLIANCE WITH LEGISLATION AND STANDARDS**

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

- (a) [EU-UK](#) Law
- (b) Acts of Parliament
- (c) Statutory Instruments including, but without limitation, the Public Contracts Regulations 2015.



3.2 Where relevant, every Contract shall specify that materials used, goods provided, services supplied or works undertaken (as the case may be) shall comply with applicable standards. Such standards are, in order of priority:-

- (a) [EU-UK](#) Standards
- (b) British Standards implementing international standards
- (c) British Standards

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

4.1 In consultation with the ACE(LDS) Directors shall ensure that the Council has the legal power to enter into any Contract and that in respect of all Contracts, regardless of whether they involve the procurement or provision by the Council of Works, Supplies, Services or Social and Other Specific Services Directors shall ensure that no Contract shall be entered into which is ultra vires.

4.2 Directors shall ensure that a written record of the decision to procure a Contract is made in accordance with the Gateway process where **Rule 17** applies. Where such a decision comprises a Key Decision under the Constitution, Directors shall ensure that it is entered on to the Forward Plan and treated as a Key Decision in all respects.

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

5.1 Every contract shall be evidenced in writing (by the use of a purchase order, exchange of correspondence or other written medium). A signed Contract must be in place on or before the service commencement date, unless otherwise agreed by the HoP or ACE(LDS).

5.2 Wherever appropriate, and for all Contracts exceeding £25,000 in value, such written agreements shall be made on the basis of terms and conditions agreed by the ACE(LDS). Such terms and conditions may be incorporated into standard order conditions. The Council may accept different terms and conditions proposed by a Contractor provided that the advice of the ACE(LDS) or CD-SR as to their effect has been sought and considered.

5.3 The written form of agreement must clearly specify the obligations of the Council and the Contractor and shall include:-

- (a) the work to be done or the Supplies, Services or Social and Other Specific Services to be provided
- (b) the standards which will apply to what is provided
- (c) the price or other consideration payable
- (d) the time in which the Contract is to be carried out
- (e) the remedies which will apply to any breach of Contract.

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

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

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

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

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

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

## 6. SIGNATURE/SEALING OF CONTRACTS

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

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

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

- (a) appropriate authority exists for the Council to enter into the Contract, and
- (b) the Contract is either:-
  - (i) in a nationally recognised form, or
  - (ii) a standard form prepared or approved by the ACE(LDS), or
  - (iii) is otherwise in a form approved by the ACE(LDS); and
- (c) any variations to approved forms of Contract must themselves be approved by the ACE(LDS), whether or not they are effected by amending the Contract itself or by correspondence

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

## **7. BONDS AND LIQUIDATED DAMAGES**

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

## **8. QUOTES**

- 8.1 Where the estimated value of a Contract is £25,000 or less (taking into account the whole life cost of the Contract, including extensions and/or variations and excluding

VAT) a minimum of three quotes should be sought. There is no requirement to use the E-Sourcing system or publish the opportunity on Contracts Finder.

- 8.2 It is the Officer's responsibility to keep a record of quotes sought for audit purposes and to demonstrate best value has been achieved.
- 8.3 If three quotes are not sought, the Contract may be directly awarded using the Best Value Form. It is the Officer's responsibility to complete the Best Value Form.

## 9. BIDS

- 9.1 If the estimated value of a contract exceeds £25,000 but is less than the appropriate [UK Procurement Threshold](#)~~EU Threshold~~, bids must be invited from all potential Contractors in accordance with **Rule 2.12, Tables 1-3**. A notice advertising the opportunity shall be published through the E-Sourcing System and on Contracts Finder and, if considered appropriate, a local newspaper and a suitable professional or trade journal or website. The form of advertising shall take into account the value, location and subject matter of the Contract. The notice shall specify brief details of the Contract, how the ITB documents may be obtained and the closing date for receipts of bids by the Council.
- 9.2 All potential Contractors invited to submit bids shall be provided in all instances with identical information and instructions. Where considered appropriate, Directors may permit potential Contractors who have been invited to submit bids under **Rule 9.1** to also submit variant bids (i.e. bids which do not comply with some or all of the requirements of the primary bid). The same opportunity to submit variant bids must be given to all potential Contractors.
- 9.3 A written bid may only be considered if:-
- (a) it has been received electronically through the E-Sourcing System, or
  - (b) (where permitted in exceptional circumstances) it has been received in a sealed envelope marked "Bid" and indicating the subject matter of the bid and
  - (c) it has been opened after the expiry of the deadline for submissions and at the same time as other bids for the same subject matter in the presence of at least two Officers authorised to open bids.
- 9.4 Before bids with a value in excess of £25,000 are requested the evaluation criteria must be recorded in writing in the SQ and/ITB documents. The evaluation criteria must be identified and the weighting between price and quality established and stated in the request for bids sent to participants.
- 9.5 If a bid other than the lowest or the most economically advantageous bid is to be accepted, the written approval of the Director (in consultation with the CD-SR or if the relevant Director is the CD-SR, in consultation with the Chief Executive) shall be sought and obtained before the bid is accepted.
- 9.6 A bid cannot be accepted where the value exceeds the relevant [UK Procurement Threshold](#)~~EU Threshold~~. If the value of the bid exceeds the relevant [UK Procurement Threshold](#) ~~EU Threshold~~ a Director must seek tenders in accordance with **Rules 11 and 12**.

- 9.7 Before a Contract is awarded after a bid exercise such steps shall be taken by the Responsible Officer, in conjunction with the CD-SR, as are reasonably necessary (having regard to the subject matter, value, duration of the Contract and other relevant factors) to complete a risk assessment of the potential Contractor's financial stability.
- 9.8 Bids may be altered only in accordance with **Rule 10**.
- 9.9 Where a Contract is terminated within the first 6 months of the Contract commencement date, the Council may award the Contract to the second placed supplier, provided that this demonstrates Best Value and with agreement from the HoP in consultation with the appropriate SCM.
- 9.10 The evaluation of bids shall be carried out by a panel of suitably qualified Officers who are considered appropriate having regard for the subject matter and value of the Contract.

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

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

## **11. ~~OJEU~~ ABOVE THRESHOLD TENDERS**

- 11.1 Tenders for Contracts which exceed the [EU-UK Procurement Threshold](#) ~~Threshold~~ shall be invited and awarded in accordance with the PCRs and as prescribed in **Rule 11 and 12**.

### **General Requirements**

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

## **12. OPTIONS FOR ~~OJEU~~ ABOVE THRESHOLD TENDERS**

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

- (iii) the Competitive Procedure with Negotiation (as prescribed by Regulation 29)
- (iv) the Competitive Dialogue Procedure (as prescribed by Regulation 30)
- (v) the Innovation Partnership Procurement (as prescribed by Regulation 31)
- (vi) use of the Negotiated Procedure without prior publication (as prescribed by Regulation 32)
- (vii) Social and Other Specific Services (Light Touch Regime) (as prescribed by Regulations 74-76)

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

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

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



### 13. RECEIPT AND OPENING OF ~~OJEU~~ ABOVE THRESHOLD TENDERS

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

~~(a)~~ (a)—it has been received electronically through the E-Sourcing System, ~~;~~ or (where permitted in exceptional circumstances, and subject to agreement by the HoP) it has been received electronically through an appropriate alternative method, such as a secure email inbox; or

~~(a)(b)~~ (b)—(where permitted under Regulation 84(h)) it has been received in hard copy in a sealed envelope marked “Above Threshold~~OJEU~~ Tender” and indicating the subject matter of the Above Threshold~~OJEU~~ Tender, and the identity of the Participant cannot be ascertained from the tender envelope; and

~~(c)~~ (e)—(subject to **Rule 13.4**) it has been received by the Above Threshold~~OJEU~~ Tender closing date and time.

~~(b)~~—

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

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

13.4 Where permitted under Regulation 84(h) of the PCRs and Above Threshold ~~OJEU~~ Tenders are returned in hard copy format a written record shall be maintained by the HoP, of the ~~OJEU~~ Above Threshold Tenders received. Such a record shall include the date and time of Above Threshold~~OJEU~~ Tender opening, the identity of the Officer(s) present, the identities of Participants and the tendered sums (where readily ascertainable).

13.5 Above Threshold~~OJEU~~ Tenders submitted in hard copy must be opened at the same time and in the presence of the CD-SR (or a person designated by him) or, where the Procurement and Contract Management Services is undertaking the procurement, the ACE(LDS) (or an Officer designated by him).

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

### 14. ABOVE THRESHOLD~~OJEU~~ TENDER EVALUATION AND ACCEPTANCE

14.1 The Responsible Officer shall evaluate Above Threshold~~OJEU~~ Tenders using the evaluation criteria published in accordance with **Rule 11.2**.

14.2 Only in circumstances where an Above Threshold~~OJEU~~ Tender is agreed by the CD-SR to be an abnormally low tender in accordance with the PCR's can an Above Threshold~~OJEU~~ Tender other than the MEAT be accepted. In those circumstances a



signed and dated record of the reasons for the action taken shall be made within the Gateway Process (Gate 3).

- 14.3 If, as a result of the [Above Threshold OJEU](#) Tender evaluation process the HoP is satisfied that an arithmetical error has been made inadvertently by a Participant such an error may, after clarification with the Participant, be corrected. The HoP shall record any such clarification in writing through the E-Sourcing System.
- 14.4 Before a Contract is awarded the HoP shall, in consultation with the SCMs, determine whether it is proportionate and appropriate to complete a risk assessment to ascertain the financial stability of the successful Participant. The risk assessment shall take into account the subject matter, complexity, duration, value and any other such factors as may be deemed to be relevant. This shall be recorded in accordance with the Gateway Process (Gate 3) where appropriate.
- 14.5 On completion of the evaluation of the [Above Threshold OJEU](#) Tenders received and once all internal approvals have been obtained through the Gateway Process (Gate 3), the HoP (or an Officer authorised by the HoP) shall write to all Participants informing them of the outcome of the [Above Threshold OJEU](#) Tender evaluation and providing feedback on the content of their submission, in accordance with Regulation 55 of the PCR's.
- 14.6 The HoP (or an Officer authorised by the HoP) shall wait a minimum of ten days (15 days if not sent electronically) from the date of issue of the letters notifying the Participants of the result of the evaluation before completing the Contract with the successful Participant.
- 14.7 The HoP (or an Officer authorised by the HoP) shall send for publication a Contract Award Notice stating the outcome of the procurement procedure no more than 30 days after the award of the Contract.

## **15. CERTIFICATION OF CONTRACTS**

- 15.1 The Local Government (Contracts) Act (LGCA) 1997 clarified the power of local authorities to enter into certain contracts, including Private Finance Initiative Contracts. Where Contracts need to be certified under the 1997 Act, only the following Officers are authorised to do so, following consultation with the relevant Executive Member: the Corporate Director Children and Young People's Service, the Corporate Director Business and Environmental Services, the Corporate Director Health and Adult Services, the Director of Public Health, the ACE(LDS) and the CD-SR.

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

- 16.1 A Director does not need to invite bids in accordance with **Rule 9** in the following circumstances:-
  - (a) purchases via Framework Agreements which have been established either by the Council or by other public sector bodies or consortia (including, but not limited to PSBOs) and where such framework agreements are lawfully accessible to the Council. Contracts awarded from such Framework Agreements shall be awarded in accordance with the provisions of that Framework Agreement; or

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

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

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

- (a) purchases via Framework Agreements which have been established either by the Council or by other public sector bodies or consortia (including, but not limited to PSBO's) and where such Framework Agreements are lawfully accessible to the Council. Contracts awarded from such Framework Agreements shall be awarded in accordance with the provisions of that Framework Agreement. Where appropriate Officers should apply a minimum

10 day standstill period for all call-off Contracts awarded under an existing Framework Agreement. This is not mandatory but is deemed best practice; or

(b) where:

(i) Regulations 12 or 72 of the PCR's apply; or

(ii) any other specific exclusions as set out in the PCR's apply;

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

### **Waivers**

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

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

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

[16.7 Specific exceptions to \*\*Rule 22.4\*\* are permitted in such other circumstances as the CD-SR and the ACE\(LDS\) may agree.](#)

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

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

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

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

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

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

17.6 The SCMs shall each present an updated category FPP to the relevant directorate management teams every 6 months for approval.

17.7 An annual report on procurement matters, such report to include an annual procurement plan and actions arising from the annual procurement plan, will be presented to a meeting of the Audit Committee.

- 17.8 The Council maintains a Contract Register the purpose of which is to record key details of all Contracts with an aggregate value of £25,000 or more.
- 17.9 All Responsible Officers will notify the Procurement and Contract Management Service of any Contract awarded below £25,000. The Responsible Officer will use the format prescribed by the Procurement and Contract Management Service and report this information quarterly.
- 17.10 The HoP shall ensure that:-
- (a) all relevant Contracts (including those Contracts to which **Rule 16** applies) are entered onto the Contract Register
  - (b) the Contract Register is maintained by entering new Contracts onto it and removing expired Contracts from it in line with the Council's Records Retention and Destruction Schedule.

#### **Contracts Finder**

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

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

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

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

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

	<i>Procurement Assurance Board to decide as appropriate.</i>
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18.2 The whole contract financial value thresholds for the purposes of **Rule 18.1** are:

- (a) Works & Concession Contracts - £1,000,000
- (b) Social and Other Specific Services Contracts - £663,540
- (c) Goods and Services contracts - £189,330

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

## 19. CONTRACT MANAGEMENT

19.1 The Responsible Officer shall take all such steps as are appropriate to monitor and review the performance of the Contract, having regard to its value, nature, duration and subject matter. As part of the monitoring and review process the Responsible Officer shall maintain adequate records of Contract performance and details of review meetings with the Contractor. Such records and details shall be made available to Internal Audit whenever required and shall be recorded in any relevant Gateway Process report (Gate 4). Such records shall also be used on the basis for any permitted extension to the Contract.

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

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

### Contract Variation

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

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

### Contract Termination

19.6 If an Officer requires a Contract which exceeds the financial values stated in **Rule 18.2** to be terminated then this must be done in accordance with the terms of the Contract or as outlined in Regulation 72 of the PCRs. Approval must be sought in accordance with **Rule 18.1** (Table 5 - Gateway Process - Authorisation to Approve Gate 4b).

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## 20. TRAINING FOR PROCUREMENT

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

## 21. DECLARATION OF INTERESTS

- 21.1 To ensure that persons involved in the procurement process are aware of, and adhere to the principles of impartiality and professional standards when dealing with, and completing commercial undertakings, a Conflict of Interest declaration must be completed by all members of the evaluation panel upon commencement of this project. A Confidentiality Agreement or Declaration form must also be completed by any members of the evaluation panel who are not directly employed by the Council, unless there are alternative appropriate confidentiality provisions within the persons appointment documents (such as a consultancy agreement).
- 21.2 If it comes to the knowledge of a Member, Responsible Officer or other Officer that a Contract in which they have an interest (determined in accordance with the Members' and/or Officers' Code of Conduct as appropriate) has been or is proposed to be entered into by the Council, they shall immediately give written notice to the ACE(LDS).

## 22. GRANTS

- 22.1 The Council cannot procure services which it is itself required to deliver by means of a grant. The Council may grant-fund third party organisations to help deliver community cohesion or to provide complementary activities.

- 22.2 Taking into account [24.22.1](#) above Directors and the HoP shall consider when procuring the provision of the Services, Supplies Works or Social & Other Specific Services, whether a grant would be a preferable means to achieving its objectives rather than following a competitive bid process. A grant may only be awarded in circumstances where:

- There is the legal power to make a grant for the purpose envisaged;
- It does not contravene [EU-UK](#) rules on state aid.

- 22.3 Where the value of a grant is less than £175,000 over 3 years, the Director shall have the discretion to conduct a competitive application process for the award of that grant if doing so demonstrates best value for the Council. If a Director is not conducting a competitive application process then the Best Value Form must be completed to capture the rationale for the decision.

- 22.4 Where the value of the grant exceeds £175,000 over 3 years but is less than the relevant [UK Procurement Threshold](#) ~~EU Threshold~~ detailed in **Rule 2.12 Table 4** a competitive grants process ~~must-should~~ be completed. The opportunity ~~must-should~~ be advertised on the Council's E-Sourcing system.

- 22.5 Where the value of a grant exceeds the relevant [UK Procurement Threshold](#)~~EU Thresholds~~, the Director shall complete the Gateway Process in accordance with **Rule 18**. A competitive process must be completed and the opportunity must be advertised on the council E-Sourcing system.



- 22.6 The Responsible Officer shall take all such steps as are appropriate to monitor and review the performance of the grant agreement, having regard to its value, nature, duration and subject matter. As part of the grant monitoring and review process the Responsible Officer shall maintain adequate records of performance and details of review meetings with the grant recipient.

**23. HIRING AND ENGAGING STAFF**

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

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## North Yorkshire County Council

### Executive

8 June 2021

#### Healthy Child Programme: Next Steps and Section 75 Agreement

Report of the Corporate Directors for Health and Adult Services and Children and Young People's Services and the Director of Public Health

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

#### **1.0 Purpose of Report**

1.1 The purpose of this report is to:

- i. Update the Executive Members on the outcome of the public consultation undertaken in January 2021 on the proposed section 75 arrangements for the future delivery of the Healthy Child service
- ii. Set out the additional measures being proposed as part of the Council's response to the public consultation on the new service model, which took place in Autumn 2020;
- iii. To ask the Executive to recommend to the Chief Executive Officer that he use his emergency delegated powers to approve the Council entering into a Section 75 agreement for the delivery of 0-19 services, as part of the Healthy Child Programme between the Council and Harrogate and District Foundation Trust (HDFT) (draft S75 appended).

#### **2.0 Background**

2.1 Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the 2020 Regulations"), which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, Committee business should be continued via the Chief Executive Officer making urgent decisions that would previously have been made by the Council's committees, under his emergency decision making powers in the Officers' Delegation Scheme, in consultation with other Officers and Members as appropriate. The Committee's views and recommendations will be reported to the Chief Executive Officer for him to take into account in taking the formal decisions.

2.2 As set out in previous reports to Executive in October 2020 and January 2021, the Healthy Child service, which includes services provided by health visitors, school nurses and other child health specialists, is a nationally mandated Public Health programme, focusing on children and young people aged 0-19 and their families. As a result of national reductions in the Public Health Grant, local government and NHS partners in North Yorkshire have been looking at how the service can be delivered in this context, as well as drawing on the learning from Covid-19. An extensive public consultation on a new service model was undertaken in Autumn 2020 and a subsequent consultation has been undertaken on a proposed section 75 agreement between the Council and HDFT.

- 2.3 This public consultation into the Service Model completed in Autumn 2020 received more than 350 responses from members of the public and professionals and raised a number of key areas of concern, most notably around planned reductions or changes in the offer relating to School Nursing and audio / visual screening and potential impacts on safeguarding. Since the previous report to Executive in January 2021 extensive work has been completed by the Council and partners across the system to develop mitigations for these areas of concern, these additional measures are set out at Section 5.
- 2.4 In January 2021, Executive approved the start of a 4 week consultation regarding the draft Section 75 arrangements for the delivery of 0-19 services in partnership with Harrogate and District Foundation Trust (HDFT).
- 2.5 This consultation on the use of the Section 75 received 21 responses, the detail of these and our response is set out at Section 4.
- 2.6 Following the two public consultations, the Council has worked with HDFT to review the responses, to undertake an additional due diligence review ahead of a recommendation to Executive (covering management, practice and safeguarding considerations) and is now proposing to agree a final section 75 agreement. In addition the partners will put in place additional measures to address issues raised during the course of the Autumn 2020 public consultation on the proposed new service model.

### **3.0 The proposed Section 75 Agreement – Partnership and Principles**

- 3.1 It is the intention of the Council and HDFT to enter into a Section 75 agreement for delivery of these services on the grounds that a strong partnership between the organisations will allow for the most effective use of financial, operational and strategic resources to secure the best possible outcomes for children and young people in North Yorkshire.
- 3.2 The Partners share a vision of an integrated service which recognises and leverages the strengths of each organisation and the wider health and care system. By working together in this way over the significant term of the agreement, the partners will be able to drive forward meaningful and progressive change to the benefit of the population of North Yorkshire.
- 3.3 As stated in the report to Executive in January 2021, the objectives of the partnership are:
- a) To ensure the effective and efficient management and delivery of the Service;
  - b) Through sharing resources and working in collaboration, to improve service, performance, quality and outcomes for families and children and young people;
  - c) To ensure that services are children, young people and family focused, and responsive to identified needs;
  - d) To deliver seamless services through effective multi-agency and multi-disciplinary planning, communication and processes;
  - e) To ensure value for money and efficient use of resources, whilst avoiding unnecessary cost and effort through duplication;
  - f) To respond to gaps in service delivery through improved service design, and to use this intelligence to inform commissioning intentions; and
  - g) To increase the range of skills, both professional and organisational, available for the provision of services and provide a diverse range of learning and development opportunities for staff.
- 3.4 The partners agree to adopt the following principles when carrying out this Section 75 Agreement:

- a) To be openly accountable for performance of the Partners' respective roles and responsibilities set out in this Section 75;
- b) To communicate openly and transparently about concerns, issues or opportunities relating to the delivery of this Section 75, the service model or the partnership;
- c) To commit to learn, develop and seek to achieve full potential from the Service. To share information, experience, materials and skills, to learn from each other and develop effective working practices, work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost;
- d) To adopt a positive, solution focussed approach and behave in a positive, proactive manner;
- e) To act in the best interests of people using services and their families and to ensure that they are always at the forefront of decision making;
- f) To adhere to statutory requirements and evidence based best practice, complying with applicable laws and standards, data protection and freedom of information legislation;
- g) To act in a timely manner, recognising the time-critical nature of the project and to respond accordingly to requests for support;
- h) To act in good faith to support achievement of the key objectives and compliance with these principles; and
- i) To provide coherent, timely and efficient decision-making.

## **Section 75 – The Agreement**

- 3.5 The draft Section 75 Agreement between the Council and HDFT as negotiated by the lead officers for each organisation is attached at Appendix A.
- 3.6 Executive has previously considered a draft of the agreement in January 2021. Following public consultation and continued negotiation between the partners the presented draft varies from previously reviewed documents in the following key areas:
- The term of the agreement has been amended from 5+3+2 years to 2years 9 months, +3+2+2 years to reflect the delays in implementing the service from April to July 2021 as well as a revised balance of risk on the initial term.
  - The financial profile has been amended in light of the previous point
  - Provision included for the delivery of peer reviews or other independent review mechanisms into the effectiveness of both service delivery or the partnership arrangements. The Council's DPH and DCS will hold reserve powers to implement these reviews should they deem it necessary.
  - The Director of Public Health in conjunction with the Council's Section 151 officer (or their delegate) will undertake an annual review to ensure the effective and value for money delivery of mandated services.
  - The Director of Children's Services will now be the Chair of the Healthy Child Board for the initial term of 2 years 9 months, with an HDFT vice chair, these arrangements will be reviewed thereafter
  - The Council will be involved in key appointments within the service
  - The Council reserves the right to request and audit source data to give additional assurance on service performance.
  - The Service Transformation and Development Plan is now a rolling document which will be regularly reviewed and amended to reflect the ambition for greater integration and partnership working, rather than an annual standalone report.

- 3.8 The draft agreement covers a wide range of matters regarding the partnership, delivery of the service and overall governance arrangements. Of particular note to the Executive are the following:
- The agreement establishes the Healthy Child Board which will oversee the Agreement, both in terms of service delivery and the efficacy of the partnership arrangements. Any disputes will be raised to this board for resolution in a spirit of partnership and joint working.
  - Any overspends in the service will be the responsibility of the Trust, however the partnership will work closely together to determine the best way to address any overspend as it becomes apparent. Underspends will likewise be discussed amongst the partnership with a view to reinvesting into the service.
  - Unlike some previously agreed s75 agreements (e.g. HARA) it is not the intention of the Partners through this S75 Agreement to establish a Pooled Fund, although there is nothing in this Agreement that precludes the Partners from doing so if subsequently agreed
  - The implementation and operational oversight of the service will be through the Healthy Child Mobilisation Group. This group will provide quarterly performance monitoring information to the Healthy Child Board. A Service Transformation and Development Plan will be produced by the Partners which shall continually be developed throughout the Agreement.
  - Operational staff will remain fully employed within HDFT on current terms and conditions. The option for joint posts and / or management arrangements is available through the agreement and is likely to evolve as the agreement develops.

#### **4.0 Consultation and Responses: Proposed section 75 Agreement**

- 4.1 A 4 week consultation was undertaken on the use and content of the draft Section 75 between 5<sup>th</sup> February 2021 and 8<sup>th</sup> March 2021.
- 4.2 21 responses were received of which 20 were from members of the public and 4 were from professionals (respondents were able to select multiple responses hence the total of 24)
- 4.3 In response to the consultation question: '*Do you agree that the Council should develop the future of these services through a partnership agreement with Harrogate and District NHS Foundation Trust, in which the Trust provides the services on behalf of the Council?*' 13 respondents gave a either a Yes or No answer with 9 (69%) respondents agreeing with the statement and 4 (31%) disagreeing. 7 respondents answered with 'Don't Know'.
- 4.4 The majority of free text responses were not directly relevant to the question within the consultation, focussing on historic issues with the service, the new service model and the levels of funding available to the service. These concerns echoed those within the Service Model consultation undertaken in Autumn 2020 and are addressed by the additional measures proposed in Section 5.
- 4.5 Positive responses focussed on the reputation of HDFT as a 'well respected and trustworthy' organisation and the need for greater partnership working across the County in delivery of these services.
- 4.6 Based on these responses it is recommended that the Council proceed with the implementation of the Section 75 agreement.

#### **5.0 Additional Service Measures**

- 5.1 In response to the issues raised within the two public consultations, it is proposed that additional measures be implemented to support the Healthy Child Programme and the delivery of effective integrated services to children and families.
- 5.2 **Additional Safeguarding Capacity** – to ensure a smooth transition to the new service model, 1 FTE Safeguarding Practitioner will be added to the existing Multi-Agency Safeguarding Team (MAST) arrangements for an initial 12month period and will be reviewed at that point . The post will support NHS participation in Child Protection Conferences as a priority, provide advice to those NHS professionals attending and promote quality information sharing and communication.
- 5.3 **Nursing advice to schools** – Additional resources will be deployed within the NYCC Customer Centre to provide an advice service to schools and education settings. The service will be accessible to schools via telephone, MS Teams and email to provide advice and support as well as signposting and referrals to local services.
- 5.4 **Hearing and Visual Screening** - Health Visitors will continue to assess children’s sight and hearing as part of the mandated health and wellbeing reviews in children aged 0-5 and will refer families where issues are identified to their GP. In instances where education staff are concerned about a child’s hearing or vision they will have information on how to enable them to advise parents / guardians on how to access high street audiology and opticians, which are available free of charge to the person through the NHS. Consideration was given to the option of either reinstating this provision through the 0-19 service or via other routes. Given the ready availability of such services free at the point of use, this is felt to be inappropriate at a time when the Public Health Grant is being reduced nationally, with a consequence for services in North Yorkshire.
- 5.5 **Sexual Health** – Work is ongoing with the NYCC commissioned Sexual Health Service Provider (York NHS Foundation Trust - YFT), HDFT and other partners to ensure that services are delivered from young people-friendly settings.
- 6.0 Performance Implications**
- 6.1 A full performance framework is included within the Section 75 at Schedule 5. The Section 75 sets out a range of performance and reporting structures which will be overseen by the Healthy Child Board.
- 6.2 Within the first year of the agreement, the partners will articulate a vision and roadmap for how services delivered by NYCC and HDFT can be most effectively integrated for the benefit of people using services and to ensure best value for money across the system.
- 7.0 Policy Implications**
- 7.1 This agreement between the Council and HDFT is an example of integrated working between the NHS, Children’s Services, Public Health and Social Care. Integration with NHS partners is a key Council priority, as well as an ambition outlined in the NHS Long Term Plan, published in January 2019. It is also mindful of the mandate which Public Health England places on Directors of Public Health.
- 8.0 Financial Implications**
- 8.1 The draft Section 75 is explicit in the financial requirements of each party. A full funding schedule is included within the S75 Agreement as Schedule 3.
- 8.2 As stated at 3.8 - Any overspends in the service will be managed by the Trust, however the partnership will work closely together to determine the best way to address any overspend



as it becomes apparent. Underspends will likewise be discussed amongst the partnership with a view to reinvesting into the service.

- 8.3 Overall accountability for Public Health Grant spend remains with the Director of Public Health, but the Council's recurring operational budget for the Healthy Child Service will be devolved to the Director of Children and Young People's Services, to facilitate closer integration between the HDFT Healthy Child Service and the rest of NYCC/other agencies' children and young people's services. Non-recurring and/or time-limited Healthy Child investment will remain within the DPH's direct budget.
- 8.4 The additional cost of the additional measures set out in Section 5 will depend on the duration that they are in place. Additional Safeguarding Capacity will cost approximately £52,000 per annum and School Nursing approximately £40,000.
- 8.5 The current proposal is for the Safeguarding Capacity to be limited to 1 year and School Nursing to be ongoing (initially for 3 years, to be reviewed) and this would incur costs of approximately £162,000. Should both measures be kept in place for the full initial term of the agreement, the maximum financial cost to the Council will be £253,000. This cost will be met through the Public Health grant.

## **9.0 Legal Implications**

- 9.1 Section 75 of the National Health Service Act 2006 and the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000, S.I. 617 ("Regulations") enable NHS bodies to exercise prescribed local authority health-related functions in conjunction with NHS functions.
- 9.2 Under the Public Contracts Regulations 2015 (PCRs) two contracting authorities can enter into a collaboration agreement (co-operation) subject to meeting the tests of Regulation 12 (7) PCRs (known as Hamburg). It is considered that the partnership arrangement through a S75 Agreement between HDFT and NYCC satisfies this test.
- 9.3 The power to enter into section 75 agreements is conditional on the following:
1. The arrangements are likely to lead to an improvement in the way in which those functions are exercised; and;
  2. The partners have jointly consulted people likely to be affected by such arrangements.

## **10.0 Impact on Other Services/Organisations**

- 10.1 The Council will enter a formal agreement with Harrogate and District NHS Foundation Trust.
- 10.2 The Section 75 agreement sets out a range of governance and reporting structures which will involve colleagues from across the Council including CYPS and Public Health .
- 10.3 As outlined in the report to Executive in January 2021, changes to the service model will be mitigated in a range of ways, either through changes in systems and processes or additional investment. These additional measures are set out in detail in Appendix B

## **11.0 Equalities Implications**

- 11.1 An Equality Impact Assessment was presented to the Executive in January 2021. This document has been updated to a final version and is attached as Appendix D.



## **12.0 Recommendations**

- 12.1 The Executive are asked to note the consultation responses received and the additional measures/investment proposed, and to recommend to the Chief Executive Officer that using his emergency powers he:
- i. Approves the Council entering into the S75 Agreement with HDFT, and;
  - ii. Delegates any amendments required to the S75 Agreement to the Corporate Director Health and Adult Services in consultation with the Assistant Chief Executive (Legal and Democratic Services) and Executive Member for Public Health, Prevention and Supported Housing including Sustainability and Transformation Plans

Richard Webb  
Corporate Director – Health and Adult Services

County Hall  
Northallerton

27 May 2021

Author of Report – Mike Rudd, Head of Housing, Technology & Sustainability, HAS  
Presenter of Report – Richard Webb, Corporate Director, Health and Adult Services

**Background Documents:** None

### **Appendices:**

Appendix A – Draft Section 75 Agreement – To Follow

Appendix B – Consultation Feedback - Confidential

Appendix C – Additional Measures – Confidential – To Follow

Appendix D – Equalities Impact Assessment

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

(Form updated April 2019)

### *Changes to Universal Healthy Child Service*

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



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

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

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

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

Name of Directorate and Service Area	Health and Adult Services
Lead Officer and contact details	Richard Webb <a href="mailto:Richard.webb@northyorks.gov.uk">Richard.webb@northyorks.gov.uk</a>
Names and roles of other people involved in carrying out the EIA	Victoria Ononeze, Public Health Consultant Emma Lonsdale, Commissioning Manager Health Outcomes Mike Rudd – Head of Commissioning

	Sarah Morton, Senior Solicitor
How will you pay due regard? e.g. working group, individual officer	To be regularly reviewed as part of the Childhood Futures Programme 0-19 Service Transformation
When did the due regard process start?	Engagement with stakeholders in August 2018 to help inform the development of new service model. Full public consultation completed between October 2020 and January 2021

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

This EIA relates to the decision to develop a new model for the delivery of the Universal Element (Health Visiting (0-5) and School Age (5-19) services) of the Healthy Child Programme (HCP) in North Yorkshire.

In 2018, North Yorkshire County Council (NYCC) initiated a review of the HCP to determine commissioning options from March 2020. This included seeking the views of local partners, staff and service users. The aim is to develop a more integrated 0-19 service that is more responsive to the needs of children, young people and families.

A paper was considered by the Executive in August 2019 which set out the approaches to commissioning the different elements of the programme. For the Universal element of the HCP (Health Visiting and School Age Service), the intention is to pursue a partnership approach between NYCC and Harrogate and District NHS Foundation Trust (HDFT) that will allow HDFT to deliver a new service model on the Council's behalf, using Section 75 Agreement.

The new service model has been agreed within the context of national changes in Public Health Grant which have resulted in a reduction across public health programmes of around 15%. A saving of £750,000 has been applied to the 0-19 services delivered by HDFT.

NYCC and HDFT have developed a new service model which both parties consider to be affordable within the reduced financial envelope.

Following public consultation on both the new Service Model and the use and content of the Section 75 Agreement a range of additional service measures are proposed which will address potential short term issues resulting from the changes.

This EIA will consider the potential impact of the new service model, but also take into account the potential impact should the new service model not be implemented.

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

The Health Visiting (0-5) and School Age (5-19) services have been commissioned from HDFT since 2013. The current HDFT contract expired in March 2020 and, in the context of the significant reduction in ring-fenced PH Grant, the Council has proposed developing a single 0-19 core service as part of its savings plan.

The proposal is to develop and implement a new way of working that supports the philosophy of the Childhood Futures Programme, to transform 0-19 services and achieve greater collaborative working across the system.

The learning from the operational response to COVID-19 throughout 2020 has illustrated ways in which services such as this can be safely and effectively delivered through a blended approach of physical and virtual support, the proposal looks to build on this experience and embed it within the future model.

The Council have worked closely with service leads at HDFT to develop the proposed model and approach which responds to the local context and will deliver a service within budgetary constraints that is tailored to needs.

Both parties are keen to be innovative in the way they work with local information and partners to co-ordinate the right level of services and support by the right people for children, young people and families.

- Work together to develop a new service model that meet local needs
- Commitment to providing both universal and targeted approaches to services with some enhanced services
- Ensure a phased and orderly transition to a new service model so that the provider can redeploy and re-train staff
- Set out how, over the next three years, they will work more closely to integrate the HCP with NYCC Children and Young People's Services and the wider system

A Section 75 Agreement will enable partnering arrangements between NYCC and HDFT to achieve the above objectives. The risk around this approach has been understood and accepted, and based on the partnership framework is compliant.

The collaborative partnership approach will ensure maximum efficiency in delivery of the healthy child service.

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

The new service model is significantly different from current service model in a number of ways as set out in table below. It will continue to deliver universal services and will allow for resources to be targeted at those most in need, so safeguarding and services for children in need remain a priority.

The key changes are:

- All children and families will continue to receive the 5 mandated contacts from Health Visitors between the ages of 0 and 5. Under the new proposal these will be via a blended model of physical and virtual visits based on a risk assessment which will be continually reviewed through both HCP and interactions with other partners.
- All contacts with children under 1 year will be delivered by a qualified Health Visitor, and contacts in children over 1-year-old delivered by a skill mixed team. This will allow for a more coordinated and integrated approach to responding to needs
- There will be no generic service delivered to school aged children 5-19 year olds (e.g. vision and hearing screening and bed wetting at night will not be directly provided). Considerable work has been undertaken to mitigate the impacts of these changes, including signposting to partner agencies and other services.

There will also be a reduction in the workforce to deliver the new service model as a result of the reduced service budget. The national shortage of Health Visiting and School Nursing staff creates ongoing risk to recruitment and retention, more so in some parts of the county. The new service model with specialist and skilled mix teams will contribute to a more stable workforce. In addition, the move to a blended approach of physical and virtual visits will allow staff time spent supporting people rather than travelling to be maximised.

However, the evaluation on new ways of working as a response to COVID-19 has shown positive feedback from service users and staff on virtual delivery. This provides some flexibility in expanding the scope of the new service model. For example, virtual contacts (telephone and WhatsApp calls) followed by welfare calls which were found to respond to the needs of some children, young people and families and can also help reduce staff workload. Access to digital consultation and service delivery will be considered as part of the development of the new service and wider services in the county.

Engagement with local partners, service users and the wider public has been undertaken to understand the concerns and issues generated by this proposal. A number of consultation workshops involving local partners took place in March 2020 which looked at the different aspects of developing the new service model. The public consultation held between October 2020 and January 2021 has engaged with a wide range of education and health professionals to understand their concerns and develop mitigations.

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

North Yorkshire County Council initiated an engagement activity during August 2018 to inform the re-commissioning of the HCP in April 2020. The aim of engagement was to obtain the views of a variety of stakeholders in order to review the services currently offered and inform development of a new service model. The key findings are:

- Support for a 0-19 approach to service planning and delivery and regular health and wellbeing reviews as touchpoints of early identification of needs



- Vulnerable families are a priority
- School readiness, Emotional wellbeing and Adolescent risk taking as priority areas
- Autism Spectrum Disorder (ASD)/ Attention Deficit Hyperactivity Disorder (ADHD) Concern – service offer and workforce skills to respond
- Diverting activity from GP's to Early Help interventions would support 'right place right time' approach to care and support
- Information sharing systems should be improved and interoperability prioritised
- A clear offer required for children with complex health needs
- Healthy Child Safeguarding role a valued element of the service

In March 2020, NYCC and HDFT held a number of consultation workshops involving local partners which looked at the different aspects of developing the new service model. The workshops focused on identifying the impact the new model may have on other services. The feedback has been used to develop the documentation (Appendix 1) for the public consultation on the new service model.

All partners acknowledged that the changes will result in a reduced service with reduced staffing capacity in comparison with what is delivered now and will be significantly different to the current model. In particular, significant changes in the services delivered to school aged children.

However, all recognised that the model presents a different way of working together:

- Help plan and provide collective actions across the system to address key public health priorities
- Facilitate integrated working practices that can help reduce the burden on families repeating their story and being subject to unnecessary assessment
- An opportunity to work flexibly and to respond to local needs
- Can support communities in the delivery of self-care and capacity building
- A clearer more streamlined service offer that utilises the skill set of the workforce
- A safe service that will target the most vulnerable in society
- Partnership working with Early Years settings where there are shared child developmental concerns

Between October 2020 and January 2021 a wide ranging public consultation was held as set out in the report to Executive on 26/01/21. This consultation sought people's views on the proposed changes to the service.

245 people responded to the online survey, well above the benchmark of 120 responses. In addition the HCP project team spoke to 98 people by attending pre-existing meetings and events, whilst an additional 32 people attended bespoke events hosted by the Council. The summarised feedback from the consultation along with a full response can be found in the paper submitted to Executive for 26/01/2021.

In response to the issues raised within the two public consultations, it is proposed that the following measures be implemented to support the Healthy Child Programme and the delivery of effective integrated services to children and families:

Additional Safeguarding Capacity – to ensure a smooth transition to the new service model, , 1 FTE Safeguarding Practitioner will be added to the existing Multi-Agency Safeguarding Team (MAST) arrangements for an initial 12month period and will be reviewed at that point . The post will support NHS participation in Child Protection Conferences as a priority, provide advice to those NHS professionals attending and promote quality information sharing and communication.

Nursing advice to schools – Additional resources will be deployed within the NYCC Customer Centre to provide an advice service to schools and education settings. The service will be accessible to schools via telephone, MS Teams and email to provide advice and support as well as signposting and referrals to local services.

Hearing and Visual Screening - Health Visitors will continue to assess children's sight and hearing as part of the mandated health and wellbeing reviews in children aged 0-5 and will refer families where issues are identified to their GP. In instances where education staff are concerned about a child's hearing or vision they will have information on how to enable them to advise parents / guardians on how to access high street audiology and opticians, which are available free of charge to the person through the NHS. Consideration was given to the option of either reinstating this provision through the 0-19 service or via other routes. Given the ready availability of such services free at the point of use, this is felt to be inappropriate at a time when the Public Health Grant is being reduced nationally, with a consequence for services in North Yorkshire.

Sexual Health – Work is ongoing with the NYCC commissioned Sexual Health Service Provider (York NHS Foundation Trust - YFT), HDFT and other partners to ensure that services are delivered from young people-friendly settings.

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

The Healthy Child Programme is funded through the North Yorkshire Public Health Grant which is a funding allocation from Public Health England to the Council. This is a defined pot of funding from central government for the delivery of Public Health services.

The Public Health Grant was subject to 8% national reductions between the financial years 2017/18 and 2019/20, with an inflationary increase only for the financial year 2020-21. The level of future Public Health Grants is announced annually and cannot be predicted. As a result the Council is required to make spending reductions across a range of Public Health services.

Healthy Child services account for approximately a third of North Yorkshire's Public Health spending and they will continue to be at a similar share, despite the reductions in national Grant.

This proposal will reduce the direct cost of the Healthy Child Programme by £657,000 by year three of the 5+3+2 year contract.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age		x		<p>A single 0-19 offer and more integrated working practices across the system will lead to a more responsive service for children and families.</p> <p>Some service performance data are broken down by age and uptake will be monitored.</p> <p>The move to a blended model based on risk assessment will allow families to access services remotely where this is appropriate. For some families this will facilitate greater interaction and support. All families who require face to face contact either through additional need or levels of risk will continue to do so.</p>
Disability	x			<p>Service monitoring does not capture disability. However, the service delivers interventions at home, and Children and Families Hubs which benefited those who with children and young people with disabilities.</p>
Sex	x			<p>Any change in the service is more likely to impact on women due to the demographics of those accessing the service.</p>
Race	x			<p>There is evidence to show poorer outcomes in some black and minority ethnic groups (e.g. low birth weight and lower level of readiness for school).</p> <p>In 2011 4.6% of the North Yorkshire population were from a non-white British ethnic groups which is significantly below the national average.</p> <p>The ethnic diversity varies between districts with Harrogate having the biggest number of people identifying as non-white; Asian British and mixed</p>

				/multiple ethnic group make up the major part of this diversity in Harrogate. Asian British is the largest group of non-white people in Craven and Richmondshire.
Gender reassignment	x			It is not anticipated that there will be any adverse impact on this protected characteristic.
Sexual orientation	x			It is not anticipated that there will be any adverse impact on this protected characteristic.
Religion or belief	x			<p>The 2011 census shows the majority of the population within North Yorkshire state they identify with Christianity as their religion.</p> <p>However, some parts of the county have a higher percentage of the population stating another religion or belief as follows:  Richmondshire: 0.7% Buddhist, 1 % Hindu  Craven: 0.9% Muslim  Scarborough: 0.5 % Muslim  Harrogate: 0.4% Muslim<sup>14</sup></p> <p>it is not anticipated that there will be any adverse impact on this protected characteristic than the entire population.</p>
Pregnancy or maternity		x		<p>Better joined up working between the HCP and midwives in identifying and responding to the needs of vulnerable parents and families.</p> <p>Closer working across the system, facilitated by the Section 75 approach will allow for more joined up working and shared interventions where needed.</p>
Marriage or civil partnership	x			It is not anticipated that there will be any adverse impact on this protected characteristic.

Section 7. How will this	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation
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proposal affect people who...			and/or service user data or demographic information etc.
..live in a rural area?		x	Digital and community led solutions to service delivery with regard to access in rural areas in response to engagement and consultation feedback. These will building on exiting initiatives and the learning from COVID-19 responses.
...have a low income?		x	Prevalence of poor health outcomes is higher in low income families.  All risk factors and inequalities associated with poor outcomes will be paid regard to in the service specification and performance framework, in response to consultation feedback for more support for vulnerable children and families.  Risks around digital exclusion linked to low income will be mitigated through risk assessments and utilisation of face to face visits.
...are carers (unpaid family or friend)?		x	As above

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

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

No

<b>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	<b>x</b>
<b>2. Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
<b>3. Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
<b>4. Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<p><b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)</p> <p>Ongoing engagement with service users will support continuous points of review to ensure that no adverse impact is felt due to protected characteristics.</p> <p>The service model will be under regular review through the NYCC and HDFT partnership, and will underpin service transformation and the development of coordinated and integrated practices in 0-19 services across system.</p> <p>The</p>	

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

Ensure effective communication to be carried out with all stakeholders; staff, service users and the wider public, to enable change management and service mobilisation.

Regular review of how the new model is being delivered will be a carried out in partnership with HDFT.

Complaints and commendations.

**Section 12. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Consider data and feedback on protected characteristics when reviewing / monitoring the changes	Commissioning Manager and Public Health Consultant And reported to Healthy Child Programme Board	Fortnightly		Ongoing
Continue to work in partnership with local partners and community organisations to mitigate against reduction in services	NYCC and HDFT through the Healthy Child Programme Board	Ongoing		

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

No adverse impacts have been identified at this stage.

The programme will support the council's equality objective to reduce differences in life expectancy between communities as it will to ensure every child gets the good start they need to lay the foundations of a healthy life.

The universal reach of the Healthy Child Service provides an invaluable opportunity from early in a child's life to identify families that are in need to additional support and children who are at risk of poor outcomes. A healthy start in life gives each child an equal chance to thrive and grow into an adult who makes a positive contribution to the community. To facilitate this change, NYCC will have to work with its partners and the



proposed partnership with HDFT to deliver a new Healthy Child Service model is part of the process.

All equalities priorities (Age, Disability, Gender, Gender Reassignment, Marriage or Civil Partnership, Religion or belief, Race, Sexual Orientation, Pregnancy or Maternity) have been addressed in this process.

This EIA will be regularly reviewed during the mobilisation of new service model and throughout the duration of the partnership.

#### **Section 14. Sign off section**

This full EIA was completed by:

**Name: Emma Lonsdale / Mike Rudd**

**Job title: Lead Commissioner**

**Directorate: CYPS / HAS**

**Signature: M. Rudd**

**Completion date: 27/05/21**

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

Victoria Ononeze

Consultant in Public Health

**Date: 27.05.2021**



## North Yorkshire County Council

### Executive

8 June 2021

### North Yorkshire Community Renewal Fund, application to the Ministry of Housing, Communities and Local Government

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

#### Report of the Corporate Director – Business and Environmental Services

#### 1.0 Purpose of report

- 1.1 To update the Executive Members on the Community Renewal Fund.
- 1.2 To recommend to the Chief Executive Officer, under his emergency delegated powers, that NYCC act as accountable body for the community renewal grant and that delegations be made to officers regarding the submission and administration of applications to the Ministry of Housing, Communities and Local Government for the Community Renewal Funding in North Yorkshire.

#### 2.0 Background

- 2.1 Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the 2020 Regulations”), which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, Committee business should be continued via the Chief Executive Officer making urgent decisions that would previously have been made by the Council’s committees, under his emergency decision making powers in the Officers’ Delegation Scheme, in consultation with other Officers and Members as appropriate. The Committee’s views and recommendations will be reported to the Chief Executive Officer for him to take into account when taking the formal decisions.
- 2.2 On the 3 March 2021, the Ministry for Housing Communities and Local Government (MHCLG) announced the launches of the Community Renewal Fund (CRF) and the Levelling Up Fund in the UK. These funding programmes represent the first steps in the transition from European Union Strategic Investment Funds to the UK’s own Shared Prosperity Fund, announced by the Chancellor Rishi Sunak in the budget in November 2020.
- 2.3 North Yorkshire County Council (NYCC) has been identified as the lead authority for the delivery of the CRF in North Yorkshire and as such is required to invite project proposals from local partners and organisations and to prioritise and shortlist project bids for submission to MHCLG against a set criteria. As lead authority, NYCC is the accountable body for the fund in North Yorkshire and will be required to receive funds from MHCLG for distribution to successful applicants. Also undertaking monitoring and evaluation to assess project delivery and compliance with the regulations of the fund contained in funding agreements between the Government and NYCC, and NYCC and the grant recipients.

- 2.4 A briefing session for Members of NYCC was held in April.
- 2.5 Key aspects of the Community Renewal Fund are as follows:
- 2.6 **Funding scope**  
The UK Community Renewal Fund (CRF) is a one-off, standalone national funding programme that focusses on removing barriers that people face in accessing skills and local labour market opportunities, building the evidence base for future interventions and exploring the viability of new ideas. The key objective of the programme is to enable innovation through pilot programmes and new approaches ahead of the UK Shared Prosperity Fund.
- 2.7 Innovation is described as trailing new approaches and ideas at a local level in order to deliver one, or deliver across several, of the following national investment priorities:
- **Investment in skills** - projects that address current and emerging local skills needs and are complementary to broader place-based investment.
  - **Investment for local businesses** - finding new ways to promote green and tech adoption, commercialisation or helping create a pathway for upskilling local businesses via collaborations between higher education and small businesses.
  - **Investment in communities and place** - proposals for innovative pilots and projects that address community needs and support local places.
  - **Supporting people into employment** - delivering bespoke programmes, utilising a needs-based approach to support individuals to overcome multiple or complex barriers which inhibit their ability to gain employment.
- 2.8 In order to support the development of applications to the fund and to ensure a good strategic fit with local priorities including the Local Industrial Strategy and the Council's own Plan for Economic Growth, a themed approach was adopted by the Council. Applications were sought under the following headings, each with a theme lead tasked with providing guidance and ensuring communications between potential applicants;
- Town Centres
  - Community Investment
  - Smart Places
  - Tourism Heritage and Culture
  - Business and Employment
  - Skills
  - Green Futures
- 2.9 **Funding limits**  
The Community Renewal Fund is primarily a revenue fund although applications may include a maximum of 10% of their costs as capital funding.
- 2.10 The fund prioritises projects that target investment at communities in need with a list of 100 priority places identified. Places are defined as the lowest tier of local government (excluding parish and town councils). In North Yorkshire, the Districts of Scarborough and Richmondshire are considered priority places according to Government criteria. All local authority areas are eligible to apply to the fund. Being identified as a priority place does not guarantee funding but the assessment criteria does prioritise bids which are primarily delivered in priority places, alongside a good contribution to strategic fit and delivery/effectiveness.
- 2.11 The Community Renewal Fund has a total national allocation of £220 million. In its submission to MHCLG NYCC can include bids up to a total value of £3 million per district and therefore up to a total of £21 million for the whole County.

## 2.12 Key points to note:

- Closing date for applications to NYCC was by midnight on Thursday 13 May 2021.
- All project activities must be completed and all monies expended by 31st March 2022.
- A higher priority will be given to projects that deliver predominantly in the Priority 1 areas defined as 51% or more of the total project spend benefitting Scarborough or Richmondshire districts.
- All applications must include the cost of between 1-2% of their award to be dedicated project evaluation with a minimum threshold of £10,000.
- NYCC, acting as the lead authority will appraise and prioritise projects up to a maximum of £3m per place and submit a shortlist on or before 18 June 2021 to MHCLG.
- NYCC, acting as the lead authority, will be responsible for appraising all submitted applications against the Government's assessment methodology – the UK Gateway criteria and assessment criteria based on the themes of strategic fit, and deliverability, efficiency and effectiveness.
- The Ministry of Housing, Communities and Local Government will have the final say as to which projects or programmes are awarded funding
- Government will announce successful bids late July/early August 2021.

2.13 The guidance is clear that all organisations eligible to receive government funds are able to apply and that Lead Authorities should undertake an open and transparent process in encouraging and appraising bids. The Government guidance is clear that there is no lower limit or value that applications should meet, however it is stated that to maximise impact and deliverability larger projects of £500,000 or more are considered most effective.

2.14 North Yorkshire County Council has undertaken a comprehensive engagement programme to promote the fund and give information and guidance to prospective applicants.

2.15 Appraisal of applications has been undertaken by a group of NYCC officers and one external assessor. The appraisal process followed prescribed scoring and ranking criteria found in the Government's prospectus documents.

## 3.0 Performance

3.1 In total NYCC, in its role as lead authority received 66 applications requesting £27.4m of funding. It is recommended that the highest scoring eligible applications which fall within the limits of the available funding in each district are submitted. This is a total of 28 projects with a total request for CRF funding of £8.4m. Appendix A outlines those applications which will be submitted to MHCLG. The table below summarised the value and number of projects by District.

District	Total value of applications received £m	No of shortlisted applications with spend in the district	Total Value of applications submitted to MHCLG
Craven	2.07	15	£817,249
Hambleton	2.24	15	£818,090
Harrogate	1.8	13	£432,009
Richmondshire	6.9	19	£1,904,097
Ryedale	2.43	16	£981,180
Scarborough	9.9	22	£2,981,341
Selby	2.03	11	£469,150
Total	27.4		£8.4m

3.2 Of the 66 applications received the majority (56) included Scarborough Borough alongside other districts in the County. Once Scarborough's £3m application limit is reached no further projects which include Scarborough Borough can be submitted and this has a limiting effect on the total value of bids in other districts. It is notable however that the proportions of bids submitted by district is almost identical to that shortlisted.

#### **4.0 Financial Implications**

4.1 As set out above the total bid is for £8.4m which covers 28 projects.

4.2 The Community Renewal Fund is funded entirely by the Government with no requirement on behalf of applicants or NYCC for match funding, although this is considered a benefit in terms of value for money. Some shortlisted bids do include match funding, usually in terms of staffing time.

4.3 The Government has indicated that when projects are approved 50% of the CRF funds will be paid to lead authorities immediately with the remaining 50% paid on project completion. It has been proposed that funds will not be paid to grant recipients until they have demonstrated successful delivery of the project including evidence of any defrayed funds, and until such funds have been received by the County Council from the Government. Funding agreements with successful applicants will mirror the Government's funding agreement with NYCC so that all such obligations are passed on to the applicant where possible. Successful projects will be subject to ongoing monitoring by NYCC staff.

4.4 Applications have been assessed as far as possible for financial robustness of the organisation by evaluating sources of evidence such as statutory accounts, management accounts and reports from credit reference agencies. Although this decreases the probability of awarding funding to organisations that may fail during the delivery period, this risk cannot be totally mitigated.

4.5 A review has also been undertaken to assess the financial viability of the successful bids, as far as possible, based on the financial information provided. For some of the bids, additional information is being requested in order to provide assurance and / or more detail on the financial deliverability of the bids. This additional information will be assessed prior to the final submission of the bid.

4.6 The CRF is primarily a revenue fund with an allowance for up to 10% capital spend per project. Projects in which capital expenditure exceeds 10% will not be submitted to MCHLG.

#### **5.0 Legal Implications**

5.1 Payment of the Community Renewal Fund to NYCC will be subject to a contract or funding agreement with MCHLG. Lead Authorities (including NYCC) will then enter into funding agreements / contracts with grant recipients. To minimise risk to NYCC, any contract entered into with a grant recipient will mirror the detail of the funding agreement with Government and flow down any obligations accordingly.

5.2 As part of the grant process, applicants must undertake a subsidy control assessment, and certify that their application is compliant with the subsidy control regime.

## **6.0 Consultation Undertaken and Responses**

6.1 NYCC officers have undertaken extensive engagement with potential applicants including hosting a number of online webinars and live events as well as providing support for individual queries. This has resulted in a total of 66 applications being submitted from a wide range of organisations including businesses, universities and the voluntary sector. Briefing sessions were also held with Directors of Development from North Yorkshire and neighbouring authorities including West Yorkshire Combined Authority, City of York Council and East Riding of Yorkshire.

## **7.0 Impact on Other Services/Organisations**

7.1 NYCC services are eligible to bid for funding from the CRF. Government Guidance states that officers involved in the assessment of bids should not participate in project development and bidding process. A number of bids have been submitted by the LEP and by NYCC services. Should these bids prove successful services will be required to deliver the entirety of their project by the end of March 2022.

7.2 Support from legal service, financial services and procurement services has been essential to the delivery of the programme.

## **8.0 Risk Management Implications**

8.1 Key risks relate to finance and reputation. From a financial perspective the management of the fund is being undertaken so as to minimise the risks to the authority. Key to this is undertaking thorough due diligence on applicants, monthly monitoring of successful projects and ensuring that payments are made according to the Government's own payment schedule, largely in arrears, and that no payments are made to applicants before Government funds have been received by NYCC.

8.2 Reputational risks exist on the basis that the final decision on project approval rests with MHCLG and there is no lower level of guaranteed funding. Therefore not being successful in achieving any (or a very low level of) funding may result in reputational damage for the authority. Also misadministration of the fund, for example not submitting the programme to MHCLG before the deadline of noon on the 18 June 2021 would be likely to result in reputational damage. Management safeguards are in place to minimise the likelihood of events such as these.

## **9.0 Human Resources Implications**

9.1 Delivery and administration of CRF has been labour intensive due to the short timescales of the fund, however this has been met largely utilising existing staff from services including finance, legal, procurement and economic growth. To deliver the programme up to the point of application submission, the Government has awarded each lead authority £20,000 per priority place, (£40,000 in North Yorkshire), regardless of outcomes of the application. This funding has been used to employ external support for the appraisal process.

## **10.0 Equalities Implications**

10.1 Applications submitted to the CRF are required to meet the Government criteria, including considering equalities implications asking applicants to describe how they have considered the equalities impacts of their proposal, the relevant affected groups based on protected characteristics, and any measures proposed in response to these impacts. See Appendix B.

10.2 NYCC officers have undertaken to encourage applications from a wide range of organisations. Due regard has been paid to advance equality, eliminate discrimination and victimisation for those who have a protected characteristic.

### **11.0 Environmental Impacts/Benefits**

11.1 The CRF prospectus highlights the transition to zero carbon as a key criteria of successful projects. The application form asks applicants how their project supports the Government's Net Zero ambitions or wider environmental considerations. This is not a requirement of employment support proposals. See Appendix C.

### **12.0 Recommendation**

- 12.1 That the Executive recommend to the Chief Executive Officer under his emergency delegated powers that:
- i. NYCC act as accountable body for the Community Renewal Fund in North Yorkshire;
  - ii. delegated approval be given to the Corporate Director of Business and Environmental Services in consultation with the Corporate Director Strategic Resources and Assistant Chief Executive (Legal and Democratic Services) and the Executive Member for Open for Business to select, finalise and submit applications with a value of £8.4m as contained in Appendix A of this report, to the Ministry of Housing, Communities and Local Government for Community Renewal Funding in North Yorkshire; and
  - iii. If funding is granted to all or part of the submitted projects the further administration and delivery of the Community Renewal Fund as Lead Authority be delegated to the Corporate Director of Business and Environmental Services (BES) in consultation with the Corporate Director, Strategic resources and Executive Members to oversee the implementation of the fund.

KARL BATTERSBY  
Corporate Director – Business and Environmental Services

Author of report – Mark Kibblewhite  
Presenter of report – Matt O'Neill, Assistant Director for Growth, Planning and Trading Standards.

**Background Documents:** None

#### **Appendices:**

- Appendix A – Submission (Confidential)
- Appendix B – Equality Impact Assessment
- Appendix C – Climate Change Impact Assessment

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

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<b>Initial equality impact assessment screening form</b>	
<b>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.</b>	
<b>Directorate</b>	Business and Environmental Services
<b>Service area</b>	Growth, Planning and Trading Standards
<b>Proposal being screened</b>	Community Renewal Fund Submission
<b>Officer(s) carrying out screening</b>	<b>Louisa Carolan</b>
<b>What are you proposing to do?</b>	<p>North Yorkshire County Council are proposing to administer the Government's (MHCLG) Community Renewal Fund in North Yorkshire as the lead authority. This new fund was announced in the March 2021 budget and NYCC have been asked to administer this in accordance with MHCLG guidelines.</p> <p>A call for North Yorkshire based projects was made between 1<sup>st</sup> April – 13<sup>th</sup> May 2021 and the Council proposes to submit a short list of the top scored projects to Government for consideration for funding and then NYCC propose to administer the funding for any successful projects. These projects were under four key themes:</p> <ul style="list-style-type: none"> <li>• Investment in skills</li> <li>• Investment for local business</li> <li>• Investment in communities and place</li> <li>• Supporting people into employment</li> </ul> <p>An open and informative process was put in place to invite bids for the fund from all legally constituted organisations across the region. Seven workstreams were established to invite bids from a range of local priority areas and four open webinars were conducted to present the fund in detail and to answer questions. A specific e-mail account was also established with dedicated resource to deal with specific application queries.</p> <p>The window for submissions is now closed and the applications have been reviewed by a panel of three individuals from across the council and one external consultant. The gender-balanced panel has produced a list of twenty-eight applications from the original sixty-six submitted.</p> <p>This paper seeks agreement to submit the shortlisted applications to MHCLG for their review.</p>
<b>Why are you proposing this? What are the desired outcomes?</b>	<p>NYCC has a statutory role in the administration of this fund. The work has been undertaken to deliver an open and inclusive application process and to produce a shortlist of applications for MHCLG to review and approve.</p> <p>The desired outcome is approval to submit the twenty-eight applications and to then gain agreement from</p>

	government to proceed with some or all of our shortlisted applications. This will then lead to the delivery of the successful projects by the applicants across the county before 31st March 2022.		
<b>Does the proposal involve a significant commitment or removal of resources?</b> Please give details.	Resource requirements have been met and will continue to be met from across the council. Some external expert assistance for assessment of the applications has been commissioned funded by a £40,000 Government payment for administering the Community Renewal Fund in two fund priority areas (Richmondshire District and Scarborough Borough). Any additional need for external resource will be paid for from this Government payment. Resource from within Growth, Planning and Trading Standards within BES will continue administer the fund by completing the submission to MHCLG, monitoring progress of the successful bids and providing all necessary project management and reporting for the fund. Colleagues from legal will support the creation of contractual agreements for successful bids. In addition, there will be continuing internal support from finance, procurement, communications and project management from T&C. Any successful bids submitted by NYCC themselves will be resourced as proposed within their submissions.		
<p><b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</b></p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul> <p><b>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 <a href="#">Equality rep</a> for advice if you are in any doubt.</b></p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
<b>NYCC additional characteristics</b>			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	

<p><b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.</p>	<p>Yes. The government designated Richmondshire District and Scarborough Borough as priority areas for this fund. This was determined by indexing places based on the following factors</p> <ul style="list-style-type: none"> <li>• Productivity</li> <li>• Skills</li> <li>• Unemployment Rate</li> <li>• Population density</li> <li>• Household Income</li> </ul> <p>Therefore a higher proportion of the submitted and shortlisted applications came from these areas (Proposed proportion of spend from the shortlisted bids is 58% for Richmondshire and Scarborough with 42% spread across the other 5 districts )</p> <p>Applications are included which focus on supporting communities and place and these cover a range of activities to support specific community areas and groups</p>			
<p><b>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?</b> Please explain why you have reached this conclusion.</p>	<p>Yes. This fund will directly impact the successful applicants by funding their activities as outlined in their proposals. This will include activities that will support protected characteristics</p>			
<p><b>Decision (Please tick one option)</b></p>	<p>EIA not relevant or proportionate:</p>	<p>x</p>	<p>Continue to full EIA:</p>	
<p><b>Reason for decision</b></p>	<p>Each applicant was required to consider the equalities impact of their bid and any affected groups based on protected characteristics as part of their submission. Therefore no additional assessment is required for the bids submitted.</p>			
<p><b>Signed (Assistant Director or equivalent)</b></p>	<p>Matt O'Neill</p>			
<p><b>Date</b></p>	<p>25/05/2021</p>			

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## Climate Change Impact Assessment

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

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

If you have any additional queries which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

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

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

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

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

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<b>Title of proposal</b>	<b>Community Renewal Fund – Submission to MHCLG</b>
<b>Brief description of proposal</b>	<b>This report identifies a programme of projects to be submitted to the Ministry of Housing Communities and Local Government for Community Renewal Funding</b>
<b>Directorate</b>	<b>Cross Directorate. The Lead Officer is based in BES.</b>
<b>Service area</b>	<b>Growth Planning and Trading Standards</b>
<b>Lead officer</b>	<b>Matt O’Neill, Assistant Director, Growth Planning and Trading Standards</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	<b>Liz Small, Growth and Heritage Manager Mark Kibblewhite, Senior Policy Officer (Growth)</b>
<b>Date impact assessment started</b>	<b>25/05/2021</b>

### Options appraisal

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

The Community Renewal Fund is a Government Funding Programme which can potentially award up to £3m per district in North Yorkshire. Scarborough Borough and Richmondshire Districts have been identified as 'priority places' within the programme. North Yorkshire County Council has been identified by Government, as a Lead Authority for the fund. The County Council would have the option to not undertake this role or not to submit a bid for funding however these options were not considered in depth in light of the opportunity to bring additional Government Funding to the County.

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

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The community renewal fund is fully funded by the Government and does not require match funding. Having two priority places in the County means that on submission of the funding proposals NYCC will receive £40,000 from Government to cover costs of promoting and administrating the bidding process. Should grant funding be awarded to projects in North Yorkshire the Government will provide NYCC with half of the funds at commencement of the programme and half on completion.

To minimise risks to the Council those projects which receive final approval will be subject to back to back contracts which mirror the Government's funding agreement with the Council. Any successful bids from NYCC will receive monthly monitoring and engagement in order to ensure that delivery risks are minimised.

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How will this proposal impact on the environment?		Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing	Emissions from travel	X			The Government's <a href="#">prospectus for the Community Renewal Fund</a> includes the following guidance:  Investment made under this Fund should be able to demonstrate the		Each project that is successful in being awarded funding by MHCLG is required to undertake a detailed evaluation of outcomes
	Emissions from construction	X					

How will this proposal impact on the environment?		Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> <li>Changes over and above business as usual</li> <li>Evidence or measurement of effect</li> <li>Figures for CO<sub>2</sub>e</li> <li>Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
energy efficiencies etc.	Emissions from running of buildings	X			extent of contribution to net zero objectives or wider environmental considerations. Projects should be based on low or zero carbon best practice, adopt and support innovative clean tech where possible and support the growing skills and supply chains in support of Net Zero where possible. As a minimum, investment under this fund should meet the clean growth principle and must not conflict with the UK's legal commitment to cut greenhouse gas emissions to net zero by 2050.  Bids are required to undertake an EIA and have been appraised on this basis.		and findings. Following completion of the programme overall NYCC will undertake a programme wide appraisal including an assessment of the positive environmental impacts delivered by the projects.
	Other	X					
Minimise <b>waste</b> : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		X					
Reduce <b>water</b> consumption		X					
Minimise <b>pollution</b> (including air, land, water, light and noise)		X					
Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers		X			Overall up to 28 proposals will be submitted to MHCLG for appraisal. The largest proportion of these are specifically environmental projects which include work towards habitat		

<p><b>How will this proposal impact on the environment?</b></p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p><b>Explain why will it have this effect and over what timescale?</b> Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p><b>Explain how you plan to mitigate any negative impacts.</b></p>	<p><b>Explain how you plan to improve any positive outcomes as far as possible.</b></p>
Enhance <b>conservation</b> and wildlife	X			conservation and decarbonisation measures in the form of pilot programmes and feasibility studies. These safeguard the distinctive qualities of North Yorkshire’s landscapes and reducing or mitigating the impacts and causes of climate change are at the heart of this programme.		
Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire’s landscape</b>	X					
Other (please state below)	X					

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

Projects submitted as part of the Community renewal Scheme are required to meet the clean growth principle and must not conflict with the UK’s legal commitment to cut greenhouse gas emissions to net zero by 2050. A number of projects submitted seek to develop innovative approaches to conservation and decarbonisation.

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

The assessment reflects the fact that the Government requires projects submitted as part of the Community Renewal Fund to demonstrate the extent of contribution to net zero objectives or wider environmental considerations. Projects have been assessed on this basis and any projects with a negative environmental impact are excluded. Every application to the fund is required to undertake it’s own environmental impact assessment as well as undertake detailed evaluation following completion of the project. Proposals submitted have demonstrated a widespread commitment to



environmental good practice and the challenges of moving towards a net zero economy. Following completion of the programme in March 2022 a wider appraisal of the environmental impacts of the programme as a whole can be undertaken.

### Sign off section

This climate change impact assessment was completed by:

<b>Name</b>	<b>Mark Kibblewhite</b>
<b>Job title</b>	<b>Senior Policy Officer (Economic Growth)</b>
<b>Service area</b>	<b>Growth Planning and Trading Standards</b>
<b>Directorate</b>	<b>BES</b>
<b>Signature</b>	<b>Mark Kibblewhite</b>
<b>Completion date</b>	<b>25/05/2021</b>

**Authorised by relevant Assistant Director (signature): Matt O'Neill, Assistant Director, Growth, Planning and Trading Standards**

**Date: 26 May 2021**

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## NORTH YORKSHIRE COUNTY COUNCIL

### EXECUTIVE

8 June 2021

#### SCHOOLS CONDITION CAPITAL PROGRAMME – 2021/22

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

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

#### 1.0 PURPOSE OF THE REPORT

- 1.1 To ask the Executive to recommend to the Chief Executive Officer that he use his emergency delegated powers to approve the Schools Condition Capital Programme for 2021/22.

#### 2.0 EXECUTIVE SUMMARY

- 2.1 Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the 2020 Regulations”), which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, Committee business should be continued via the Chief Executive Officer making urgent decisions that would previously have been made by the Council’s committees, under his emergency decision making powers in the Officers’ Delegation Scheme, in consultation with other Officers and Members as appropriate. The Committee’s views and recommendations will be reported to the Chief Executive Officer for him to take into account when taking the formal decisions.
- 2.2 In announcements made in April 2021 the DfE allocated Schools Condition funding totaling £9.783m to North Yorkshire County Council for 2021/22.
- 2.3 A new allocation methodology has been introduced by the DfE for 2021/22, using their own condition data for schools. The 2021/22 allocation amount included £3.413m transitional funding, ensuring NYCC did not receive a lower allocation than that for 2020/21. There is no indication yet if the transitional element will continue into 2022/23 or beyond.
- 2.4 This is a further single year allocation. A one-year programme for 2020/21 was approved by the Executive in June 2020 and is currently being delivered. An addition to the programme was approved by Executive in December 2020, following a one-off announcement of further funding in August 2020. The Programme is monitored through the quarterly capital report.
- 2.5 Funding is provided separately for the provision of additional school places (through the Basic Need Grant). A £44m programme for 2018 - 21 was approved by the Executive in July 2018 and is currently being delivered. The current programme will be reviewed later during 2021 following the most recent funding announcement.
- 2.6 The amount of funding allocated to the LA to meet the condition needs of maintained school buildings is expected to continue to reduce as schools convert to academy status, notwithstanding any future decisions regarding transitional protection.

2.7 This report proposes a one-year programme of investments to address the condition and suitability needs of school buildings in 2021/22.

2.8 A draft of this report (excluding the private appendices) was presented to the Schools Forum on 27 May 2021.

### 3.0 GOVERNMENT ALLOCATION ANNOUNCEMENTS

3.1 The Schools Condition Allocation for 2021/22 was announced on 27 April 2021.

3.2 The Schools Condition Grant is part of the single capital pot and may be used for all local priorities, although they are intended specifically for investment in schools (and notionally for Children's Centres). Schools Condition funding does not have to be used strictly for maintenance; it is the only capital funding stream available to support other capital improvement works e.g. compliance, suitability, invest to save projects or investment required to address strategic service priorities.

3.3 Academies receive their funding for condition related investment and devolved capital direct from the Education and Skills Funding Agency (ESFA) so are not included in these figures. The amount usually deducted (in years where transitional protection did not apply) from Schools Condition Allocation for each year is based on open academies at the beginning of November and those expected to open on or before 31 March prior to the relevant allocation year. This means that no projects have been included in the proposed 2021/22 programme for any schools that were expected to convert by 31 March 2021 (including those where conversion has been delayed). It is again proposed that where projects have been included in the programme but schools later become an academy, a judgement will be made about whether the scheme should proceed or not. This will take account of the nature and value of the project, the stage of design development reached and the extent to which the project will extend beyond the date of conversion. This reflects the policy that schools convert to academy status in their existing condition.

3.4 Academies either receive a direct School Condition Allocation or can bid for capital funding to the Academies Condition Improvement Fund (CIF), with the determining factor of the required process being the overall size of their multi academy trust. School buildings will continue to be maintained safely for as long as they remain maintained by the local authority. If essential work is needed in summer 2021 then this will continue to completion.

3.5 The allocation is once again 100% grant funded (no borrowing approvals or PFI). There is no time-limit on expenditure so can be carried forward if unspent at the end of the financial year without risk of claw back. The following table compares the allocations over the past three years:

Capital Funding Allocation – LA Schools (Community, Voluntary Controlled and Foundation)

	2019/20	2020/21	2021/22
LA School Condition Allocation	£10,151,416	£9,783,429 Plus £4,543,607 one-off allocation	£9,783,429 Including £3,413,928 transitional award
Devolved Formula Capital (LA Schools)	£1,489,666	£1,404,029	£1,360,086

3.6 The April allocation announcement for 2021/22 signalled the introduction of a new methodology to reflect the results of the DfE programme named Condition Data Collection, which completed in 2019. Transitional protection funding has been applied for 2021/22 so that no responsible body receive less than their main allocation amount for 2020/21. Had transition funding not applied then the amount received by NYCC for 21/22 would have been c. £6.3m and would have represented an approximate 35% reduction in annual

funding. There is no definite position at this stage for condition capital funding beyond 2021/22. However, should transitional funding be reduced or removed in future years then it is clear that NYCC will face a severe financial impact through implementation of the new methodology. The next DfE programme of condition data collection is not expected to complete until potentially 2026, so the baseline data currently in use may well remain in place for some years.

- 3.7 Annual allocations are usually reduced to reflect the number of academy conversions and therefore the reducing pupil numbers in the maintained sector. It is difficult to estimate the scale and speed of academy conversions and therefore the potential level of reduction year on year. The future pipeline of voluntary conversions for North Yorkshire schools is slowing but there is no certainty that will continue.

	<b>Voluntary conversions</b>	<b>Sponsored conversions (directed cases)</b>
<b>2017/18</b>	27	2
<b>2018/19</b>	13	5
<b>2019/20</b>	12	5
<b>2020/21</b>	12	3
<b>2021/22 Projected</b>	2	6

- 3.8 As at 1 May 2021 there remained 238 maintained schools in North Yorkshire; 3 Nursery, 207 Primary, 16 Secondary, 8 Special schools and 4 Pupil Referral Units. This represents 65% of all 365 schools in North Yorkshire.

- 3.9 The County Council is the responsible body for asset management purposes for 213 of the 238 maintained schools. The remaining 25 are voluntary aided schools who receive their school condition allocations via separate arrangements.

- 3.10 The DfE used pupil census data as part of their allocation methodology for this latest allocation and will do so in future. The following table shows the cumulative pupil numbers for the relevant categories of schools based on the January 2021 census:

	<b>Maintained C &amp; VC</b>	<b>Maintained VA &amp; Foundation</b>	<b>Academies, free schools and UTC</b>	<b>Total Pupils</b>
<b>Primary</b>	23484	2388	16439	42311
<b>Secondary</b>	9970	2285	24553	36808
<b>Special &amp; PRU</b>	834	0	264	1098
<b>Total Pupils</b>	34288	4673	41256	80217

#### **4.0 IMPACT OF EDUCATION REFORM**

- 4.1 In March 2016 a White Paper entitled 'Educational Excellence Everywhere' was published indicating the intention that all schools should become academies by 2020 or have a plan that would see them convert no later than 2022.

- 4.2 The White Paper signalled the creation of a new duty on local authorities to facilitate conversion, with existing duties on asset management to continue until such point as all schools have converted.

- 4.3 Subsequent announcements by the Secretary of State rowed back from the element of compulsion for all schools. Most recently however, on 28 April 2021, the Education Secretary renewed the Government's vision for all schools to be part of a multi-academy trust. He announced that "all schools will now have the option to 'try the academy

experience before they buy’ – associating with multi-academy trusts for a defined period to experience the benefits for themselves and their students, with no commitment’. It is too early to assess the likely impact of this initiative but clearly the Government wish to generate new impetus into the academies programme.

- 4.4 As schools convert to academy status the local authority’s Schools Condition Allocation is expected to continue to reduce. Year on year this will have an impact on flexibility within the programme to address strategic investment needs.

## **5.0 CAPITAL PLAN 2020/21**

- 5.1 The programme historically includes a small amount of general contingency which helps to address high tenders and to respond to emerging condition issues. The general contingency in the 2020/21 programme has been fully utilised to address in year top ups and overspends for the 2020/21 programme and programmes in previous years. Carry forwards from individual programme budgets are shown in Appendix A including £2.535m carried forward from the 2020/21 Capital Planned Maintenance Programme. This is a higher figure than usual and is explained at p.8.7 of this report.

## **6.0 PRIORITIES FOR INVESTMENT**

- 6.1 The Local Priority Statement, which sets out the County Council’s priorities for investment in schools, was reviewed and approved by full council in February 2015. This was a document as part of the prevailing Asset Management Plan requirements of the time as outlined by the Department for Education. More recently, the Department has introduced revised guidance titled ‘Good estate management for schools’ (GEMS). This was first introduced in 2018 and has been updated and amended on several occasions since then. The GEMS guidance promotes the establishment of both a School Estate Vision and School Estate Strategy document that would together replace the existing Local Policy Statement and act as the guide for all future investment in the school estate. It is proposed that both of these documents should be developed and subsequently adopted during 2021/22 and before the 2022/23 Schools Capital Programme is set.

- 6.2 Therefore the 2021/22 capital programme will continue to be based on the key priorities contained within the prevailing 2015 Local Priority Statement which are:

- Providing new school places in areas of growth
- Supporting school improvement through collaboration between schools and the restructuring of educational provision
- Meeting key local service priorities or statutory service obligations
- Enabling savings or efficiencies to be made in the use of property
- Ensuring compliance with statutory and regulatory requirements
- Maintaining the condition of the school estate to ensure buildings continue to be safe, warm, weather-tight and fit for their purpose.

- 6.3 It is considered unlikely that there would be much, if any, departure from the headline priorities listed above when the new GEMS approach is adopted as they are the core elements of effective property management in support of service delivery.

## **7.0 CARBON REDUCTION**

- 7.1 The size of the school estate means that it is an important factor in the Council’s overall carbon reduction plan. In developing and delivering schemes every opportunity will be explored to provide a solution that assists with carbon reduction. However, given the current size of the maintenance backlog at £23.5m, the need for modernisation, and the limited funding available it is unlikely that schemes will be prioritised for inclusion in future programmes solely on the basis of carbon reduction. This will be considered in more detail

as the School Estate Vision and Strategy under the GEMS approach are developed during 2021/22. For the first time this year a Climate Change Impact Assessment has been developed in support of a Schools Condition Capital Programme, and this is attached as Appendix D.

- 7.2 All works undertaken are done so in accordance with Building Regulations which provide for high standards in respect of energy efficiency. As a result, much of the work via the planned maintenance programme (e.g. roof, window and boiler replacements) will have a positive impact upon carbon emissions, in addition to addressing essential backlog maintenance.
- 7.3 In addition to the above, work is being undertaken via the corporate programme Beyond Carbon to investigate the cost and other implications associated with the decarbonisation of heat, including within schools and corporate properties, and this will be utilised to inform the planning of future work programmes.

## **8.0 PROPOSED SCHOOLS CONDITION CAPITAL PROGRAMME 2021/22**

- 8.1 Appendix A provides a proposed Capital Programme for 2021/22. The following sections of the report provide the rationale for each element of the programme. Appendix B (not for publication) indicates the proposed investments in 2021/22. For reasons of commercial sensitivity individual project budgets are not published.

### General Compliance issues

- 8.2 The County Council continues to help schools with issues emerging from Ofsted inspections around the health, safety and welfare of pupils, including boundary and internal security issues that may have a bearing on judgements around the safeguarding of children. Schools often have insufficient funding to address these issues themselves and look to the local authority for support. The costs of such adaptations can be significant. A number of such schemes have been successfully undertaken over the last three years. It is proposed that any further urgent schemes should be supported in-year from compliance sums.
- 8.3 It is proposed that £94k of unallocated compliance funding from 2020/21 plus an additional allocation of £206k should form the £300k budget for compliance in 2021/22.

### Capital Planned Maintenance

- 8.4 The total maintenance backlog in schools across the County continues to be significant despite the ongoing programme of planned capital work. It is therefore important that investment continues to be made in maintaining and preventing further deterioration in the fabric of school buildings. The total backlog is £23.5m and is split as follows: £500k D1 and D2, £6.2m C1 and £16.8m C2. The backlog work is categorised based on DfE methodology. The condition grading of 'D' represents life expired and 'C' represent major defects/not operating as intended. Priority 1 is 'urgent' and Priority '2' is essential. These four categories represent the 'backlog'.
- 8.5 The continued low value of annually allocated Devolved Formula Capital (DFC) impacts on the level of funding available from schools to contribute towards the Capital Planned Maintenance Programme which addresses structural issues such as roof and window replacements, mechanical and electrical upgrades etc. There was a one-off additional DFC allocation announced in January 2019 which benefited schools, but this has not been repeated in subsequent years. With the previous agreement of the Schools Forum projects are now only be included in the Programme on the understanding that schools will contribute all of their available DFC in that financial year. In some cases this means that schools will be asked to fully fund maintenance projects that have been identified through condition surveys as a high priority rather than other projects they might have hoped to progress. On this basis, an assumption has been made that £100k will be contributed by



schools to the Capital Planned Maintenance budget in 2021/22.

- 8.6 A Capital Planned Maintenance budget of £3.78m (including fees and contingency) is proposed for schools and Children's Centers in 2021/22. This includes £2.53m carried forward from 20/21 plus a new allocation from the 21/22 funding of £1.15m.
- 8.7 The funding carried forward is higher than previous years. Also, the new funding being allocated for planned maintenance for 21/22 is less than typically seen. Both of these differences are due to a number of factors. Firstly, some of the projects approved in 20/21 could not be progressed due to COVID-19, and these are now programmed for delivery during 21/22, alongside other capital projects that were deferred from 20/21. Secondly, the DfE allocated one-off additional condition funding during 20/21. This enabled a programme of boiler replacement works to be developed and subsequently approved by Executive in December 2020. Some of these boiler schemes are complete, but equally a number are planned over the coming months. Finally, the Council's bid last year for Public Sector Decarbonisation Grant funding was successful, and announced recently. Projects at 22 schools have been granted c. £1.3m funding and these are being programmed for delivery over summer 2021. The combination of these factors means that in totality the LA teams, together with our consultants, will be delivering works to the overall value normally experienced in any given year. The additional and external funding received does however mean that there is a reduced call on new funding for Capital Planned Maintenance through the 21/22 Programme. The programmes of works are being carefully co-ordinated and projects at schools are being combined with one contractor undertaking the works where possible
- 8.8 The one-year programme has been developed taking account of the highest priority condition items, as identified through the annual condition survey and discussions with schools, with the remainder as a contingency for urgent unplanned work which emerges mid-year. Once again this year it will contain a smaller number of higher value projects than in previous years as there are some schools which still have growing maintenance backlogs requiring significant investment.
- 8.9 Priority compliance and emergency works that arise during the year will be met by either the General Compliance or contingency funding, this may include items such as priority legionella works, boiler replacements and fire alarm replacements. Work to increase electrical capacity which emerges as a significant additional cost will need to be accommodated within project costs or prioritised from contingencies if necessary.
- 8.10 Appendix C (not for Publication) provides a list of the proposed schemes for inclusion in the 2021/22 Programme. Advance planning has been undertaken once again this year to ensure that this Programme can be commissioned and delivered in a timely fashion.  
Condition and Asbestos Surveys
- 8.11 In previous years, the County Council paid an annual fee to Jacobs and later Mouchel for undertaking condition and asbestos surveys, in line with the contract. These surveys help to inform investment priorities and are not replaced by the national Condition Data Collection which looks at higher level condition in order to inform central government capital allocations. The costs of this work were uplifted annually in line with inflation.
- 8.12 This work was brought back in-house in 2016. It has been agreed that in 2021/22 CYPS will continue to be recharged on the basis of a proportionate contribution to internal costs for Building Surveyors in the Property Service undertaking the survey work. The financial provision in 2021/22 will be £285k which represents a £15k reduction on the previous year in recognition of Academy conversions.



### Asbestos Management

- 8.13 A large number of the County Council's school buildings contain asbestos, which is managed in situ. Following 2018 guidance on the management of asbestos in schools it was proposed to undertake some risk based assessment of asbestos to ensure school asbestos management plans are available. The costs of any further investigations required in 2021/22 will be met through the contingency element of the Capital Planned Maintenance Programme.

### Lath and Plaster Ceilings

- 8.14 Lath and plaster ceilings are inspected and reviewed by Maintenance Surveyors as part of the annual condition data inspection, with condition being recorded on the survey. Further inspection and investigations are undertaken if condition causes concern. There is one scheme to replace a lath and plaster ceiling included in the proposed programme for 2021/22. We also continue to address failing ceilings from contingencies in the planned maintenance programme in accordance with the agreed approach.

### Accessibility Related Works

- 8.15 Schools Access Initiative funding was withdrawn in 2011/12. It is necessary to continue to make provision for some accessibility work in the programme to address the needs of individual children and for any significant access related work that emerges from other developments. In addition to a carry forward of £157k it is proposed to set aside an additional sum of £143k from the 2021/22 allocation for such projects.

### Specialist Provision Capital Investment

- 8.16 In June 202, the Executive approved the creation of a Specialist Provision Targeted Capital Programme (SPTCP) to support the ambitions contained in the SEND Strategic Plan:
- **Autism** – development of a new special school to meet the needs of high functioning pupils who cannot thrive within a mainstream environment but require curriculum stretch
  - **Social and Emotional Mental Health (SEMH)** – development of locality based provisions to meet the needs of secondary pupils and potentially upper Key Stage 2 pupils
  - **Targeted provisions** – roll-out of Phase 2 and Phase 3 of the targeted provisions programme
  - **Modernising special schools** – ensuring that our maintained special schools have the facilities and present in a way that makes them comparable to Independent Special schools
  - **Investment in PRS** – particularly addressing the condition / curricular facilities available for the Pupil Referral Service
- 8.17 The background to this proposal was that North Yorkshire specialist provisions have become stretched in terms of meeting all needs in all localities. Significant growth in the number of Education Health and Care Plans (EHCPs) have accentuated the pressure and led to the authority having to deploy a significant number of placements in the independent sector placing additional pressure on the High Needs budget.
- 8.18 It was particularly the pressure on our high needs budget that led to the creation of the Specialist Provision Targeted Capital Programme, as it was considered that significant investment in both extending the range and remit of specialist and targeted provisions, and enhancing the suitability and quality of learning environment in our existing facilities, could

both improve the learning outcomes and experience for a wider cohort of young people and reduce the dependency on out-of-county placements.

- 8.19 It was agreed that SPTCP commitments within the School Condition Capital Programme would only be set against the funding allocated for investment in modernisation and suitability related schemes. The programme element for planned maintenance would therefore be unaffected and would continue to be prioritised on condition basis across all schools. Only maintained school premises would benefit from SPTCP investment given that NYCC does not receive Schools Condition Allocation for academies.
- 8.20 It was also agreed that moving forward a number of governance principles should apply:
- Commitments for the SPTCP could be for individual projects, or for block sums to build up an SPTCP fund
  - SPTCP funded projects will only be undertaken on maintained school sites in North Yorkshire
  - Commitments to individual SPTCP projects would require Member approval/ratification either through the NYCC Executive through presentation of the annual School Condition Capital Programme, or through the quarterly capital monitoring arrangements should it be necessary to approve a project in mid-cycle
  - Schools Forum and CYPs Executive Members would receive bi-annual reports on the deployment of block sums (noting commercial sensitivity) and the overall position of the SPTCP and its associated fund
  - Total annual contributions to the SPTCP from Schools Condition Grant would not exceed £2m per year, or 40% of the Programme element for modernisation and suitability schemes
  - Schools Forum agreement would be required should the LA wish to allocate more than 40% in any single year
  - Should the LA be successful in securing significant external funds for SPTCP purposes then the whole SPTCP approach would be revisited with the Schools Forum and Executive prior to any further Schools Condition Grant commitments being made to the SPTCP
- 8.21 The approved 2020/21 Programme included a £1.6m allocation to the SPTCP. The Executive report from June 2020 signaled that the first call on the funding would be for the successful project to establish satellite provision in Ripon for Mowbray School. This was subsequently approved mid-cycle by the SEND Capital Board and through the quarterly capital monitoring arrangements, as were funding commitments to two other schools. These were Grove Road CP School, Harrogate and Springwater School. Grove Road have established an eight place Targeted Mainstream Provision for Communication and Interaction needs. Approval was given to renovate the former Starbeck Children's Centre for use by Springwater School to provide additional post 16 provision. Further funding has been committed for advanced feasibility work for potential schemes at Alverton CP School, Selby High School and The Wensleydale School, all with a view to the creation of Targeted Mainstream Provision. The total investment to date stands at £527k. The carry forward figure from 20/21 for SPTCP is therefore £1.073m. The project specific commitments against the initial 2020/21 SPTCP allocation of £1.6m are, as yet, relatively small. This was expected, as a principle of the SPTCP is that a fund would build up over time to address the strategic priorities set out at p.8.16.
- 8.22 Schools Forum were presented with an update of SPTCP commitments to date on 18 March 2021. Attention was drawn in this report that due to the factors outlined at p.8.7 above it was likely (subsequently confirmed) there would be an increased amount of capital available for allocation in the 21/22 Programme. Further, that as a consequence, the LA may wish to increase the allocation for SPTCP in 21/22 beyond the hitherto agreed maximum threshold of £2m or 40%. Appendix 1 confirms the proposal that the SPTCP allocation for 21/22 should be £2.7m representing 45% of the overall £5.99m to be newly

allocated this year for modernisation and suitability schemes. A draft of this report containing that detail was presented to the Schools Forum on 27 May 2021. It is considered a prudent step to make this enhanced SPTCP allocation for this year as our ambitions under the SEND Strategic Plan remain and yet, given the new DfE methodology, there is potential we will receive smaller school condition allocations in future years.

- 8.23 On 9 April 2021 the Government announced the newly titled High Needs Provision Capital Allocations (formerly Specialist Provision Capital Fund) and NYCC was allocated £716k for 2021/22. Although welcome, this was a disappointing allocation in the context of the rising level of need in North Yorkshire. There is no indication at this stage if this will be one-off funding or become a regular annual funding stream for Local Authorities. This allocation is the only funding we could reasonably use should we wish to collaborate with academy schools to deliver some of the SEND strategic priorities such as phase 2 and 3 of the Targeted Mainstream Provision initiative. This new High Needs funding in no way removes the need for continuation of the SPTCP.

#### Proposed Capital Investment – Strategic Priorities:

- 8.24 A number of strategic priorities are proposed as described in the following sections. The total value of these priority investments in mainstream schools is £6.38m including the carried forward sums. Further detail is included in Appendix B (not for publication). It will not be possible to include all of the projects which schools have asked the local authority to support. Remaining bids will be reconsidered in future years.

#### School Modernisation

- 8.25 It is proposed to undertake a further programme of strategic priorities to bring accommodation at a number of schools up to modern standards. The 21/22 programme will prioritise 19 projects with an overall budget allocation of £5.732m. This compares to £3.388m for 14 projects last year. These projects align with the key priorities described at 6.2 of this report. Most of the schemes identified for inclusion have had advance feasibility work undertaken in 20/21 to provide better cost certainty moving forward.

#### Replacement of Prefabricated Classroom Units

- 8.26 A rolling review of the condition of Prefabricated /Portable Classroom Units is maintained to determine whether there are any that are beyond economic repair or at risk of becoming unsafe. Where the school has no further use for them in the long term they are removed to reduce the school's maintenance liabilities. The local authority will continue to support this wherever possible.

- 8.27 Where new or replacement teaching accommodation is required this will be with permanent buildings wherever viable although in some cases it will be necessary to consider portable or modular solutions for cost or technical reasons. Portable solutions will also be provided where accommodation is genuinely temporary. These would be to a specification which is energy efficient, meets all current building regulations and provides a pleasant environment for teaching and learning. Schools are providing positive feedback about the quality of more recent portable and modular teaching spaces. It is proposed to undertake feasibility studies for the replacement of a small number of temporary classrooms and carry forward funding will be utilised for any schemes that are subsequently progressed.
- 8.28 The 21/22 Programme contains proposals for significant schemes to replace the HORSAs buildings at two of our schools. The condition of the remaining HORSAs stock is monitored and maintained as required.

#### Development of Future Programme – Advanced Feasibility

- 8.29 It is proposed to make an additional provision of £150k in 2021/22 for advance feasibility work required as part of the early development of projects for the Capital Programme in 2022/23. It is expected this will comprise of approximately 15 feasibility studies depending on their individual complexity. The purpose of this is to provide greater cost certainty moving forward, an approach which is increasingly proving to be successful. The advanced feasibilities will include some of the bids received from schools. If appropriate, following completion of feasibility work, capital allocations for a project(s) may be made against the general contingency or other uncommitted elements of the 21/22 Capital Programme. Should this be required, any additional commitments would be reported through the quarterly capital monitoring report.

#### Strategic Support for Capital Delivery

- 8.30 The Capital Programme and individual projects within it are commissioned and sponsored by CYPS Strategic Planning staff but following restructuring of the property function they are now delivered by staff working within the Corporate Property Service. It is proposed to continue funding one Band N post, now within the Capital Programme Team. This post provides support for the delivery of the CYPS Planned Maintenance Programme and other parts of the CYPS Capital Programme. Monitoring arrangements will be in place by the Property Service to record the work undertaken in respect of individual schemes.

#### General Contingency

- 8.31 It is necessary to retain an element of general contingency within the Programme to ensure that funding is available where unforeseen additional costs arise as schemes develop through feasibility and into detailed design and procurement. There is an element of contingency included within the proposed Capital Planned Maintenance Programme to meet unforeseen emergency work which emerges during the year relating to asbestos or other urgent and unplanned infrastructure requirements. The general contingency, will address any additional costs associated with 2020/21 schemes yet to be completed as well as those in the proposed 2021/22 Programme. The value of the proposed contingency for 2021/22 is £2.08m which compares to £850k last year. It is considered prudent to retain this much higher contingency until the position regarding future allocations becomes clearer, with the issue of future transitional funding central to this.

## **9.0 DELIVERY OF PROGRAMME**

9.1 CYPS will commission the Programme via the Property Service's Capital Programme Team in line with established corporate arrangements. The Property Service is responsible for directly delivering and/or procuring, via the North Yorkshire consultancy 'Align Property Partners', the required technical and professional advice. The Property Service is also responsible for procuring contractors for schemes, which is via the YORbuild framework and the County Council's responsive framework contractors.

## **10.0 RECOMMENDATIONS**

- 10.1 That the Executive recommend to the Chief Executive Officer that under his emergency delegated powers he:
- i. Approve the proposed Schools Capital Programme for 2021/22 as summarised in Appendix A and including the increased allocation to the Specialist Provision Targeted Capital Programme;
  - ii. Approve the list of strategic priority / modernisation schemes for 2021/22 as set out in Appendix B;
  - iii. Approve the Planned Capital Maintenance Programme for 2021/22 as set out in Appendix C;
  - iv. Agree the continuation of the approach for dealing with any schools that convert to Academy status following the approval of the Programme as laid out in paragraph 3.3

Stuart Carlton  
Corporate Director – Children and Young People's Service  
COUNTY HALL, NORTHALLERTON  
17 May 2021

Author of Report – Andrew Dixon, Strategic Planning Manager

### **Appendices:**

Appendix A – Schools Capital Programme 2021/22  
Appendix B – Strategic priority / modernisation schemes 2021/22 (Confidential)  
Appendix C – Planned Capital Maintenance Programme 2021/22 (Confidential)  
Appendix D – Climate Change Impact Assessment

### **Background documents:**

Executive report – 9 June 2020  
Executive report – 8 December 2020  
Schools Forum report - 8 March 2021  
North Yorkshire County Council SEND Strategic Plan

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<b>Appendix A</b>	
<b>Proposed Schools Condition Capital Programme 2021/22</b>	<b>Amount (£)</b>
<b>Potential Capital Funding Available:</b>	
Capital Planned Maintenance Programme 20/21 carry forward	2,535,900
General compliance/H&S 20/21 carry forward	94,191
Accessibility Schemes 20/21 carry forward	157,300
Asbestos inspections 20/21 unspent	50,000
Prefabricated Classroom Replacement Programme 20/21 carry forward	391,041
Estimated contribution from School's Devolved Formula Capital (DFC) in 21/22	100,000
Specialist Provision Targeted Capital Programme 20/21 carry forward	1,073,299
Uncommitted additional 20/21 Schools condition allocation	2,793,607
Schools Condition Allocation 21/22	9,783,429
<b>Total Potential Capital Funding Available</b>	<b>16,978,767</b>
<b>Capital Maintenance and Compliance/Regulatory Requirements:</b>	
General Compliance and Health & Safety (b/f from 20/21 + £205,809)	300,000
Capital Planned Maintenance Programme (b/f from 20/21 + £100 k DFC contributions + £1,153,863 new allocation)	3,789,763
Condition Survey & Asbestos Surveys – internal fee	285,000
Accessibility Schemes (b/f from 20/21 + £142,700)	300,000
<b>Total Capital Maintenance and Compliance/Regulatory Requirements</b>	<b>4,674,763</b>
<b>Proposed Capital Investment – Strategic Priorities:</b>	
Prefabricated Classroom Replacement Programme (b/f from 20/21+ £108,959)	500,000
Advanced Feasibility	150,000
Modernisation/Suitability Schemes	5,732,500
Specialist Provision Targeted Capital Programme (b/f from 20/21 + £2,700,000 new allocation)	3,773,299
<b>Total Proposed Capital Investment - Strategic Priorities</b>	<b>10,155,799</b>
Strategic Support for Capital Projects (Band N post) – Investment and Delivery Team	62,675
<b>Total Proposed Investment</b>	<b>14,893,237</b>
General Contingency / Unallocated	2,085,530

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of the Local Government Act 1972.

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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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## APPENDIX D



### Climate change impact assessment

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

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

If you have any additional queries which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

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

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

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

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	CYPS Schools Condition Capital Programme 21/22 (including Public Sector Decarbonisation Grant)
<b>Brief description of proposal</b>	A programme of improvements at schools including refurbishment works and replacement of building fabric and infrastructure that has failed.
<b>Directorate</b>	Central Services
<b>Service area</b>	Strategic Resources
<b>Lead officer</b>	Paula McLean
<b>Names and roles of other people involved in carrying out the impact assessment</b>	Jon Holden, (Head of Property Service), Katherine Edge, (Senior Property Officer), Kristina Peat, (Operations Manager, Energy and Carbon), Capital Project Officers, Deborah Hugill, (Senior Strategy and Performance Officer), Andrew Dixon, Strategic Planning Manager (Education and Skills).
<b>Date impact assessment started</b>	14 <sup>th</sup> May 2021.

### Options appraisal

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

The Schools Capital Programme is developed on an annual basis to address priority issues identified within the schools portfolio, including those arising from the condition of buildings or elements within them, and to ensure that the portfolio remains compliant and fit for purpose. Individual projects are identified after consideration of information submitted by individual schools and data that is maintained by the County Council. This includes a consideration of the detailed data that is maintained in respect of the maintenance backlog that totals approximately £23.5 million

For 21/22, a programme of improvements at schools has been developed, and includes replacement of prefabricated classrooms and HORSAs (Hutting Operation for the raising of the School leaving age) units at nine schools, refurbishment works to classrooms, toilets, kitchens and design technology facilities. The programme also includes a number of planned maintenance projects to replace failed building fabric – i.e. roofing, a number of boiler replacement works and a number of window replacement schemes (funded by grant received via the Public Sector Decarbonisation Scheme).

Where improvement projects are developed, a holistic approach is undertaken to the feasibility study to ensure that backlog maintenance elements are considered and incorporated into the project. For some projects, option appraisal work is undertaken to assess the most suitable solution both in terms of buildability, and value for money, whilst also having regard to the future education needs of a site. All schemes are developed taking account of DfE area guidelines and building bulletins, and also building regulations requirements including those associated with energy consumption

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

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The Schools Capital Programme will have no impact upon the County Council's revenue budget.

The programme is funded from the DfE's School Condition Allocation and also the additional funding received via the Public Sector Decarbonisation Scheme.

In the event that any additional running costs are incurred then these are met from within the School's own delegated budget.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>	X	x	<p>There will be an increase in emissions from travel during the development of the scheme, visits to site by NYCC officers, consultants etc, prior to the scheme, and to a lesser extent afterwards. During construction there will also be travel requirements for contractors. Where a school is being expanded then there is the potential for increased traffic (staff and pupils) on completion of the project.</p>	<p>Meetings are now held via Skype or Teams and the last 12 months has enabled us to develop the use of these more fully. However, visits to sites do still need to occur. The Authority also uses a regional framework for procurement with contractors being located within North Yorkshire or surrounding Council areas.</p>	

	How will this proposal impact on the environment?  N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.	Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale?  Where possible/relevant please include: <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Page 108	Emissions from construction			x	There will be a negative impact during the construction period.	These will be mitigated through design and specification	
	Emissions from running of buildings	x			The improvement of the building fabric and installation of updated infrastructure will improve efficiencies and running costs.		Setting up a more robust monitoring programme of carbon emissions for future years.  The Energy & Sustainability traded service helps and advises schools (that take the service) how to run their properties as efficiently as possible and also educate pupils about climate change.
	Other						



<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise <b>waste</b>: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>	x	X		<p>For all projects, consideration is given to which elements can be re-used but this is limited more to projects such as kitchen, laboratory and design technology refurbishments. Retention must be balanced against efficiencies of retaining the “kit”, which may be old and inefficient.</p>		<p>Elements assessed on a project by project basis.</p>
<p>Reduce <b>water</b> consumption</p>	x	X		<p>Items such as the inclusion of sensor taps, in toilet refurbishments to reduce water consumption. For much larger projects, most usually included in the CYPs Basic Need programme, rain water harvesting will be considered.</p>		<p>Assessed on a project basis depending whether the scheme involves changes to the water infrastructure.</p>
<p>Minimise <b>pollution</b> (including air, land, water, light and noise)</p>	x	x	x	<p>Construction may have a temporary impact on air, light and noise. However, we expect our contractors to be “considerate” whilst undertaking such works i.e. dust suppression when cutting, minimising working periods to reduce impacts on site users and neighbours.</p>	<p>It depends on the element affected, but may be mitigated by time restrictions (i.e. for Multi Use Games Area lighting), or by design to</p>	

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Page 110</p>				<p>Schemes requiring planning are always governed by working times. Where schemes on completion, impact on noise and light, these are developed having regard to regulations that are in place, including building regulations and planning which may require necessary assessments – i.e. noise impact assessments, before determination.</p>	<p>mitigate noise including fencing/landscaping.</p>	
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		<p>x</p>		<p>We ensure that schemes are designed having regard to climate change and current building regulations. We have historical data on our sites in relation to flooding. Schemes above 1000m<sup>2</sup>, or those in a high risk flood zone will need to be assessed by the Lead Local Flood Authority.</p>		
<p>Enhance <b>conservation</b> and wildlife</p>	<p>x</p>	<p>x</p>	<p>x</p>	<p>During construction there may be a conservation impact but mitigating measures are taken into account– see next column. Projects that extend the accommodation, always take into account external areas in relation to design, and also</p>	<p>Projects sometimes impact on wildlife i.e. bats and newts. Where there may be an impact, ecology consultants are</p>	

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Page 111</p>				<p>bio-diversity – via the net gain proposals of an increase of 10% for schemes requiring planning permission.</p>	<p>appointed and assessments are completed and mitigation undertaken as necessary, i.e. works undertaken at a different time, temporary measures put in place, for example “newt fencing”, watching brief.</p>	
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire’s landscape</b></p>		<p>x</p>		<p>These are taken into account where the project requires planning permission.</p>	<p>These may be conditioned as part of the planning conditions. i.e. screening of an extension.</p>	
<p>Other (please state below)</p>						

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

Schemes are developed having regard to current DfE recommendations and guidelines and the requirement of planning and building regulations where these are needed.

The DfE generic design brief and output specification technical annexes are being incorporated into the project briefing documentation used by the Capital Programme Team. These suites of guidance are reviewed and updated by the DfE twice a year and the November 2021 release will have more focus on carbon reduction.

The Beyond Carbon Programme, which includes a Property and Infrastructure Working Group, is considering a range of issues associated with the reduction of carbon emissions arising from the construction and operation of property and will be making recommendations for future action.

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

The assessment identifies an overall long term positive impact on carbon reduction through improvements to the schools property portfolio. Shorter term negative effects have also been identified as a result of construction and implementation. These will be mitigated as much as possible.

The size of the school estate means that it is an important factor in the Council's overall carbon reduction plan. In developing and delivering schemes every opportunity is explored to provide a solution that assists with carbon reduction. However, given the size of the maintenance backlog, the need for modernisation, and the limited funding available, schemes cannot be prioritised for inclusion in the programme solely on the basis of carbon reduction.

Schemes included in the 21/22 programme will improve the condition of the school estate, by reduce backlog maintenance and by development and improvements to the building fabric and infrastructure and incorporating new technologies where possible.

The work of the Property Infrastructure and Carbon Group in 21/22 will help feed options into future programmes of work as well as the development of baseline data which will allow the outcomes of projects to be monitored in the future, along with the development of the School Estate Vision and Strategy.

**Sign off section**

This climate change impact assessment was completed by:

<b>Name</b>	<b>Paula McLean</b>
<b>Job title</b>	<b>Capital Programme Manager</b>
<b>Service area</b>	<b>Strategic Resources</b>
<b>Directorate</b>	<b>Central Services</b>
<b>Signature</b>	<i>P A McLean</i>
<b>Completion date</b>	

Authorised by relevant Assistant Director (signature): *Howard Emmett*

Date: 25<sup>th</sup> May 2021.

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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: 25 May 2021

Last updated: 25 May 2021

Period covered by Plan: 31 May 2022

### PLEASE NOTE:-

During the continuing Covid-19 pandemic, following the expiry of the legislation permitting remote committee meetings, remote live-broadcast committee meetings will continue, but with any formal decisions required being taken by the Chief Executive Officer under his emergency decision-making powers in the Officers' Delegation Scheme, following consultation with Officers and Members as appropriate and after taking into account any views of the relevant Committee Members.

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**

<b>Likely Date of Decision</b>	<b>Decision Taker</b> (membership of the Council and all its Committees is set out in Part 3 of the Constitution)	<b>In Consultation with</b> (Executive Member or Corporate Director)	<b>Description of Matter</b> – including if the report contains any exempt information and the reasons why	<b>Key Decision</b> <b>YES/NO</b>	<b>Decision Required</b>	<b>Consultees</b> (i.e. the principal groups to be consulted)	<b>Consultation Process</b> (i.e. the means by which any such consultation is to be undertaken)	<b>How representations may be made and details of Contact Person</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
8 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held 8 June 2021.	Levelling Up Fund Bid Submission	Yes	To seek approval to submit a bid in to the Government's Levelling Up Fund			James Gilroy, Team Leader, Highway Asset Management ltp@northyorks.gov.uk	
8 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held 8 June 2021.	0-19 Healthy Child Section 75 Agreement - Consultation Feedback & Approval to move to a Partnership Model	Yes	To approve the final model and Section 75 Agreement	Harrogate District Foundation Trust,	Via the Council's website	Michael Rudd, Head of Housing Marketing Development (Commissioning), Health and Adult Services, Victoria Ononeze, Public Health Consultant 01609 535347/797045,	0-19 Healthy Child Section 75 Agreement Report Healthy Child Programme Report
8 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held 8 June 2021.	Submission of North Yorkshire project applications to UK Community Renewal Fund	Yes	To seek approval to act as Lead Authority for the Community Renewal Fund and to submit North Yorkshire applications	Key partners eg YNY LEP, District Councils charity and business networks.	Widespread publicity of CRF via NYCC press office, website, social media, circulation and discussion with key partners, incl Public Health & community groups	Liz Small, Growth & Heritage Services Manager liz.small@northyorks.gov.uk	28 Day Exemption Notice
8 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the	Redeployment of land to the north and south of Crosshills Lane,	Yes	To approve the proposed redeployment of the property			Philip Cowan, Non-Operational Property Manager, NYCC Property Services	

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		informal Executive meeting held 8 June 2021.	Selby					Philip.Cowan@northyorks.gov.uk	
8 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held 8 June 2021.	Amendments to Council Constitution	Yes	To present proposed amendments for consideration and recommendation to full Council for approval.	Relevant NYCC officers and Members.	Correspondence and meetings	Daniel Harry, Democratic Services and Scrutiny Manager Daniel.Harry@northyorks.gov.uk	
8 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held 8 June 2021.	Schools Condition Capital Programme 2021/22	Yes	To approve the detailed Schools Condition Capital Programme 2021/22			Howard Emmett Howard.Emmett@northyorks.gov.uk	
8 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held on 22 June 2021.	Proposal by the Governors of Danby CE Primary School to change the category of Danby CE Primary School from voluntary controlled to voluntary aided from 16th September 2021.	Yes	Consider responses to statutory notices. Determine whether to change the Category of Danby CE Primary from Voluntary Controlled to Voluntary Aided	Parents, Staff, Governors, Local Elected Members, District and Parish Councils, Diocesan Boards and other local stakeholders.	Danby C.E Primary School Governing Body ran an Informal consultation from 11th February to 25th March 2021. Statutory notice will be published by Danby C.E Primary School Governing Body on 29th April 2021 for a further four weeks	Matt George, Strategic Planning Officer, CYPS matt.george@northyorks.gov.uk	
22 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive	Healthy Child Programme - Emotional Health and Wellbeing	Yes	To request approval of the Emotional Health and Wellbeing draft section 75 and	North Yorkshire Clinical Commissioning Group.	Published via the Council's website	Victoria Ononeze, Public Health Consultant, Michael Rudd, Head of Housing Marketing Development	

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		meeting held 22 June 2021			a decision to consult on the content and use of the draft Section 75 with North Yorkshire CCG.			(Commissioning), Health and Adult Services 01609 535347,	
22 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held 22 June 2021	National Bus Strategy	Yes	Whether to commit establishing an Enhanced Partnership across North Yorkshire (or other option) and high level objectives. Authority to publish Notice of Intent	Stakeholder engagement including local bus service operators.	Emails and meetings	Tricia Richards Cathy Knight	
22 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held 22 June 2021.	Grant of leases to NY Highways Ltd.	No	To approve the grant of leases to NY Highways Ltd.		None.	Shaun Wilson, Property Transactions Manager shaun.wilson@northyo rks.gov.uk	
22 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held 22 June 2021.	York and North Yorkshire Road Safety Partnership Strategy 2021-26	Yes	Seek approval to adopt the strategy		N/a	Fiona Ancell fiona.ancell@northyork s.gov.uk	
22 Jun 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held	Filey Road Park and Ride, Scarborough - Option Agreement	No	To approve the grant of an option to purchase land owned by NYCC.		None.	Virginia Stockill virginia.stockill@northy orks.gov.uk	

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		22 June 2021							
6 Jul 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held on 6 July 2021	Draft Parental Leave Policy for Councillors	Yes	to consider whether to recommend to County Council that a Parental Leave Policy for Councillors be implemented, and what form such a policy should take.	Member Working Group on the Constitution, Member Workforce Planning Group, Independent Remuneration Panel.	Reports to meetings of those groups ahead of the meetings of the Executive	Daniel Harry, Democratic Services and Scrutiny Manager Daniel.Harry@northyorks.gov.uk	
6 Jul 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held on 6 July 2021	Proposed changes to the Terms of Reference for the Independent Remuneration Panel	No	To approve the proposed changes to the Terms of Reference.	Members of the Independent Remuneration Panel and Legal and Democratic Services staff..	Email circulation of draft ToR for comment.	Daniel Harry, Democratic Services and Scrutiny Manager daniel.harry@northyorks.gov.uk	
6 Jul 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held on 6 July 2021	Equality and Diversity Policy Statement	Yes	To consider draft equality and diversity policy statement		Meetings	Neil Irving, Assistant Director - Policy, Partnerships and Communities neil.irving@northyorks.gov.uk	
6 Jul 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held 6 July 2021	Review of formal meetings of the Authority's Committees	Yes	To review arrangements for holding formal meetings of the Authority's Committees.	All County Councillors.	Consultation with all County Councillors.	Daniel Harry, Democratic Services and Scrutiny Manager daniel.harry@northyorks.gov.uk	
6 Jul 2021	Chief Executive Officer	Executive Members & Management Board at the informal	To request approval of the Sexual Health Service draft service model and	Yes	Approval of the draft service model and decision to consult on the	York and Scarborough Teaching Hospital NHS Foundation	Published via the Council's website	Katie Needham, Public Health Consultant, Health and Adult Services, Emma Davis, Health Improvement	

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		Executive meeting held on 6 July 2021	agree decision to consult on the service model with York and Scarborough Teaching Hospital NHS Foundation Trust.		service model with York and Scarborough Teaching Hospital NHS Foundation Trust	Trust.		Manager, Health and Adult Services 01609 797063/01609 797154,	
6 Jul 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held on 6 July 2021	Carbon Reduction Plan	Yes	To consider draft carbon reduction plan.		Meetings	Neil Irving, Assistant Director - Policy, Partnerships and Communities neil.irving@northyorks.gov.uk	
6 Jul 2021	Chief Executive Officer	Executive Members & Management Board at the informal Executive meeting held on 6 July 2021	A59 Kex Gill Diversion Contract Award	Yes	To inform members of the outcome of the tendering process and seek approval to award the A59 Kex Gill diversion contract		N/A	Mark Hugill, Senior Engineer, Highways & Transportation mark.hugill@northyorks.gov.uk	
24 Aug 2021	Executive		Q1 Performance Monitoring & Budget Report	No	Financial and Performance Monitoring report inc: Revenue Plan; Capital Plan; Treasury Management & Prudential Indicators	Management Board		Gary Fielding, Corporate Director for Strategic Resources Gary.Fielding@northyorks.gov.uk	Previous Quarterly Reports
21 Sep 2021	Executive		Healthy Child Programme - Emotional Health and Wellbeing	Yes	To inform Executive of the Emotional Health and wellbeing Section 75 consultation	North Yorkshire Clinical Commissioning Group	Published via the Council's website	Victoria Ononeze, Public Health Consultant, Michael Rudd, Head of Housing Marketing Development (Commissioning),	

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					feedback and to request formal approval to move to a Partnership agreement			Health and Adult Services 01609 535347,	
12 Oct 2021	Executive		Adoption of Minerals and Waste Joint Plan	Yes	To approve the adoption of the Minerals and Waste Joint Plan			Rachel Pillar rachel.pillar@northyorks.gov.uk	
17 Nov 2021	County Council		Minerals and Waste Joint Plan Adoption	Yes	To approve the adoption of the Minerals and Waste Joint Plan.	N/A	N/A	Rachel Pillar	Minerals and Waste Joint Plan Submission version approved for submission on 15 February 2017
28 Nov 2021	Executive		To inform Executive of the Sexual Health Service service model consultation feedback and a decision to consult on the draft section 75 with York and Scarborough Teaching Hospital NHS Foundation Trust.	Yes	To request agreement to move forward with the accepted service model. Approval of the draft section 75, & decision to consult on the section 75 with York and Scarborough Teaching Hospital NHS Foundation Trust.	York and Scarborough Teaching Hospital NHS Foundation Trust	Published via the Council's website	Katie Needham, Public Health Consultant, Health and Adult Services, Emma Davis, Health Improvement Manager, Health and Adult Services 01609 797063/01609 797154,	
7 Dec 2021	Executive		Q2 Performance Monitoring & Budget Report	No	Financial and Performance Monitoring report incl:	Manangement Board		Gary Fielding, Corporate Director for Strategic Resources Gary.Fielding@northyo	Previous Quarterly Reports

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					Revenue Plan; Capital Plan; Treasury Management & Prudential Indicators			rks.gov.uk	
25 Jan 2022	Executive		Draft Revenue Budget 2022/23 & Medium Term Financial Strategy (MTFS)	No	To consider & recommend to County Council the Revenue Budget 2022/23 and the Medium Term Financial Strategy (MTFS) including the: • Revenue Plan • Capital Plan • Treasury Management • Prudential Indicators	All members	Budget consultation process	Gary Fielding, Corporate Director for Strategic Resources Gary.Fielding@northyo rks.gov.uk	
25 Jan 2022	Executive		Council Plan 2022-2026	Yes	To consider Council Plan 2022-2026	Corporate and Partnerships Overview and Scrutiny Committee. Management Board.	Meetings.	Neil Irving, Assistant Director - Policy, Partnerships and Communities neil.irving@northyorks. gov.uk	
22 Mar 2022	Executive		To inform Executive of the Sexual Health Service Section 75 consultation feedback and to request formal approval to move to a Partnership agreement	Yes	Approve the final model and section 75 to move to Partnership model.	York and Scarborough Teaching Hospital NHS Foundation Trust	Published via the Council's website	Katie Needham, Public Health Consultant, Health and Adult Services, Emma Davis, Health Improvement Manager, Health and Adult Services 01609 797063/01609 797154,	

Should you wish to make representation as to the matter being discussed in public please contact Daniel Harry

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Email: (daniel.harry@northyorks.gov.uk) Tel: 01609 533531.

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