



## Agenda

**Meeting:** Executive

**Members:** Councillors Carl Les (Chairman), Gareth Dadd, Derek Bastiman, Michael Harrison, Simon Myers, Janet Sanderson, David Chance, Keane Duncan, Greg White and Annabel Wilkinson.

**Date:** Tuesday, 9th January 2024

**Time:** 11.00 am

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

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. The meeting is being held as an in-person meeting that is being broadcasted and recorded and will be available to view via [www.northyorks.gov.uk/livemeetings](http://www.northyorks.gov.uk/livemeetings). The meeting is also 'hybrid', which enables people to attend the meeting remotely using MS Teams. Please contact the Democratic Services Officer whose contact details are below if you would like to find out more.

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### Business

1. **Apologies for Absence**

2. **Minutes of the Meeting held on 12 December 2023** (Pages 5 - 14)

3. **Declarations of Interest**

4. **Public Participation**

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 4 January 2024, 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 Leader who will instruct anyone who may be taking a recording to cease while you speak.

**5. Shaping the future of Leisure Services in North Yorkshire: (Pages 15 - 40)  
Outcomes of the Strategic Leisure Review**

**Recommendations** - The Executive are asked to approve:

- i) The new delivery model for the sport and active wellbeing service as set out in section 4 of the report.
- ii) The phased transition over the next 4 years to a single in house management model for the service. As part of this that the Selby services transfer to the in house service from September 2024 when the current contract with IHL ends.
- iii) The undertaking of a Leisure Investment Strategy as set out in the report.

**6. Mainstream School & Special School Budgets 2024/25 (Pages 41 - 68)**

**Recommendations** - The Executive is asked to note the contents of this report, and agree that:

- a. The Council applies a Minimum Funding Guarantee (MFG) of +0.5% in the calculation of mainstream school budgets for the 2024/25 financial year.
- b. The Council uses age weighted pupil units (AWPU) as the methodology for the allocation to school budgets of any surplus funding available within the Schools Block DSG after the calculation of the school funding formula using National Funding Formula (NFF) values for the 2024/25 financial year
- c. The Council uses a higher funding gains cap and higher scaling back percentage for managing the recovery of any funding shortfall on the Schools Block DSG after the calculation of the school funding formula using NFF values for the 2024/25 financial year. In the event of any funding shortfall being too significant to manage through the use of the capping and scaling mechanism, the Corporate Director – Resources and the Corporate Director – Children & Young People’s Service, in consultation with the Chair of the Schools Forum, will determine a school funding methodology that delivers affordability within the 2024/25 Schools Block DSG and associated reserves.
- d. The Council implements the changes, as detailed in section 2.2 of this report, to the notional Special Educational Needs (SEN) budget local funding formula calculation for the 2024/25 financial year to reflect the funding requirements with North Yorkshire and comply with the funding formula validation requirements.
- e. The Council includes an exceptional circumstance lump sum of £50,000 for very small sparse secondary schools (which would otherwise be unable to attract sufficient funding to remain viable) in the 2024/25 North Yorkshire school funding formula. The estimated £50k additional funding requirement to be funded from the DSG Schools Block Reserve.
- f. The Council transfers 0.5% of funding from the Schools Block Dedicated Schools Grant (DSG) to the High Needs Block.
- g. The Council applies MFG funding protection of 0.5% for special schools for the 2024/25 financial year.
- h. The Council applies an increase of +1.9% to the Banded Funding allocations (top up/ ‘element 3’ allocations) received by mainstream and special schools and academies for the 2024/25 financial year.
- i. The Council applies an increase of +1.9% to the Banded Funding allocations (top up / element 3 allocations) received by pupil referral units and alternative provision settings for the 2024/25 financial year.
- j. The Council applies an increase of +1.9% to the factor elements within the Special school contextual funding for the 2024/25 financial year.

- k. The application of a +1.9% increase to the 2023/24 rate for residential special school placements for the 2024/25 financial year.
- l. The Council will continue to push for a fairer and more equitable funding settlement for schools in North Yorkshire. We will also continue to lobby for a fairer settlement of High Needs resources

**7. Forward Plan (Pages 69 - 84)**

**8. Any Other Items**

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

**9. Date of Next Meeting - 23 January 2024**

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

**Contact Details:**

Enquiries relating to this agenda please contact Melanie Carr, Principal Democratic Services & Scrutiny Officer

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Barry Khan  
Assistant Chief Executive  
(Legal and Democratic Services)

County Hall  
Northallerton

21 December 2023

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## North Yorkshire Council

### Executive

Minutes of the meeting held on Tuesday, 12th December 2023 commencing at 11.00 am.

Councillor Carl Les in the Chair. plus Councillors Gareth Dadd, Derek Bastiman, Michael Harrison, Simon Myers, Janet Sanderson, David Chance, Keane Duncan, Greg White and Annabel Wilkinson.

In attendance: Councillors David Ireton, Paul Haslam, Eric Broadbent, Andy Paraskos, Arnold Warneken and George Jabbour.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Melanie Carr, Daniel Harry, Anton Hodge, Nic Harne, Jos Holmes, Liz Philpot, Tracey Rathmell, Carol Rehill, Trevor Watson and Natasha Durham.

Other Attendees: Mrs Clare Beckett, Mr Richard Holliday, Mr Kevin Bramley, Mr Paul Townsend, Ms Rose Winship and Mrs Anne Seex.

Apologies: Richard Webb.

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**Copies of all documents considered are in the Minute Book**

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#### **355 Apologies for Absence**

Apologies were received from Richard Webb.

#### **356 Minutes of the Meeting held on 28 November 2023**

##### **Resolved –**

That the public Minutes of the meeting held on 28 November 2023, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

#### **357 Declarations of Interest**

There were no declarations of interest.

#### **358 Public Participation**

There were a number of public questions and statements relating to Agenda Item 6 – Delivery of the new settlement (Maltkiln) Development Plan, which the Chair agreed to consider as part of that agenda item.

There were two further public submissions. The first a statement from Ms Rose Winship a second home owner in Filey, as follows:

*'Good morning Councillors, and thank you Chairman for allowing me to address you remotely to allow me to care for my father in Warwick. I have asked to speak today to give*

*you a personal insight into my position as a long standing second home owner in North Yorkshire. As we are all aware, throughout the last 18 months there has been much written and debated across the country, including in North Yorkshire, about the strain that second home ownership is putting on a range of communities.*

*As a recently retired senior local government officer, I fully appreciate the challenges facing these communities, and understand the strong views held by some individuals on the subject. However I do think that the blanket approach to penalise all second home owners is somewhat of a blunt instrument and risks damaging the all-important sense of community which makes us value the places that we choose to call our "second home".*

*I would like to share with you our family story and our connection with Filey.*

*The Winship's have a long and strong association with the town. As one of the local "fishing families" the family have had a presence in the town for many years. My grandfather was born in the town and along with his numerous brothers, lived and worked in the town. Aged 19, an accident in the army left him having his right leg amputated and being invalided out of the army. He never let this disability get in the way of doing anything he wanted to and he joined with family members to manage a grocery shop on Belle Vue Street, and later buy and run a tobacconists in Murray Street.*

*My father was born and raised in Filey, and the family bought 1, The Avenue in August 1939 close to my great grandparents living opposite on Raincliffe Avenue.*

*Post war, my grandfather and other locals founded Filey Sailing Club that has hosted many national championships and built a reputation for introducing many local people to the sport of sailing and raising the profile of Filey through the many visitors that come to sail there each year. My grandfather and father both served as Commodore at the club, and my father remains a member today.*

*I share the above history with you in the hope that you will realise the strength of connection that we have with Filey. The house continues to play a huge part in our family life; family and close friends use the house on a regular basis throughout the year and in recent years has hosted 85th and 90th birthday parties and been the base for 2 honeymoons during the post COVID period.*

*We do not consider ourselves to be the "second home owners" that merely visit and then leave. The house was hard earned by my grandparents who both lived there until their deaths, and we have no plans to sell the property in the foreseeable future.*

*The proposals to double our Council Tax really are a bitter pill to swallow when the family have such strong attachments to the town. I genuinely feel like a local when I am there, knowing many of the neighbours by name, Last summer I participated in the community engagement to form the Vision for Filey, and offered my professional expertise to the "Active" theme of the Community Partnership Executive Board, but was told that only permanent residents could be part of the Board*

*I don't expect the decision to be changed as clearly a democratic process has been followed, but I would ask that when you as elected members consider the implications of your decision, you don't assume that all second home owners are "incomers" and that we have no connection to the area. Clearly this is not the case.'*

Councillor Gareth Dadd thanked Ms Winship for her submission and in response confirmed the Policy on second homes and the principle behind it received cross party support, which was due to be ratified or not, as part of the budget setting in February 2024.

This was followed by Mrs Anne Seex who made the following submission in relation to the Council's Housing Strategy:

*'Does North Yorkshire Council have any idea how many new homes, in which areas and at what sale price or rental levels, are required to meet the predicted housing needs of people currently living in North Yorkshire? Does it know how many homes do not meet decent standards and where such homes are located? Related to this, what resources does North Yorkshire Council predict it will have to invest in housing in the next 10 years?'*

Councillor Simon Myers thanked Mrs Seex for her submission and in response confirmed the Council had begun work to prepare a Local Plan for North Yorkshire which would meet housing needs over a minimum 15-year period. The new Local Plan would be based on new evidence from the whole Council area and would address the need for new housing of all types, including affordable housing. He also noted the Council's intention to explore additional measures to improve the quality of housing in the Plan including the use of nationally described space standards, raising design standards and building efficiency.

He also confirmed the Council had developed a high level Housing Strategy which provided a framework for the housing policies and projects to be carried out in the next five years, as well as a council housing growth plan which would increase and improve the Council's existing stock of 8,500 homes. He noted it set out the Council aspirations but lacked specifics and confirmed that in due course associated policies would be developed and costed. Finally he confirmed his commitment to improve Housing across the county and reduce the number on the County's housing waiting list.

### **359 Catterick Garrison Town Centre Regeneration Project – Levelling Up Fund Project**

Considered – A report of the Corporate Director for Community Development seeking authority to enter into a Collaboration Agreement and Lease with the Defence Infrastructure Organisation on the terms principally contained within the report; and delegate agreement of the final terms of the collaboration agreement and lease, including the final determination of the Defence Infrastructure Organisation's match funding contributions by way of capital costs and land value as well as securing sufficient on-going maintenance costs for the completed Levelling Up Fund (LUF) project from the Defence Infrastructure Organisation's subsequent commercial and residential developments

Councillor Derek Bastiman introduced the report, confirming He drew attention to the previous acceptance of the capital grant funding in May 2023, the meetings and discussions that had taken place to date, the terms of the Collaboration Agreement and Lease, and the ongoing procurement process to seek an operator for the Community and Enterprise facility, all as detailed in the report.

As a local Councillor, Councillor Carl Les welcomed the project and as there were no arising questions, it was

**Resolved** – That:

- i. A Collaboration Agreement and Lease be entered into with the Defence Infrastructure Organisation to facilitate the delivery of the LUF Catterick Garrison Towns Centre Regeneration project on the terms principally contained within the report; and
- ii. The Council would take responsibility for delivering any section 106 obligations associated with its planning application in respect of the LUF project; and
- iii. Authority be delegated to the Corporate Director of Community Development in discussion with the Executive Member for Open to Business and Corporate Director of Resources to agree the final terms of a Collaboration Agreement and Lease with the Defence Infrastructure Organisation; and
- iv. The delegation would include the determination of the DIO's match funding



contributions by way of capital costs and land value as well as securing sufficient on-going maintenance costs for the completed LUF project from the DIO's subsequent commercial and residential developments and comprised in Phase 2.

### 360 Delivery of the New Settlement (Maltkiln) Development Plan Document

Considered – A report of the Corporate Director for Community Development providing an update on the New Settlement (Maltkiln) Development Plan Document (DPD) following the withdrawal of previously available land within the proposed boundary and seeking in principle approval to use of the Council's Compulsory Purchase Powers to support the delivery of Maltkiln if an agreement cannot be reached with the owners of the land outlined.

Councillor Derek Bastiman introduced the report and welcomed the public participants to the meeting and their submissions, as follows:

#### 1. Clare Beckett – Chair of Whixley Parish Council

*'Whixley Parish Council (WPC) has been involved in the development of the Maltkiln proposals for many years, including participating in the Community Liaison Group. WPC has made a number of representations at different stages of the process including most recently providing detailed comments on the HBC DPD document in November 2022. Separately we have made representations on the developers planning application 19/00017EIAMAJ, most recently detailed comments on the Transport Assessment – WPC Document dated January 2023.*

*There are some very significant infrastructure requirements to deliver Maltkiln. HBC attempted to list and cost these in the DPD (Section 11 – Delivery and Phasing) but the information in this section was full of omissions, inconsistencies and errors (WPC comments on DPD Page 9). The developer's own highway advisor concluded that the A59 between the A1(M) and Maltkiln would need to be widened to a dual carriageway (Developer's Transport Assessment Para 8.10 onwards) but that the developer would not be able to fund it. A widening scheme for the A59 is **not** included in the HBC list of infrastructure projects in the DPD.*

*The developer's highway advisor made errors in their assessment of the capacity of the existing A59 (WPC Document January 2023) which means the dual carriageway scheme will be required much sooner in the build out of the development. Using the correct calculations A59 widening may also be required on the east side of Maltkiln.*

*A key element of the development is to provide a new bridge over the railway to replace the existing Cattal level crossing. Network Rail have full control over the provision of this bridge and WPC do not believe the costs and risks of this have ever been properly quantified. Infrastructure requirements of this scale will require funding from the public sector. NYC have now concluded CPO and by implication public money is likely to be required just to assemble the land required for the comprehensive development envisaged in HBC's Local Plan.*

*There must be sufficient doubt over the availability of public funds of this scale to mean that NYC should question whether delivery of Maltkiln is a viable prospect and whether it's a sensible use of public money to proceed with the DPD process. WPC would like to ask the executive members whether they have been sufficiently briefed over the viability of the scheme, including the implications of recent cost rises, to have confidence that proceeding with the DPD is appropriate?*

*WPC would conclude that the further uncertainty CPO brings is a reason to halt the process and consider the need for Maltkiln within the wider development of NYC's new*



*development plan.'*

Councillor Derek Bastiman voiced appreciation for the positive and constructive engagement from Whixley Parish Council on the DPD to date and in response to the submission reiterated that the proposed recommendation aimed to get the DPD to the next stage of plan-making - an independent examination by the secretary of state, in order to allow full scrutiny of the viability and infrastructure demands.

He noted the Parish Council was correct in that there were large infrastructure demands to deliver Maltkiln. Whilst a note was published detailing viability work undertaken so far, the Council had since commissioned specialist advice to look at the viability of the scheme which showed that Maltkiln was a viable scheme. He also confirmed that if the DPD proceeded to examination, the advice would be published and submitted for consideration at the examination in public.

## 2. Kevin Bramley – Parish Councillor for Hunsingore Walshford with Great Ribston & Cattal Parish Council

*'Residents are concerned that the New Settlement proposal could be becoming North Yorkshires HS2. Concern has been expressed by some residents as to the timing of the report to Committee and the short period in which to raise questions or pass comment. Clashing with the festive period.*

*Have the Councillors been informed, interrogated and established the costs to date and considered those going forward of pursuing the proposal for a New Settlement including separately identified costs of other public bodies which have been involved in the process? (All using Tax Payers money).*

*The above question is raised because views have been expressed that the overall project is not viable. Affordable housing requirements have been reduced through the process (which had been agreed presumably on viability grounds) This reduction took place prior to the inflation run, hike in interest rates and economic shocks of more recent times.*

*Local gossip suggests Oakgate Yorkshire Ltd the applicants of planning application 19/00017/ EIAMAJ and site promoters (Caddick Group as they are now referred to by the Council) do not have control of the majority of the site. Indeed it was noted in one of the community Liaison group meetings that although engagement has taken place with Network Rail on infrastructure issues the "elephant in the room" of ransom and land agreements had not been advanced as negotiations with Network Rail are difficult.*

Cllr Derek Bastiman thanked Mr Bramley for his submission and noted that the Maltkiln Community Liaison Group (which includes Hunsingore Walshford with Great Ribston & Cattal Parish Council) had been notified of the broad timings of decision making on Maltkiln and that the report had been published in line with the Council's committee procedures. He confirmed the viability work showed Maltkiln was a viable scheme without public sector intervention, and that the Council had always been open about viability being a challenge for most new settlements and larger scale schemes. He suggested it was unlikely that 40% affordable housing would be achieved on all phases of development, but given it was a very long-term scheme, suggested that later phases would be expected to contribute more affordable homes. He also noted the significant benefits to delivering new settlements and providing facilities and infrastructure in a holistic and well-planned way.

In terms of land availability, Councillor Derek Bastiman confirmed the Council was satisfied that the test of delivery set out in national policy (i.e. that there is a reasonable prospect of the site being delivered) could be met subject to the decision before Executive. He also drew attention to the regular discussions between the Council and

Network Rail and confirmed that whilst the finer details of the shared value payments had yet to be concluded, the Council did not believe that was a barrier to delivery. Shared value payments had been accounted for in viability appraisal work.

3. Richard Holliday an Associate at Carter Jonas speaking on behalf of their client Mr Dent of The Wheelhouse, Hunsingore, Wetherby, LS22 5HY (Landowner)

*'We refer to the recently published Executive report which seeks an in-principal approval that the Council use its CPO powers to support delivery of the above New Settlement. Given the Council's requirements for lodging a representation 3 working days before the Executive Committee, we have not had much time to read and consider the paper. However, there are a number of comments we wish to make at this stage of the process which should be drawn to the attention of Members taking the decision and which are set out below.*

*We are surprised to see a recommendation to progress with compulsory acquisition given the stage the proposals for the New Settlement have reached. The key concern is that it cannot be demonstrated that there is a compelling case in the public interest and, therefore, it is not possible to take forward a CPO. Even an in principle resolution is premature at this stage.*

*A key reason given in the report for needing an in-principal decision is that a landowner (and here we are assuming you are referring to our client) decided not to renew their agreement with the site promoter, the Caddick Group. The Caddick Group had an option to purchase land owned by our client which they decided not to exercise and which they let expire. It is difficult to see how CPO can be justified, even in-principle, in circumstances where the land could have been acquired by agreement. Related to this is that there are no identifiable boundaries to the New Settlement yet and, therefore, it is not possible to determine the extent of land needed to deliver the proposed New Settlement. If the boundaries cannot be ascertained, how is it possible for negotiations to take place under the threat of CPO given the Council is unable to confirm what land is actually required from each landowner and, therefore, what is needed for the proposed development? Compulsory purchase is not a generic tool and there must be certainty for those affected, even at the in-principal stage.*

*We note that the Council asserts that the Caddick Group controls the majority of the land required. We should be grateful if details of this can be made available as we were not aware that the Council had secured the majority of the rest of the land that it needs? We also note that the report refers to both landowner and landowners but has not clarified the number of landowners which are affected by CPO. We would request greater transparency on this point.*

*So far as the DPD is concerned, the Executive report refers to a draft which has been submitted to the Planning Inspectorate but not progressed. Our understanding is that a DPD consultation was undertaken (both in 2020 and 2022), but there is no document with any status upon which any development proposals are underpinned. Therefore, again, there appears to be no basis for taking forward proposals for development and there is too much uncertainty as to whether, in planning terms, a New Settlement at Hammerton/Cattal is needed, viable and deliverable. It is, therefore, far too early to even contemplate CPO as a means of acquiring land.*

*We would ask Members not to endorse the recommendation. The proper approach, as outlined in CPO policy, is for the Council to engage in meaningful negotiations with our client when it has reached the stage of knowing what land is required and it has a proper basis for moving forward with the New Settlement proposals.'*

Councillor Derek Bastiman thanked Mr Holliday for his comments and confirmed that Council officers had been in dialogue with Mr Dent and their advisor for some time. He

noted the potential use of CPO had arisen because it had become apparent to the Council that land previously understood to be available was now not. He also confirmed the Council was still keen to continue meaningful dialogue with the landowner and site promoters to ensure that a negotiated solution could be achieved thereby avoiding the need to resort to compulsory purchase. He stressed that the recommendation in this report was not seeking authority to use CPO powers, rather it was an in principle decision to do so should a negotiated settlement not be possible.

Councillor Bastiman drew attention to the report and confirmed the Council believed the proposed boundary for Maltkiln (including all of the land shown in Appendix A to the report) represented the best option to deliver a sustainable new settlement that met the requirements of the adopted Harrogate District Local Plan, and a viable proposition as shown by the work undertaken so far.

Finally, he noted the DPD had not been submitted to the Secretary of State for examination in public following a decision by the former Harrogate Borough Council to publish a final Draft for consultation and submit thereafter. That submission had been paused to allow further conversations to take place with Mr Dent.

To clarify the intention of the report, Barry Khan Assistant Chief Executive (Legal & Democratic Services) drew attention to a proposed revision to recommendation (i) in the report as follows:

- i) That the Executive **approve in principle** ~~Recommend to Full Council~~ that a Compulsory Purchase Order **can be** ~~is~~ pursued as a mechanism to deliver a new settlement at Maltkiln if an agreement with landowners cannot be reached.

Mr Holliday confirmed his client had further queries to discuss and therefore would welcome more time to negotiate with the Council, and his view was that at this stage a CPO was a drastic tool to use particularly as previous negotiations halted as a result of the decisions of the developer.

#### 4. Paul Townsend – Chair of Kirk Hammerton Parish Council

*'I represent Kirk Hammerton Parish Council. Cattal Station and a significant part of the development land is in our Parish. It's true that we were opposed to the original choice of location, but over the past 3-4 years we have spent a lot of time assisting the Council in developing the Maltkiln proposals. For example, the idea of the link road to the A168 was ours. Please don't write us off as NIMBYs. On the other hand we are, most definitely, local taxpayers.*

*North Yorkshire/Harrogate officials have put a lot of effort into this scheme. They created the policy framework and appointed an experienced promoter to manage the development risks and deliver the scheme. Unfortunately, the developer has been unable to do that successfully and the briefing paper concludes that the project is undeliverable, as things stand. Does that mean the Council should now intervene and invest its own capital? We think not. It's time to draw a line and move on.*

*We would urge the Executive to be very cautious indeed before considering the use of taxpayers' money, even in principle. At a time when many authorities are on the verge of bankruptcy, does NYC really have capital available to invest in speculative development projects? If so, please can it be used for less glamorous but more appropriate purposes, like fixing the holes in our roads.*

*There are many risks which could still derail this project. Complex highways works, high costs of meeting renewable energy and environmental standards are examples. The developer has not resolved these challenges. This is not a scheme which just requires NYC to stump up some cash to allow construction of new houses to proceed. The elephant in the room is that no agreement exists, even in principle, with Network Rail for*

*the construction of a road bridge over the railway, a fundamental element of the scheme and which is to be built on the land NYC would be purchasing using CPO. The developer has been quite open in describing this as a “ransom position” for Network Rail. The ransom terms will only increase once it becomes known that the Council has purchased land that will be worthless if the scheme doesn’t proceed.*

*You will be told that none of this matters because there’s no commitment to spend money at this stage. So what is the purpose of resolving “in principle” to use CPO powers? Simply to intimidate the landowner to agree to the developer’s terms, or we’ll impose a CPO? Surely that’s not how a reputable public authority behaves?*

*Two final points, because time is short – Firstly, investing in the scheme will create an obvious conflict of interest for NYC as Planning Authority. It will be impossible to maintain the appearance of acting objectively when dealing with future planning applications if it has an interest in the successful delivery of the development. And second, there is a flaw in the soundness of the planning process which is not mentioned in the briefing paper. The options appraisal of three alternative locations will not be finalised until the DPD is adopted. The appraisal concluded (several years ago) that there was little to choose between the three sites. That was before it became clear that 42% of the development land at Maltkiln was unavailable and required a CPO. The conclusion would surely be different now. The risk of challenge to the soundness of the process should be addressed before any question of investing taxpayers’ money arises. All things considered, we simply have to conclude, unfortunately, that the project has reached the end of the road.’*

Councillor Derek Bastiman thanked Mr Townsend, and all the other parish councils that formed part of the Community Liaison Group for their time and effort engaging with the DPD process. He noted the group had given valued input into the DPD and many of the policies reflected their suggestions and aspirations. He also noted that the group had assisted with ensuring constructive participation with the DPD within the wider community.

He went on to confirm that delivering any new settlement would almost certainly be a challenge and Officers liaison with other authorities delivering new settlements had confirmed this to be the case. That said, he was pleased to note the work undertaken to date showed that Maltkiln was a viable scheme, and that officers believed the framework within the proposed DPD still remained the most sustainable option when considered against the other options considered previously.

He accepted the railway line presented a challenge but also a great opportunity to create a place where sustainable travel was truly at the heart of the settlement. He noted Network Rail had always supported a new settlement in this location and that dialogue had continued with them throughout the DPD process. He also suggested that if the DPD progressed successfully through an examination in public and was adopted; and if agreement with the landowners could not be reached; then there were still a variety of options available to the Council moving forward some of which would not pose significant risk or cost to the Council.

Finally, he noted that whilst the Council needed to meet a number of demands and provide value for money for its taxpayers, it also had a duty to provide high quality homes to meet the needs of current and future residents. He stated Maltkiln represented an opportunity to deliver a minimum of 3,000 homes in a way which could offer a high quality of life, offering services, facilities and green space within walking distance for its residents and easy rail access to other places.

Councillor Arnold Warneken also addressed the Executive and suggested the amended recommendation was unnecessary given that every Council had the power to use CPOs and therefore an ‘in principle’ decision to use one in the case of Maltkiln was superfluous. He also questioned whether the Council had spoken directly with the affected landowners and whether more pressure should be placed on the developers to progress the matter to



address the hiatus they had created. He suggested there should also have been greater communication with the Parish Councils and with the local Councillors.

In response Councillor Derek Bastiman confirmed that officer had been having regular discussions with the landowners and developers. He noted his willingness to attend Parish Council meetings and the importance of the Liaison Group. He also confirmed that feedback from the Group had led to changes to the plans. He drew attention to a number of questions that Councillor Warneken had submitted outside of the meeting and confirmed that responses to those questions would be provided in writing.

Barry Khan Assistant Chief Executive (Legal & Democratic Services) confirmed that prior to being submitted for examination, the Council's DPD would go to full Council for approval. He stressed that an assessment had been made which confirmed this was a suitable and sustainable development and that the purpose of the recommendation for an in principle decision regarding the potential use of a CPO was to show the Council's serious support for the proposed development.

Councillor Derek Bastiman went on to draw attention to the background to the scheme as detailed in the report, the vision for Maltkiln, the consultation undertaken to draft the DPD, and the next steps.

Councillor Simon Myers welcomed the progression of the plans for the development recognising a new settlement would help address the county's housing needs. He also acknowledged the benefits gained historically by Local Authorities from using CPOs to demolish slums and build social housing. He therefore gave his support to the revised recommendation.

As there were no further questions, it was

**Resolved** – That it be approved in principle that a Compulsory Purchase Order can be pursued as a mechanism to deliver a new settlement at Maltkiln if an agreement with landowners cannot be reached.

### **361 Devolution Deal Net Zero Fund: Acceptance of Grant Funding**

Considered – A report of the Corporate Director for Environment updating the Executive on the Joint Devolution Committee recommendations for funding under the DLUHC Devolution Deal Net Zero Fund for North Yorkshire Council and seeking delegation of approval to the Corporate Director of Resources in consultation with the Assistant Chief Executive (Legal and Democratic Services) to accept the DLUHC Devolution Deal Net Zero Fund subject to acceptable terms and conditions being received.

Councillor Greg White introduced the report and provided an overview of the process undertaken to submit a bid for funding under the DLUHC Devolution Deal Net Zero Fund for North Yorkshire administered by York & North Yorkshire LEP.

He was pleased to report the success of a number of the bids, as detailed in the report, and as Members had no questions, it was

**Resolved** – That:

- i. The Joint Devolution Committee recommendations for funding under the DLUHC Devolution Deal Net Zero Fund for North Yorkshire Council be noted
- ii. Authority be delegated to the Corporate Director of Resources, in consultation with the Assistant Chief Executive (Legal and Democratic Services), to accept the DLUHC

Devolution Deal Net Zero Fund subject to acceptable terms and conditions being received

**362 Approval of Grant Acceptance – Department for Education (DfE) Skills Bootcamps (Wave 5) 2024-25**

Considered – A report of the Corporate Director for Community Development seeking the Executive approval to accept the grant from the Department for Education for Skills Bootcamps (Wave 5) 2024-25 of £2,487,974 (as proposed in the application).

Councillor Annabel Wilkinson introduced the report. She noted the significant contribution the Bootcamps could make to the local economy, in addressing the local school's needs for employers and in supporting the local labour market. With that in mind she was pleased to propose the recommendation in the report be approved in principle ahead of the award of the funding later in the week.

Executive Members noted the exact figure was as yet unknown, and it was

**Resolved** – That the grant from the Department for Education for Skills Bootcamps (Wave 5) 2024-25 based on the pending application for grant funding of £2,487,974 be accepted in principle.

**363 Forward Plan**

Considered – The Forward Plan for the period 27 November 2023 to 30 November 2024 was presented.

**Resolved** - That the Forward Plan be noted.

**364 Date of Next Meeting - 9 January 2024**

The meeting concluded at 12.09 pm.

## North Yorkshire Council

### Executive

9 January 2024

## Strategic Leisure Review

### Report of the Corporate Director, Community Development

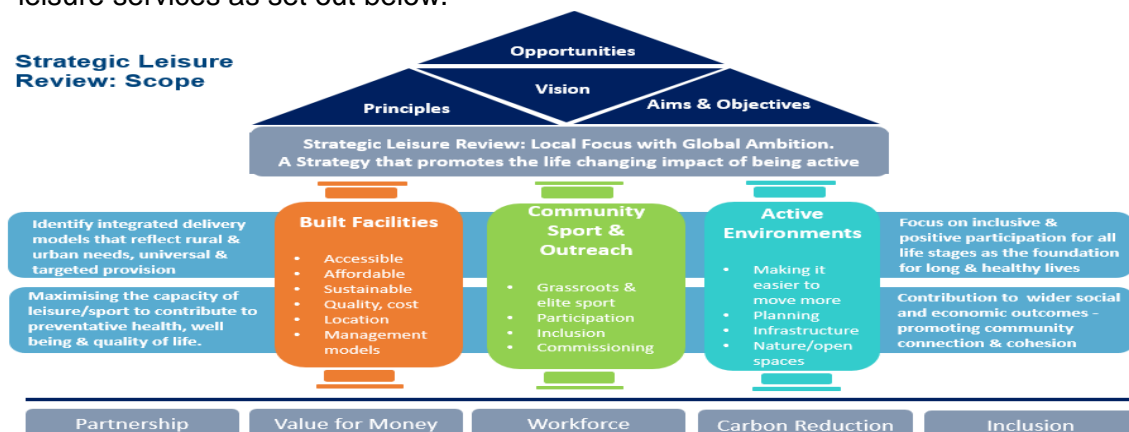
<b>1.0 PURPOSE OF REPORT</b>
1.1 To seek support for the key findings from the first phase of the Strategic Leisure Review in terms of the proposed new delivery model and proposals for the future management arrangements of the service. To set out the scope for the second phase of the Strategic Leisure Review which is the undertaking of a Leisure Investment Strategy.

## 2.0 SUMMARY

- 2.1 This report outlines the initial findings and recommendations from phase 1 of the Strategic Leisure Review. It recommends a new delivery model for a sport and active wellbeing service, with a strong focus on health and wellbeing and which promotes a strong integration between physical facilities (leisure centres), sports development and place based delivery.
- 2.2 This report also sets out the management options for the new service, taking into account the current complex management arrangements for the service and the assessment against a range of financial and non financial criteria. The report concludes that the current arrangements be streamlined over a phased period as current contracts end - with delivery moving ultimately to a single in house model over a 4 year period, with some flexibility over the phasing.
- 2.3 The report further outlines the scope of the next phase of the Strategic Leisure Review – the undertaking of a Leisure Investment Strategy. The report and recommendations were considered by the LGR Transition Overview and Scrutiny Committee on 4 December 2023. The recommendations were fully supported by all Members present with one abstention.

## 3.0 BACKGROUND

- 3.1 In December 2022, the Council's Executive agreed the scope of a strategic review of leisure services as set out below.





- 3.2 The Review has been supported by a cross party Member Working Group as below, chaired by the portfolio holder, Cllr. Simon Myers.
- Cllr. Mark Crane
  - Cllr. Roberta Swiers
  - Cllr. Caroline Dickinson
  - Cllr. Paul Haslam
  - Cllr. Peter Wilkinson
  - Cllr. Pat Marsh
  - Cllr. Rich Maw
  - Cllr. John Cattanach
  - Cllr. David Noland
- 3.3 The Member Working Group have undertaken a series of visits to facilities across the county, from all operators and including community owned/managed facilities. The group participated in workshops and a number of meetings to assess and challenge the emerging model and recommendations. The Working Group conclusions were that they:
- Supported the new delivery model as set out below, particularly the focus on health and well being, sports development and locality focused delivery. The phased approach to implementation was supported.
  - Supported the recommendation that a procured model was not appropriate at the current time and wished to see the service delivered through a council controlled model. It was recognised that the cost/benefits between the in- house model and Brimhams Active were similar and the strengths of each were recognised.
  - Supported the consolidation into a single model over the longer term, however, the phasing of this and the balance between the in-house and LATC model were considered to be best determined by Officers as part of wider operational considerations.
- 3.4 The Review has been jointly led by the community development service and public health, supported by the Member Working Group above and an internal leadership group comprising of finance, legal, procurement, HR and property representatives.
- 3.5 The Review has been supported by SLC Consultancy who were commissioned to provide specialist support for the review including technical input, critical friend, insight and expertise around the delivery and management models.
- 3.6 The review has been underpinned by wider engagement with communities and key stakeholders as set out in section 5 below.
- 3.7 The Strategic Leisure Review is being undertaken in phases. This report relates to the recommendation from phase 1 which has focused on:
- Development of a clear, long term vision and delivery model. Understanding and reaching consensus about what we want our leisure service to look like.
  - Identification of the preferred management model which best enables the North Yorkshire vision and delivery model to be achieved.
  - Implementation plan, phasing and key outcomes from each stage
  - Review of current asset condition
  - Social value and financial assessments
- 3.8 Phase two is the development of a Leisure Investment Strategy which will set out options relating to individual sites, specifically areas of investment and potentially disinvestment. This is further set out in section 4 below.

#### **4.0 STRATEGIC LEISURE REVIEW ASSESSMENT AND FINDINGS**

4.1 North Yorkshire Council has one of the biggest leisure portfolios in the Country, with 19 leisure centres, including 16 pools in addition to 3 wellbeing hubs (Harrogate), a nursery (Harrogate), the Turkish Baths (Harrogate) and the Summit (Selby). There are five different operators currently, including two outsourced providers (IHL in Selby and Everyone Active in Scarborough and Ryedale); in house provision in Hambleton and Craven, a Leisure Trust that runs Richmondshire Pool and Brimhams Active in Harrogate, a wholly owned Local Authority Trading Company (LATC).

#### Delivery Model

4.2 A new delivery model is proposed for the service. This has been developed based on the original scope (approved by the Executive in December 2022), current state analysis and the engagement work. It is closely aligned with national policy and strategic thinking and puts the council at the forefront of a national movement to transform the role and function of Local Authority leisure services with a renewed focus on physical and mental health and wider wellbeing.

4.3 The costs associated with physical inactivity are well documented, with physical inactivity associated with 1 in 6 deaths in the UK and costs of £7.4billion annually (£0.9billion to the NHS). The UK population is 20% less active than in the 1960's and if trends continue projected to be 35% less active by 2023.

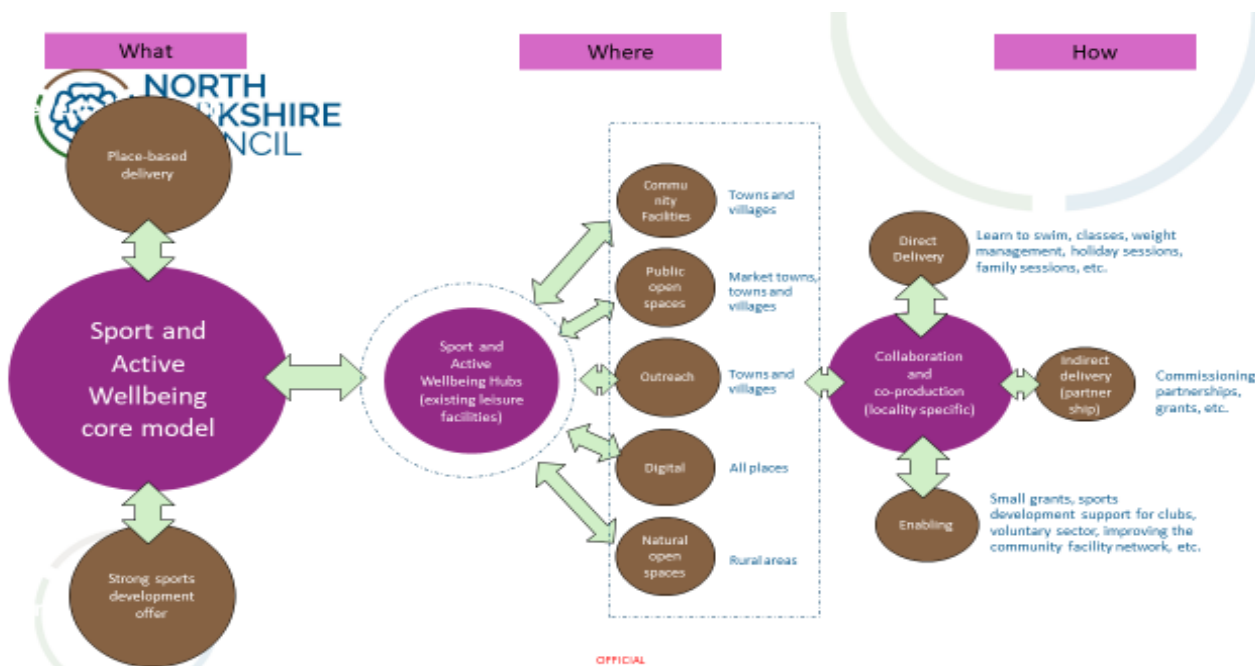
4.4 The new delivery model is a bespoke model for the unique circumstances of North Yorkshire. It builds on some of the good practice we have but represents significant and ambitious transformational change. The aim is for high impact, preventative services that have the capacity to take demand out of the wider health and social care system and improve population health.

4.5 The delivery model will shift the traditional leisure service to a sport and active wellbeing service. This builds on the work that is already happening across the County to provide a range of targeted support (e.g. for specific conditions, pre and rehab, healthy weight, exercise referral, dementia, frailty and pain management etc.) as well as increasing the inclusivity of programmes (e.g. walking formats, disability sport and programmes targeted at groups such as care leavers, foster carers and homeless people). It recognises the costs to the public sector of inactivity and enables a greater contribution to wider Council outcomes around public health and social care.

4.6 The model below is not just about what happens in leisure centres but promotes a strong integration between physical facilities (sport and wellbeing hubs), sports development and place based delivery. Key components include:

- Transforming our leisure centres into **sport and active well being hubs** – this will be a phased approach, adapting the existing space, developing new universal and targeted programmes, developing options with wider partners and looking at longer term options through the Leisure Investment Strategy.
- Sport and Active Well Being Hubs will operate as a hub and spoke model with a network of **locality based services**, which meet the needs of local communities and are developed through collaboration and co-production. This might include direct delivery through outreach, innovative digital delivery alongside supporting community groups and sports clubs in providing opportunities for people to become more active.
- The approach is locally specific and a mix of targeted and universal provision, so there is scope to develop targeted programmes for specific areas or to meet the needs of specific groups who may face additional barriers to participation.

- The approach recognises the contribution of physical activity to preventative health and the potential for greater partnership in **prevention** with the NHS, securing more resources to reduce downstream pressure on the system
- **The approach is to scale and adapt** expertise in sport and active wellbeing across the County.
- Key to the success of the new model is an upskilled sport and active wellbeing **workforce**, with a range of skills and capabilities that reflect the needs of their communities and enable us to address recruitment and retention issues which inhibit service delivery.

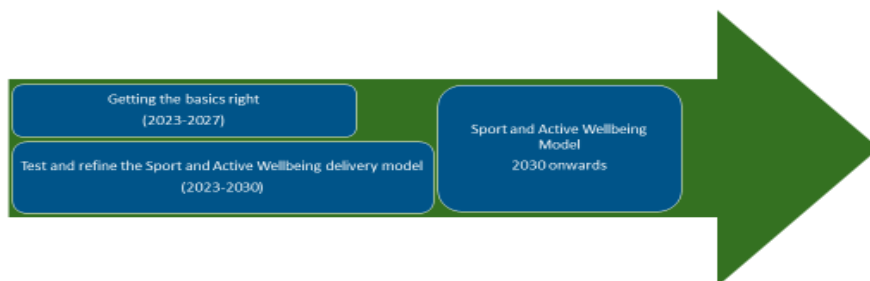


4.7 The phased approach to implementation (2023-2030) is key to the successful transformation of the service. The period and phasing reflects the starting position and the need for change to be sustainable and affordable. An incremental approach de-risks the approach and better enables us to deliver successful transformational change in services in a period of major internal service change.



## Delivery Model - when

Transformation Phases 2023-2030



OFFICIAL

### Management Model

4.8 The assessment of the management options is complex and nuanced, reflecting a complex starting position and a number of uncertainties. The appraisal has assessed a

set of financial and non financial indicators and taken account of the specific circumstances in North Yorkshire, specifically that we:-

- Are probably the largest leisure providers in the Country We have a complex mix of existing management models.
- Don't have a stable, single current state for easy analysis or comparison – financial patterns are distorted by the impact of Covid and the challenges of bringing together 7 different ways of operating. We don't yet have an agreed Countywide Leisure Investment Strategy (this is the next phase of the Review).
- Need a model that is flexible enough to support major service transformation at the same time as a change of operator. i.e. we want a focus on delivery at the same time as we undertake major internal restructuring. A potential risk is we become inward facing and lose the opportunity to deliver genuinely transformed services for communities.
- Want to retain strategic control of services and flexibility as we transform services in the coming years, the non financial assessment criteria reflected these priorities.

4.9 The assessment is shown in Appendix 1 and considered a number of criteria summarised below:

<b>Financial Criteria</b>	<b>Non Financial Criteria</b>
Comparative revenue cost	Strategic control and accountability
Financial certainty	Flexibility to implement a leisure management strategy
Mobilisation costs	Flexibility for service transformation
Access to capital funding	Ability to work with system partners
Access to revenue funding (other partners)	Contribution to social value
Transfer of commercial risk	Delivery of unique, place based interventions

4.10 Models were assessed based on the above criteria against three options:

- Commissioning an operator through procurement resulting in the appointment of a multi-site leisure operator. These operators are normally non profit distributing or hybrid private operators with a non profit arm.
- Directly commissioning services through a Local Authority Trading Company (LATC). The Council already has a LATC in Brimhams Active which manages the Harrogate sites. For the assessment it was assumed that the LATC option would involve expanding Brimhams Active.
- Direct commissioning through in-house management as is currently the case in the former districts of Craven and Hambleton.

4.11 The financial assessment in Appendix 1 provides a comparison of the potential costs of each management model. It is based on historical information from 22/23 from the legacy district arrangements. It reflects income and expenditure for each centre from all operators (not the actual costs to the Council) and relates to leisure centre income and expenditure only, as the largest component of leisure expenditure. It is not an indication of costs going forwards, rather a comparison of the relative costs of each model.

4.12 The model takes into account some key variables in particular the impact of NDR relief, VAT treatment, staffing costs (based on differential terms and conditions) and builds in expectations about how each model would be expected to behave. Crucially this assumes that a procured model (and to a lesser extent the LATC model) will drive higher levels of income and lower expenditure.

- 4.13 It should also be noted the relatively high level of management/support costs in the baseline. These are unusually high but they reflect the legacy arrangements and the way that support services costs were apportioned against budgets (rather than reflecting actual costs). Whilst these are costs for the leisure service specifically it is worth noting that these costs largely reflect internal support charges and therefore this is money that remains within wider Council budgets. Comparisons between the inhouse/LATC models and the procured provider should note that with a procured model support costs will be external to the Council, whereas the in house and LATC model retain these services in house as support services income.

#### Competitive Commissioning of an operator partner

- 4.14 A competitive procurement which resulted in a multi site trust operator has the potential to deliver lower costs for the Council based primarily on reduced staffing costs, arising from less favourable terms and conditions, the impact of NDR relief and assumptions about multi site procured operators generally generating higher levels of income and lower expenditure based on economies of scale.
- 4.15 The assessment concluded that despite outsourced leisure models generally delivering lower costs there would be significant challenges in these being realised within a North Yorkshire context at the current time. Management contracts are most effective when there are clearly defined services set out in a service specification. Taking into account the current array of contracts, end points and the scale of service transformation proposed both within and outside leisure centres, it is unlikely that a comprehensive service specification could be developed at this stage without the need for future variations, as aspects of the service are developing and liable to change.
- 4.16 The degree of strategic control, flexibility and ease of working with stakeholders and system partners are key to the successful transformation of services and were significantly less favourable for the procured model assessment.
- 4.17 Overall a procured model was not recommended for North Yorkshire at this time.

#### LATC Model

- 4.18 The assessment assumes similar staff terms and conditions (and costs) between the in house service and LATC as Brimhams staff are on similar local authority terms and conditions.
- 4.19 The assessment assumes a higher level of income generation through the LATC model than the in house model arising from more commercial focus, agility and freedom to innovate, although less than a procured operator.
- 4.20 The LATC model benefits from full NDR relief of circa £850k (22/23 figure). It has similar VAT benefits as a leisure trust, although not as favourable as for in house operations under the recent Chelmsford ruling whereby the courts found that local authority leisure services were provided under their statutory framework and could be treated as non business activity for VAT purposes. However, it should be noted that recent VAT advice suggests the difference in VAT between the LATC model and in house could be alleviated through the use of “agency agreements”. These will need to be explored further, however, currently the Council does not have these in place and so currently irrecoverable VAT is higher with the LATC model.
- 4.21 The non financial assessment is more favourable than a procured operator model and there are similar benefits with the LATC and the in house model in terms of flexibility and working with system partners. However, strategic control is slightly lower with the LATC, reflecting the need for additional governance through the Board structure and a more arms length management approach.

### In-house model

- 4.22 The in house model offers the most flexibility and direct strategic control, although is also the model with potentially the highest relative cost. The model assumes that the in house model will generate lower levels of income than the other options. However, it should be noted that the North Yorkshire service is not typical and that given the size of the service and the opportunities to develop both expertise and economies of scale that the impact of this assumption is likely to be less significant than in a smaller services consisting of only a few sites.
- 4.23 There is a difference in relative costs between the in house model and Brimhams of just over £1million. These costs relate primarily to the additional costs for the in house model of NDR. The additional costs of this were £850k for 22/23.
- 4.24 The other key difference was in the support services costs, being £260k higher for the in house model, although caution is required with this figure as it relates to 22/23 apportioned and not actual costs. Brimhams receive their support services through the Council, so it would reasonably be expected that actual future support costs should be very similar for both the in house and Brimhams models.
- 4.25 The in house model is the most VAT efficient model, following the recent Chelmsford ruling and offers financial benefits over both the LATC and the procured operator model. However, it should be noted that recent VAT advice suggests that the difference in VAT between other models and in house could be alleviated through the use of “agency agreements”. These will need to be explored further, however, currently the Council does not have these in place and so currently irrecoverable VAT is higher with both the Trust and the LATC models.
- 4.26 In terms of the delivery model Brimhams is the most advanced of the providers in terms of the development of the health and well being approach and is undertaking innovative work in workforce development and training to support the pivot to well being. There would be benefits in retaining this expertise and approach – learning from and scaling up this approach, particularly during the transitional period.
- 4.27 However, expertise in wider sports development, place based working and support for a community asset based approach is more developed within the in house model (and the wider locality/stronger communities approach of the Council as a whole). Both approaches are key to the successful delivery of the new model for sport and active well being.
- 4.28 Given the current position within North Yorkshire, the scale of the transformation and that the Leisure Investment Strategy is not yet completed, the management model assessment recommended a phased approach to delivery during the transformation period, streamlining and consolidating from the current 5 operators into a council controlled model.
- 4.29 Taking into account the benefits from both the in house and the Brimhams models, the analysis suggests one option could be to consolidate into a dual model, combining the in house service and the Brimhams LATC, with close integration between the two models, with then a further review at this point (2028). There is merit in this approach, but also potential disbenefits in terms of added uncertainty, different approaches and additional complexity in operating a dual model.
- 4.30 A single in house model offer would provide clarity and consistency for customers, a clear link with democratic decision making and strategic control for the Council. Whilst there are some additional costs with an in house model, overall it is considered there are



significant benefits in moving towards a single in house operating model, over a phased period and this is the preferred option taking all factors into account.

- 4.31 It is proposed there is some flexibility about the migration programme to allow for operational factors to be taken into account however, the principle is that the current contracts would be migrated in a phased way to an in house model, as current contracts end between 2024 and 2027. This means Selby sites migrating in September 2024 to the in house service (rather than to Brimhams as previously agreed).
- 4.32 This approach offers a significantly streamlined and simplified operating model than the current arrangements and the phased approach aims to minimise disruption and enables the focus on transforming services to be maintained. However, it has to be recognised that this is a significant amount of management change and will require significant capacity within the service and wider support services to support this, at a time of significant change and transformation across the wider Council.

### Phase 2 – Leisure Investment Strategy

- 4.33 The Council undertook asset condition surveys as part of the Strategic Leisure Review. A summary of the forecasted asset condition costs is shown in the table below.

Summary table of estimated costs	Urgent	Year 0-2	Year 3-5	Year 6-10	Year 11-20	Total
<b>Estimated Building Fabric Costs</b>	£191,964	£849,277	£908,847	£2,205,836	£4,340,885	<b>£8,496,808</b>
<b>Estimated Mechanical Costs</b>	£194,650	£799,500	£610,600	£1,810,500	£3,481,650	<b>£6,896,900</b>
<b>Estimated Electrical Costs</b>	£418,750	£133,050	£283,100	£646,600	£1,442,740	<b>£2,924,240</b>
<b>Sub total</b>	<b>£805,364</b>	<b>£1,781,827</b>	<b>£1,802,547</b>	<b>£4,662,936</b>	<b>£9,265,275</b>	<b>£18,317,948</b>

- 4.34 Given the mixed range, age and quality of the current facilities these costs were considered to be fairly low compared to similar exercises undertaken in other local large authorities. However, this still represents considerable investment required to maintain the basic fabric of the facilities.
- 4.35 Linked to this will be the need to build on work that is already in progress to decarbonise the leisure estate, to improve energy efficiency as a key operating cost and to support the Council's wider Net Zero ambitions.
- 4.36 The Leisure Investment Strategy (LIS) will build on the work already undertaken from the asset condition surveys and will consider further the condition of each site, future role and sustainability as a part of the new delivery model. Sites will be considered within the wider context of community based provision and facilities, school based facilities, privately operated facilities in the area and outdoor spaces.
- 4.37 The LIS will consider the following in relation to the Council's Leisure portfolio:-
- The optimal balance of investment to achieve the Council's vision for Sport and Active Wellbeing
  - Examples of best practice and learning from other Councils to help shape the Strategy.
  - The geographic distribution of the proposed hub and spoke model and how strategic gaps will be addressed in the medium and long term?
  - The phasing of any investment / divestment and how can this be funded?
- 4.38 The LIS will be undertaken in phases. Phase one will include:
- An assessment of each site in meeting community need now and in the future. This includes taking account of population growth, demographic changes, demand, existing supply
  - Assessment of quality, sustainability and investment required to maintain quality services (based on condition survey data)



- Assessment of sites in scope that may not be meeting needs, or at the end of their operational life. Exploration of alternative options e.g. alternative uses, community asset transfer.
- Identification of current gaps in provision.
- Identification of approximately 5/6 sites that require additional investment in order to become Active Well Being hubs and/or areas where there are identified gaps in provision to support active well being.

4.39 Phase two will develop more detailed options in relation to the 5/6 identified sites from phase one including business and implementation plans.

4.40 Phase one is expected to take around 4 months and phase two 6-8 months.

## **5.0 CONSULTATION UNDERTAKEN AND RESPONSES**

5.1 The review has been underpinned by wider engagement with communities and key stakeholders. This has included:

- Visioning workshops – Members and key partners (including Sport England and NY Sport)
- Survey (over 180 responses) and webinar (over 30 participants) targeted at community sports groups, promoted through press and social media.
- Focus groups – young/older people, economically disadvantaged, inclusive sports, elite sports, refugees – 50 participants
- Value for money workshops - Leisure managers/sports development staff
- Wider discussions with HAS, NHS organisations and the Health and Well Being Board
- Review of previous consultations including Let's Talk, Active Lives Survey, Growing up in North Yorkshire and the over 50's survey.

5.2 From the engagement feedback there is strong support around the greater focus on health and well being. Key messages emerging which are reflected in the new model included:

- Strong recognition of the important role of community sport and volunteers
- Challenges for rural residents who often struggled to get to leisure centres and clubs and some “felt forgotten”.
- Accessibility – cost and affordability, alongside access to transport were the most frequently identified barriers to access
- Support for digital innovation (but also recognition this is not for everyone)
- Community sports groups welcomed the opportunity to be more involved, to work as key partners and to share expertise and good practice.
- Facilities were highly valued – as a base for community clubs and for all abilities but the condition and opening hours were highlighted by some as areas for improvement
- The social aspect of physical activity was considered important as part of wider well-being and good mental health.
- Communication and awareness of what is available could be improved – this is particularly important for those who are not current users or may need additional support to participate.

5.3 Informal discussions have been held with UNISON about the findings of the Strategic Leisure Review. UNISON are supportive of the increased focus for the delivery model on health and well being and support the recommendation that outsourcing is not the preferred model. UNISON were supportive of a council controlled model but expressed a preference for an in house model overall.

5.4 The report and recommendations were considered by the LGR Transition Overview and Scrutiny Committee on 4<sup>th</sup> December 2023. There was strong support for the approach and the recommendations were supported by all Members present, with one abstention.

## 6.0 CONTRIBUTION TO COUNCIL PRIORITIES

6.1 The Strategic Leisure Review is built on the principle that sport, physical activity and opportunities to move more should be accessible to everyone. The new service is an inclusive one which aims to inspire and enable everyone to be more active and address the barriers that prevent people from being as active as they would like. The recommendations from the Review contribute towards a number of Council priorities, specifically:

- **Place and Environment** – Specifically recognising the important of active travel, including walking and cycling. Good quality opportunities for physical activity, within leisure centres and also within green and open spaces is part of what makes North Yorkshire an environmentally sustainable and attractive place to live, work and visit. Leisure Centres are working to improve carbon reduction and energy efficiency and are committed to further improvements to support climate change targets and environmental sustainability. The Review recognises the important role of volunteers and supports a vibrant and strong voluntary and community sector.
- **Economy** – Good quality, accessible sporting facilities are important as part of the wider tourism offer. High profile mass sporting events support the visitor economy and economic growth.
- **Health and Well being** – the recommendations in the Review are central to improving physical and mental health at all life stages.
- **Locality** – the service is decentralised and is delivered through locally based facilities and teams, supporting the principles of locality working. The new approach to delivery is aligned to the principles of stronger communities, supporting and enabling community based provision and will extend the delivery of more local services through approaches such as outreach.

## 7.0 ALTERNATIVE OPTIONS CONSIDERED

7.1 The Strategic Leisure Review has considered a range of delivery options and looked at good practice from a range of other providers, alongside national guidance and strategic frameworks.

7.2 The Management model assessment considered a range of options as set out in section 4 above.

## 8.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

8.1 The Strategic Leisure Review has been jointly led by Public Health, with input from key other services including Health and Adult Services and Active Travel, alongside key organisations such as Sport England and North Yorkshire Sport.

8.2 The costs associated with physical inactivity are well documented, with physical inactivity associated with 1 in 6 deaths in the UK and costs of £7.4billion annually (£0.9billion to the nhs). The new delivery model will support delivery of key public health priorities and there is considerable scope for improving population health through increased participation and a focus on targeted programmes and reducing inactivity.

8.3 The opportunities for joint working, potential co-location of services and a focus on preventative health will have a positive overall impact on other organisations.

8.4 Strategic property input has been provided throughout the Review and this will continue. Planned maintenance, reactive repair, compliance and capital investment plans relating to assets that transfer to the in house service will be developed and ongoing input provided throughout the development of the Leisure Investment Strategy. The proposed four year phased transition will support work and resource planning for the Property Service to support service transformation.

## 9.0 FINANCIAL IMPLICATIONS

9.1 The financial impact on the Council related to the proposed management model is complex and nuanced. The management options assessment compared relative costs for an in house, outsourced or LATC model based on 22/23 operating costs of the leisure centres as shown in Appendix 1. This was used as a starting point to then undertake further analysis on the likely position for North Yorkshire, taking into account some of the limitations of the theoretical model given the atypical nature of North Yorkshire and the complex starting point.

9.2 In addition financial modelling has been undertaken to assess the financial impact on the Council of the preferred option of migrating the existing contracts into a single in house model over the next 4 years. This takes into account key variables relating to NDR costs, VAT treatment, staffing costs and external management fees. The modelling assumes that income and expenditure of sites remains broadly similar, although it would be expected that the service will drive additional efficiencies in the medium to longer term through economies of scale once the service is fully integrated. The modelling is set out in the table below with the on-going net cost of bringing all the contracts in house ranging from £219k to £618k dependent on the extent to which external support costs can be absorbed by the Council.

9.3 However, during the transition period there will be some additional costs for the council arising from the consolidation into a single model. It is also recognised there will be some additional transition costs needed to support such a large transformation. During the transition phase the process of integration and economies of scale will commence, although it is recognised this is unlikely to see large scale efficiencies until the service is fully integrated and operating in steady state.

	Fully In-house		
	0% Support Cost Absorbed	50% Support Costs Absorbed	100% Support Costs Absorbed
	£	£	£
Irrecoverable VAT*	-348,889	-348,889	-348,889
Staffing	504,301	504,301	504,301
NNDR	525,682	525,682	525,682
<b>Estimated Cashable Growth / (Efficiency)</b>	<b>681,093</b>	<b>681,093</b>	<b>681,093</b>
External Central Support	0	-230,922	-461,843
<b>Net position taking into account Central Support Costs</b>	<b>681,093</b>	<b>450,172</b>	<b>219,250</b>

\* Irrecoverable VAT is shown as a net gain based on the current position, as VAT savings will be achieved once the service comes back in house. However, following recent VAT advice this benefit could potentially be achieved irrespective of the management model (i.e. with the exiting Trust/LATC models through the use of an "agency agreement"). It should be noted, therefore, that whilst this is a saving based on the current position potentially this saving is "model neutral" and not linked specifically to the transfer to an in house model.

- 9.4 An initial assessment has been undertaken in relation to the potential impact on the Council's VAT partial exemption status, specifically whether any additional capital investment in leisure sites (to be identified as part of the Leisure Investment Strategy) would impact negatively on the Council's VAT position. The initial assessment suggests that the Council is well below the threshold for a potential breach of VAT partial exemption rules and this is unlikely to be an issue. However, this will be further considered as part of the next phase of the review. In addition the position for revenue activity to impact on the partial exemption is improved through the recent VAT ruling that classifies sports tuition as "non business", this removes further non exempt VAT activity and therefore the leisure service coming in house will have minimal impact on the partial exemption going forwards.
- 9.5 It is proposed that the Leisure Investment Strategy is undertaken in phases as above. This work will be procured in line with Council policy and procedures. Costs for both phases, including business/implementation plans for individual sites are estimated to be in the region of £100 - £135k for which budget provision has been identified within the original SLR allocation and service budgets.

## **10.0 LEGAL IMPLICATIONS**

- 10.1 Legal Services input has been provided throughout the process of undertaking the Strategic Leisure Review.
- 10.2 The undertaking of the Leisure Investment Strategy will be procured in line with Council policy and procedures.

## **11.0 EQUALITIES IMPLICATIONS**

- 11.1 An Equalities impact screening has been undertaken. The outcome of the Review overall should have a positive impact in terms of the new delivery model, which has a greater focus on health, well being, inclusion and targeted services.
- 11.2 Engagement with a range of groups has been undertaken to inform the review, including those with protected characteristics.

## **12.0 CLIMATE CHANGE IMPLICATIONS**

- 12.1 A climate change screening has been completed. The proposal to review the leisure provision across North Yorkshire does not warrant a full CCIA to be undertaken at this stage. The review itself will have a negligible impact on climate change.
- 12.2 The leisure estate does have an impact on a number of the environmental factors above, namely: greenhouse gases, waste, water use, and pollution and the service is actively looking to mitigate these factors with low carbon plans and capital investment in solar panels and ASHPs.
- 12.3 The Leisure Investment Strategy will make recommendations relating to individual sites and consideration of climate change impacts and further assessments will be part of this stage.

## **13.0 PERFORMANCE IMPLICATIONS**

- 13.1 The new service model aims to improve outcomes and efficiency, with increased participation, especially amongst groups that experience barriers to participation. As part of the integration of services a new suite of performance measures that demonstrate the impact of the service, and a consistent method of recording and reporting on these is

being developed. In the short term, however, particularly as services transfer and given the scale of the change, there may be some short term dips in performance or service quality.

#### **14.0 POLICY IMPLICATIONS**

14.1 No direct implications. The review sets out a new delivery and operating model for the service and supports delivery of wider Council priorities.

#### **15.0 RISK MANAGEMENT IMPLICATIONS**

15.1 This is a large programme of transformation and there is a risk that performance and levels of service decrease in the short term. The phased approach and the identification of the wider support required aim to mitigate these risks.

15.2 The Leisure Investment Strategy is important to identify a programme of investment in leisure assets, which vary considerably in terms of their facilities and quality. The asset condition surveys undertaken identified in excess of £9m of works required in the next 10 years, and over £2.5million in the next 2 years. In addition there is a need to consider the wider issues of whether facilities are meeting anticipated needs and demand and supporting the delivery of the new service model for sport and active well being. Without investment there is a risk that facilities will deteriorate, with potentially unsustainable day to day maintenance costs and reducing income as facilities reduce in quality and attractiveness to customers.

#### **16.0 HUMAN RESOURCES IMPLICATIONS**

16.1 There will be a need for HR resources to support the transfer of staff and services in house, specifically to support TUPE transfer of staff.

#### **17.0 ICT IMPLICATIONS**

17.1 There will be a need for significant ICT resources during the transition phase to support the transfer of services in house and to ensure the effective integration of IT and specialist leisure management systems.

#### **18.0 COMMUNITY SAFETY IMPLICATIONS**

18.1 No direct implications, although leisure centres provide positive activities for people at all stages of life. Some sites are delivering specific programmes targeted at young people who may be engaged in anti-social behaviour or within the criminal justice system.

#### **19.0 CONCLUSIONS**

19.1 The Strategic Leisure Review provides an exciting opportunity to transform the delivery of "Leisure Services". It puts us at the forefront of a national movement to transform services with a renewed focus on physical and mental health and wider well being.

19.2 The new delivery model is bespoke for North Yorkshire, it aims to transform our leisure centres into sport and active well being hubs and promotes a strong integration between the physical facilities, sports development and place based delivery. The new approach will enable delivery of locally based services, with a mix of universal and targeted provision. There will be particular emphasis on the needs of groups who may face particular barriers to participation.

- 19.3 There are particular opportunities in greater partnership with NHS and social care organisations as a partner in prevention, recognising the value of increased physical activity in reducing demand and wider system pressure.
- 19.4 It is recommended that the management of the service is consolidated, over a phased period into a single in house model. The principle is that contracts will migrate in house at their natural end point, however, with some operational flexibility on the exact timing to take account of operational, capacity and other considerations that may arise in a programme of this scale. In line with this it is recommended that the Selby sites migrate from IHL in September 2024 to the in house service and not Brimhams as was previously agreed. This will reduce disruption, duplication of effort and the need to move the Selby sites twice in a relatively short space of time.
- 19.5 North Yorkshire currently has a complex mix of leisure providers. Whilst this adds complexity, the breadth of expertise, experience and good practice across the County is a real strength. Providers across the County are already delivering a range of universal and targeted services that are in line with the new delivery model, there is a strong focus on inclusion and tackling inequality and this forms a strong basis upon which we can build in the coming years.
- 19.6 The Brimhams model is particularly advanced in terms of its health and well being approach and workforce development and the intention is to scale up and adapt the approach more widely. Whilst there is a desire to streamline the current position into a single operating model, this is no reflection on the current provision or providers who deliver much valued and high quality services across the County.
- 19.7 The next phase of the Strategic Leisure Review is the undertaking of a Leisure Investment Strategy (LIS). This will build on the work already undertaken from the asset condition surveys and will consider further the condition of each site, future role and sustainability as a part of the new delivery model. This will be undertake in phases and will include an assessment of the current sites, with recommendations for 5/6 sites that require additional investment in order to become Active Well Being hubs and/or areas where there are identified gaps in provision to support active well being. Phase two will develop more detailed options in relation to the 5/6 identified sites from phase one including business and implementation plans. Funding for the LIS can be accommodated within existing budgets.

## 20.0 REASONS FOR RECOMMENDATIONS

- 20.1 To provide a clear way forward for the leisure service in North Yorkshire and to identify a clear model for service delivery and the future management of the service.

### 21.0 RECOMMENDATION(S)

- 22.1 The Executive are asked to approve:

i) The new delivery model for the sport and active wellbeing service as set out in section 4 above.

ii) That Members support the phased transition over the next 4 years to a single in house management model for the service. As part of this that the Selby services transfer to the in house service from September 2024 when the current contract with IHL ends.

iii) That Members support the undertaking of a Leisure Investment Strategy as set out above.

Appendix 1 : Financial and Non Financial Assessment  
Appendix 2 : Climate Impact Assessment  
Appendix 3 : Equality Impact Assessment

**BACKGROUND DOCUMENTS:**

*Strategic Leisure Review: Management Options Appraisal (confidential)*  
*Strategic Leisure Review: Executive Summary Report (confidential)*

*Nic Harne, Corporate Director (Community Development)*  
County Hall, Northallerton  
13/12/23

Report Author – Jo Ireland, Assistant Director (Culture, Leisure, Archives and Libraries)  
Report presenter – Jo Ireland

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





















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	Baseline 2022/23	In-house	LATC (Brimhams Active)	Procured Operator
<b>Income</b>				
Baseline income	£15,175,833	£15,175,833	£15,175,833	£15,175,833
Income adjustment	£0	-£289,192	£263,533	£430,020
Income savings on VAT	£0	£631,536	£767,437	£782,338
<b>Total income</b>	<b>£15,175,833</b>	<b>£15,518,177</b>	<b>£16,206,803</b>	<b>£16,388,192</b>
<b>Expenditure</b>				
Baseline expenditure	£6,442,157	£6,269,999	£6,286,650	£6,020,244
NNDR	£205,141	£850,230	£0	£0
Total staffing costs	£10,998,876	£11,503,176	£11,503,176	£10,384,085
Irrecoverable VAT	£417,021	£0	£740,143	£791,929
<b>Operational expenditure</b>	<b>£18,063,194</b>	<b>£18,623,405</b>	<b>£18,529,969</b>	<b>£17,196,258</b>
<b>Management costs</b>	<b>£3,078,177</b>	<b>£2,327,727</b>	<b>£2,025,850</b>	<b>£1,311,055</b>
<b>Net surplus/deficit</b>	<b>-£5,965,538</b>	<b>-£5,432,954</b>	<b>-£4,349,017</b>	<b>-£2,119,121</b>

**Note on VAT treatment:** Income savings on VAT relate to application of Chelmsford ruling (in-house) or VAT exemption on income (LATC and procured operator) where income has previously been taxable under an in-house operation. This is higher for LATC and procured operator due to the assumed higher levels of income generation. For a LATC and procured operator, a corresponding irrecoverable VAT cost is included in expenditure (for VAT paid on expenditure which relates to exempt income). For in-house the income is treated as non-business so all VAT on expenditure is recoverable.

### Non Financial Assessment

Criteria	In House	LATC (Brimhams)	Procured Operator
The degree to which the management model allows the Council to retain strategic control of services.			
The degree to which the management model enables the Council to implement a leisure facilities investment strategy. To include decarbonisation towards Net Zero. This could involve investment and de-commissioning / asset transfers of facilities			
The degree to which the management model will provide flexibility for NYC to			

Criteria	In House	LATC (Brimhams)	Procured Operator
undertake service transformation from leisure to sport and active wellbeing.			
The degree to which the management model will be best placed to work with stakeholders and system partners. To co-produce and provide more integrated and targeted active wellbeing services.			
The degree to which the management model will contribute to overall social value. This includes contributing towards improving local health outcomes, reducing the burden on the NHS, local employment and use of the local supply chain.			
The degree to which the management model will be able deliver targeted and evidence-based interventions in place. This may be unique to particular localities within the County or to particular target groups.			

## Initial Climate Change Impact Assessment

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

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

<b>Title of proposal</b>	Strategic Leisure Review - Shaping the future of Leisure Services in the new North Yorkshire Council
<b>Brief description of proposal</b>	<p>As part of the work to bring 8 councils together to create the new North Yorkshire Council which came into effect 1<sup>st</sup> April 2023, lead officers for leisure and sport have been working in conjunction with SLC (External consultants) to pull together a report with recommendations for the future delivery and management model options for leisure and well-being services.</p> <p>The reason for the strategic leisure review is to gain a full understanding of the range of leisure services available to the residents of North Yorkshire. The desired outcomes of the review are to:</p> <ul style="list-style-type: none"> <li>• identify a new, effective and efficient integrated delivery model for sport and leisure services across the county by 2027</li> <li>• identify how leisure services can deliver better value for money</li> <li>• undertake an options appraisal and recommendations relating to management options for the delivery of leisure services across the County (including in-house, outsourced, trust, Teckal and hybrid management options)</li> <li>• undertake a comprehensive audit of the condition of the current built facilities and a high-level assessment of future costs and liabilities</li> <li>• identify workforce options and potential structures</li> <li>• Provide recommendations for a system wide approach to developing more “active” places (linked with physical activity strategy)</li> <li>• Ensure that the wider leisure agenda is effectively communicated to NY internal stakeholders and integrated with other appropriate Council/partnership strategies</li> </ul>
<b>Directorate</b>	<b>Community Development</b>
<b>Service area</b>	<b>Culture, Leisure, Libraries and Archives</b>
<b>Lead officer</b>	<b>Jo Ireland</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	<b>Nicola Young – Project Manager Kieran Jones - Senior Project manager</b>

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


Remember to think about the following;

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

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

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

<b>Decision (Please tick one option)</b>	Full CCIA not relevant or proportionate:	X	Continue to full CCIA:	
<b>Reason for decision</b>	The proposal to review the leisure provision across North Yorkshire does not warrant a full CCIA to be undertaken at this stage. The review itself will have a negligible impact on climate change.			


	<p>The leisure estate does have an impact on a number of the environmental factors above, namely: greenhouse gases, waste, water use, and pollution and the service is actively looking to mitigate these factors with low carbon plans and capital investment in solar panels and ASHPs.</p> <p>The Leisure Investment Strategy will make recommendations relating to individual sites and consideration of climate change impacts will be part of this stage.</p>
<p><b>Signed (Assistant Director or equivalent)</b></p>	
<p><b>Date</b></p>	<p>03/11/23</p>

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<b>Initial equality impact assessment screening form</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>Directorate</b>	Community Development
<b>Service area</b>	Culture, Leisure, Libraries and Archives
<b>Proposal being screened</b>	Strategic Leisure Review - Shaping the future of Leisure Services in the new North Yorkshire Council
<b>Officer(s) carrying out screening</b>	Jo Ireland – Assistant Director
<b>What are you proposing to do?</b>	Following the undertaking of a Strategic Leisure Review – we are recommending a new delivery and management model options for leisure services.
<b>Why are you proposing this? What are the desired outcomes?</b>	<p>The strategic leisure review has been undertaken following the bringing together of 7 different services following LGR.</p> <p>The desired outcomes of the review are to:</p> <ul style="list-style-type: none"> <li>• identify a new, effective and efficient integrated delivery model for sport and leisure services across the county</li> <li>• identify how leisure services can deliver better value for money</li> <li>• undertake an options appraisal and recommendations relating to management options for the delivery of leisure services across the County (including in-house, outsourced, trust, Teckal and hybrid management options)</li> <li>• undertake a comprehensive audit of the condition of the current built facilities and a high-level assessment of future costs and liabilities</li> <li>• identify workforce options</li> </ul> <p>Engagement has been undertaken with a wide range of groups, this includes groups who may experience more difficulties in accessing services. This included:</p> <ul style="list-style-type: none"> <li>• Sports clubs and community well-being organisations</li> <li>• Wider public</li> <li>• Individuals and/or groups from lower socio economic areas</li> <li>• Young people</li> <li>• Older people</li> <li>• Refugees</li> <li>• Young carers</li> </ul>
<b>Does the proposal involve a significant commitment or removal of resources?</b> Please give details.	<p>The proposals will change the delivery of leisure services, with a stronger focus on health and well being and participation.</p> <p>There is no removal of resources.</p> <p>The focus on improving participation, addressing barriers and delivery of more inclusive services should have a positive effect on groups with protected characteristics.</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>			
As part of this assessment, please consider the following questions:			
<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>			
<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>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
<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.	The strategic review relates to the leisure service provision in North Yorkshire, where there are known inequalities with relation to rurality and access. The review takes into account key issues such as health inequalities, inclusion, health, and impacts on protected characteristics. The overall impact of the new delivery model should be a positive one.		
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b>	There are no negative impacts on how other organisations operate.  The review aims to promote greater inclusion with sport and active well being.		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	ü	Continue to full EIA:
<b>Reason for decision</b>	The review overall should have a positive impact in terms of the new delivery model, which has a greater focus on health, well being, inclusion and targeted services.  Engagement with a range of groups has been undertaken to inform the review, including those with protected characteristics.		

<b>Signed (Assistant Director or equivalent)</b>	
<b>Date</b>	03/11/2023

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## NORTH YORKSHIRE COUNCIL

### EXECUTIVE

9 JANUARY 2024

## MAINSTREAM SCHOOLS & SPECIAL SCHOOLS BUDGET

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

#### **1.0 PURPOSE OF THE REPORT**

- 1.1 This report asks the Executive to agree a number of recommendations relating to mainstream school and special school funding for 2024/25, as required by guidance issued by the Department for Education (DfE).
- 1.2 The recommendations in respect of mainstream schools relate to:
- Applying a Minimum Funding Guarantee (MFG) of 0.5% in the calculation of mainstream school budgets for the 2024/25 financial year.
  - The use of AWPU as the methodology for the allocation to school budgets of any surplus funding available within the Schools Block DSG after the calculation of the school funding formula using NFF values.
  - The use of a higher funding gains cap and higher scaling back percentage for managing the recovery of any funding shortfall on the Schools Block DSG after the calculation of the school funding formula using NFF values. In the event of any funding shortfall being too significant to manage through the use of the capping and scaling mechanism, the Corporate Director – Resources and the Corporate Director – Children & Young People’s Service, in consultation with the Chair of the Schools Forum, will determine a school funding methodology that delivers affordability within the 2024/25 Schools Block DSG and associated reserves.
  - Proposed changes to the notional Special Educational Needs (SEN) budget local funding formula calculation to reflect the funding requirements with North Yorkshire and comply with the funding formula validation requirements.
  - The inclusion of an exceptional circumstance lump sum of £50,000 for very small sparse secondary schools, which would otherwise be unable to attract sufficient funding to remain viable, in the 2024/25 North Yorkshire school funding formula.
  - The transfer of 0.5% of funding from the Schools Block Dedicated Schools Grant (DSG) to the High Needs Block.
- 1.3 These recommendations have been informed by the views of schools during a county-wide consultation and considered and agreed by the North Yorkshire Schools Forum.
- 1.4 The recommendations in respect of special schools, pupil referral service and alternative provision settings relate to:
- The implementation of a MFG funding protection of +0.5% for special schools for the 2024/25 financial year. The MFG is not applicable to PRU.
  - The application of a +1.9% increase to the 2023/24 banded / Element 3 funding values for the 2024/25 financial year.
  - Applying an increase of +1.9% to the Banded Funding allocations (top up/ ‘element 3’ allocations) received by mainstream and special schools and academies for the 2024/25 financial year.

- Applying an increase of +1.9% to the Banded Funding allocations (top up / element 3 allocations) received by pupil referral units and alternative provision settings for the 2024/25 financial year.
- Applying an increase of +1.9% to the factor elements within the Special school contextual funding for the 2024/25 financial year.
- The application of a +1.9% increase to the 2023/24 rate for residential special school placements for the 2024/25 financial year.

1.5 The report also asks the Executive to agree to continue to lobby central government for a fairer and more equitable funding settlement for schools in North Yorkshire.

## 2.0 BACKGROUND

2.1 In July 2023 the Department for Education (DfE) provided information in relation to National Funding Formula (NFF) developments for the 2024-25 financial year. Subsequently, on 6 October 2023, the DfE provided revised 2024/25 school funding information after the identification of an error made by DfE officials during the initial calculations of the NFF and processing of forecast pupil numbers. Nationally, the overall cost of the core schools budget is 0.62% greater than originally allocated resulting in the funding through the mainstream schools national funding formula (NFF) increasing by 1.9% per pupil in 2024-25, compared to 2023-24; the original increase announced in July 2023 was 2.7% per pupil. The key NFF updates for the next financial year are as follows:

- The core factors in the schools NFF (basic entitlement, low prior attainment (LPA), FSM6, income deprivation affecting children index (IDACI), English as an additional language (EAL), mobility, sparsity and the lump sum) will increase by 1.4%.
- A 1.6% increase to the free school meals (FSM) factor value
- Rolling the 2023-24 mainstream schools additional grant (MSAG) into the NFF by:
  - adding an amount representing what schools receive through the grant into their baselines
  - adding the value of the lump sum, basic per pupil rates and free school meals Ever 6 (FSM6) parts of the grant onto the respective factors in the NFF
  - uplifting the minimum per pupil values by the mainstream schools' additional grant's basic per-pupil values and an additional amount which represents the average amount of funding schools receive from the FSM6 and lump sum parts of the grants.
- The minimum per pupil funding levels will ensure that every primary school receives at least £4,610 per pupil, and every secondary school at least £5,995 per pupil. The minimum per pupil funding levels are mandatory in 2024-25. The funding values include £143, £186 and £208 per primary, KS3 and KS4 pupils respectively for the rolling in of the MSAG, plus a further 1.4% increase. The average amounts in respect of the supplement grant reflect the average level of funding these schools currently attract through the grant.
- The introduction of a new national formulaic approach for the allocation of split site funding.
- Every school will be allocated at least 0.5% more pupil-led funding per pupil compared to its 2023-24 baseline.
- Local authorities are able to continue to set a Minimum Funding Guarantee (MFG) in local formulae, which in 2024-25 must be between +0% and +0.5%
- Following the cancellation or incompleteness of Key Stage 2 assessments in summer 2020 and summer 2021 due to coronavirus (COVID-19), local authorities will not be able to use this data as part of setting a low prior attainment factor in local funding formulae. Instead, local authorities will use 2019 assessment data as a proxy for the missing assessments in 2020, and 2022 attainment data as a proxy for the missing assessments in 2021. (This is a change from the 2023-24 methodology where 2019 was used as the proxy for 2021)

- Local authorities continue to be able to transfer up to 0.5% of their schools' block to other blocks of the Dedicated Schools Grant (DSG), with school's forum approval. A disapplication request is required for transfers above 0.5%, or for any amount without school's forum approval.

2.2 The DfE require local authorities to keep under review the calculation of their schools' notional SEN budgets to ensure that they are both proportionate to the costs and prevalence of pupils on SEN Support and that they meet additional support costs up to £6,000 per pupil of those with more complex needs. The DfE guidance recommends that a review of the notional SEN budget calculation for 2024-25 is undertaken to ensure that the identified funding is sufficient for the reasonable additional costs that may be incurred by schools. The DfE require local authorities to subsequently review the notional SEN budget calculation on an annual basis. The 2024/25 North Yorkshire School Funding consultation requested the views from mainstream schools and academies on a proposal to change the notional SEN budget calculation to better reflect the notional SEN budget funding requirements within North Yorkshire schools and academies, to align to the average notional SEN budget funding levels and funding formula factor weightings of other local authorities with similar characteristics to North Yorkshire, to reflect the operating context and diversity of schools and academies within North Yorkshire, and to ensure compliance with the DfE validation check that a LA's total notional SEN budget provides schools with a certain amount per pupil identified as on SEN support, having deducted £6,000 per pupil with an EHC plan. The proposed changes to the North Yorkshire notional SEN funding formula are detailed in the table below:

<b>Formula Factor</b>	<b>2024/25 Proposed North Yorkshire Use &amp; Weighting</b>	<i>2023/24 North Yorkshire Use &amp; Weighting (For information)</i>
Primary Basic Entitlement (AWPU)	<b>5.20%</b>	<i>0.39%</i>
KS3 Basic Entitlement (AWPU)	<b>3.50%</b>	<i>0.48%</i>
KS4 Basic Entitlement (AWPU)	<b>3.50%</b>	<i>0.48%</i>
FSM	<b>0.00% (P)</b>	<i>17.10% (P)</i>
	<b>0.00% (S)</b>	<i>23.30% (S)</i>
FSM6	<b>30.00% (P)</b>	<i>17.10% (P)</i>
	<b>30.00% (S)</b>	<i>23.30% (S)</i>
IDACI	<b>20.00% (P)</b>	<i>5.00% (P)</i>
	<b>20.00% (S)</b>	<i>7.20% (S)</i>
EAL	<b>0.00% (P)</b>	<i>0.00% (P)</i>
	<b>0.00% (S)</b>	<i>0.00% (S)</i>
Mobility	<b>30.00% (P)</b>	<i>32.00% (P)</i>
	<b>30.00% (S)</b>	<i>59.00% (S)</i>
Prior Attainment	<b>100.0% (P)</b>	<i>100.00% (P)</i>

	<b>100.0% (S)</b>	<i>100.00% (S)</i>
Lump Sum	<b>5.20% (P)</b>	<i>0.00% (P)</i>
	<b>3.50% (S)</b>	<i>0.00% (S)</i>
Sparsity	<b>0.00% (P)</b>	<i>0.00% (P)</i>
	<b>0.00% (S)</b>	<i>0.00% (S)</i>
Exceptional Circumstance	<b>0.00%</b>	<i>0.00%</i>
MPPL	<b>0.00%</b>	<i>0.00%</i>
MFG	<b>0.00%</b>	<i>0.00%</i>
<b>Notional SEN Budget Funding Per Mainstream Pupil (based on 2023/24 funding rates)</b>	<b>£613.72</b>	<i>£417.80</i>

P=Primary S=Secondary

- 2.3 A 0.5% transfer of funding from the Schools Block to the High Needs budget is proposed for the 2024/25 financial year. North Yorkshire Council is forecasting a cumulative budget deficit of c£13m on the High Needs budget by 31 March 2024. The deficit position is forecast to continue to escalate for future financial years if the present demand trend for high needs support continues. The in-year deficit on the High Needs Block for 2024-25 is estimated to be £7.6m based on assumptions on the continued trend for an increase in the number of children and young people assessed as requiring a funded Education, Health and Care Plan (EHCP), inflationary pressures, the mix of placements across different types of education provision, and the likely increase in High Needs Block funding notified by the DfE. The local authority has been identified as one of 55 local authorities to receive support through the DfE Delivering Better Value (DBV) programme. The programme will see North Yorkshire receive support, in the form of project management and change management capacity to develop a three-year transformational programme to address the financial pressures on the High Needs budget, with the DfE providing grants directly to North Yorkshire to enable the local authority to implement and embed reforms, with ongoing support and challenge by DfE officials. Given the significance of the levels of concern, at both local authority level and national DfE level, in relation to the High Needs budget deficit position within North Yorkshire, the local authority feels that the transfer of 0.5% from the Schools Block DSG to the High Needs Budget for the 2024/25 financial year must be considered as part of the overall financial recovery plan strategy for the High Needs Budget.
- 2.4 Minimum Funding Guarantee (MFG) is a protection for special schools against seeing a reduction in funding from year to year assuming that the number and type of places remain the same. For 2024/25 DfE have prescribed that the MFG protection level for special schools must be set within the boundaries of between 0% and 0.5%, which is in line with mainstream schools. The 2024/25 North Yorkshire Special School Funding consultation requested the views from special schools and academies as to the level of the Special School MFG for the 2024/25 financial year.
- 2.5 In practical terms and, if required, the Council will utilise the mechanism, allowed by the DfE, of capping and scaling to ensure the local school funding formula based on mainstream NFF formula factors values as issued by the DfE in published notional budgets is affordable within the constraints of the final agreed funding envelope.



### 3.0 MAINSTREAM SCHOOL FUNDING

3.1 A local funding consultation requested the views of mainstream schools and academies on the following areas:

- The level of the minimum funding guarantee (MFG) protection. This determines the minimum funding change that a school will receive in terms of funding per pupil between the 2023/24 financial year and the 2024/25 financial year.
- The methodology to be used to deal with any funding surplus or shortfall on the 2024/25 schools' block Dedicated Schools Grant (DSG) after the calculation of school budgets.
- Changes to the notional Special Educational Needs (SEN) budget local funding formula calculation for 2024/25
- A transfer of 0.5% funding from the Schools Block DSG to the High Needs Block budget for the 2024/25 financial year

The consultation results are detailed in the table below:

Option	MFG %	No. Responses Received Supporting Option	No. Schools Represented in Responses Supporting Option
Option 1	0%	10	14
Option 2	0.5%	25	43
		<b>35</b>	<b>57</b>
<b>Option</b>	<b>Methodology for the Allocation of Any Surplus Funding</b>		
Option 1	Age Weighted Pupil Unit (AWPU) values increased	20	34
Option 2	Lump Sum Formula Factor Value increased	15	23
		<b>35</b>	<b>57</b>
<b>Option</b>	<b>Methodology for the Operation of Capping and Scaling to Recover Any Funding Shortfall</b>		
Option 1	A lower gains cap percentage and a lower scaling back of gains percentage	22	24
Option 2	A higher gains cap percentage and a higher scaling back of gains percentage	13	33
		<b>35</b>	<b>57</b>
<b>Option</b>	<b>Proposed Changes to the Calculation of the Notional SEN Budget</b>		
Option 1	Supported	25	46
Option 2	Not Supported	9	9
		<b>34*</b>	<b>55*</b>
<b>Option</b>	<b>Proposed Transfer of 0.5% from the Schools Block DSG to the High Needs Block</b>	<b>No. Responses Received Supporting Option</b>	<b>No. Schools Represented in Responses Supporting Option</b>
Option 1	Supported	16	23
Option 2	Not Supported	19	34
		<b>35</b>	<b>57</b>

\*The Primary Federation (representing 2 schools) did not provide a response to this question

- 3.2 In 2018/19, the view was expressed by the North Yorkshire Education Partnership (now Schools Forum) to implement a funding formula that reflects the NFF principles and the associated transitional arrangements. A 0.5% MFG best reflects the DfE 'direction of travel' and reflects the level of funding increase provided by the DfE to the minimum per pupil level funding. In terms of the distribution methodology for the allocation to school budgets of any surplus funding available within the Schools Block DSG after the calculation of the school funding formula using NFF values, a lump sum methodology would generally benefit smaller schools and an AWPu methodology would generally provide greater funding benefit to larger schools. The impact of the capping and scaling methodology is generally a lower funding gains cap requires a lower scaling back percentage to achieve the required funding reduction. This results in the reduction being shared across a wider number of schools and there is a lower level of funding gains reduction across the schools impacted. A higher funding gains cap requires a higher scaling back percentage to achieve the required reduction. This results in the reduction being shared across a lower number of schools (those schools with highest level of gain) and there is a higher level of gains reduction across the schools impacted. The setting of the MFG level is the prime decision, with the decision on the methodology for the management of any surplus or shortfall in funding allocation representing a secondary consideration.
- 3.3 The local authority acknowledges the views of schools expressed in the funding consultation and recognises the current financial pressures on school budgets. However, the local authority has a corporate duty to address the forecast budget overspend of c.£20.0m on the High Needs budget by 31 March 2025. In this respect, the local authority sought approval from the Schools Forum for the transfer of 0.5% (estimated £2.18m) of funding from the Schools Block DSG to the High Needs Block. In order to partially mitigate the impact of the proposed transfer on school budgets, the local authority is proposing the following support measures:
- Distribution of up to £0.5m from the Schools Block DSG General Reserve to school budgets in the event of a funding shortfall on the 2024/25 school budget calculation (agreed by the Schools Forum at the September 2023 meeting)
  - Release of the annual £0.5m funding allocation for core basic need Pupil Growth funding to school budgets for the 2024/25 financial. It is proposed to fund any basic need Pupil Growth requirements from the associated reserve.
  - The funding of the de-delegated contingency budgets associated with Schools in Financial Difficulties, School Redundancy Costs Contribution and Unreasonable School Expenditure from the associated reserves for the 2024/25 financial year.
- 3.4 The North Yorkshire Schools Forum considered the results of the 2024/25 School Funding Consultation at their meeting on the 23 November 2023. The Schools Forum supported:
- A MFG of 0.5% for 2024/25
  - The use of AWPu as the methodology for the allocation to school budgets of any surplus funding available within the Schools Block DSG after the calculation of the school funding formula using NFF values.
  - The use of a higher funding gains cap and higher scaling back percentage for managing the recovery of any funding shortfall on the Schools Block DSG after the calculation of the school funding formula using NFF values.
  - The proposed changes to the notional Special Educational Needs (SEN) budget local funding formula calculation for 2024/25. The proposed 2024/25 notional SEN funding formula is as detailed in section 2.2 of this report.
  - The local authority proposal to transfer 0.5% of funding from the Schools Block DSG to the High Needs Block for the 2024/25 financial year.
- 3.5 At its September 2023 meeting, the North Yorkshire Schools Forum supported the submission of an application to the ESFA to include an exceptional circumstance of up to £50,000 for very small sparse secondary schools, which would otherwise be unable to attract

sufficient funding to remain viable, in the 2024/25 North Yorkshire school funding formula. Local authorities can only make an application for this where schools have:

- pupils in years 10 and 11
- 350 pupils or fewer
- a sparsity distance of 5 miles or more

The ESFA have confirmed approval of the application request. At this stage, it is considered that no schools will be eligible to receive this funding.

#### **4.0 TEACHERS PAY ADDITIONAL GRANT**

4.1 The DfE have provided additional grant funding through the Teachers Pay Additional Grant (TPAG) to support schools in meeting the costs of the 2023-24 teachers pay award of 6.5%. The additional grant is intended to fund the cost of the pay award above 3.5%. The TPAG will be paid as a separate grant for the period September 2023 to March 2024 and the 2024-25 financial year. The TPAG base funding rates for mainstream schools for the 2023-24 financial year are as follows:

- a basic per-pupil rate of £36 for primary pupils, including pupils in reception
- a basic per-pupil rate of £50 for key stage 3 pupils
- a basic per-pupil rate of £57 for key stage 4 pupils
- a lump sum of £1,345
- an FSM6 per-pupil rate of £31 per eligible primary pupil
- an FSM6 per-pupil rate of £45 per eligible secondary pupil

The grant funding rates for the 2024-25 financial year will be paid at 12/7ths of the 2023-24 rates.

#### **5.0 SPECIAL SCHOOL FUNDING**

5.1 Special school funding arrangements for 2024/25 will be impacted by a combination of:

- uplift factors applied to Banding allocations (for top-up funding)
- uplift factors applied to Contextual Funding
- the specific operation of the Minimum Funding Guarantee in the Special
- school sector at a national level, and local level.

5.2 Consideration of Special School funding arrangements needs to be undertaken within the context of the position on the High Needs budget remaining extremely pressured. The estimated in-year financial pressure in 2024-25 is in the order of £7.5m that will add to the estimated accumulated High Needs Deficit of £13m as at 31 March 2024. Unchecked, this will lead to an accumulated deficit of c.£20m by 31 March 2025. Projections beyond 2024/25 show an increased number of children and young people assessed as requiring an Education Health and Care Plan with an associated increase in pressure on the High Needs budget. This financial pressure is felt across the SEND system in North Yorkshire and represents an unsustainable position for mainstream schools and academies, special schools and special academies, other settings and provision for children and young people with additional needs and the local authority.

5.3 The local authority is aware and acknowledges the financial pressure facing special schools and has sought to ensure protection and investment for the sector, balanced against the very challenging High Needs funding settlement for North Yorkshire as a whole. Any decisions around the funding for Special Schools in North Yorkshire will be taken in conjunction with participation in the Delivering Better Values in SEND programme.

5.4 Minimum Funding Guarantee (MFG) is a protection for special schools against seeing a reduction in funding from year to year assuming that the number and type of places remain

the same. For 2024-25 DfE have prescribed that the MFG protection level for special schools must be set within the boundaries of between 0% and 0.5%, which is in line with mainstream schools.

- 5.5 The local authority has consulted special schools and academies within North Yorkshire on MFG protections levels of 0% and 0.5% for the 2024/25 financial year. 3 out of the 10 special school and academies within North Yorkshire provided a response to the 2024/25 funding consultation. The consultation results are detailed in the table below:

Option	MFG %	No. Responses Received Supporting Option
A	0%	0
B	0.5%	3
<b>Total Responses</b>		<b>3</b>

- 5.6 The North Yorkshire Schools Forum considered the results of the 2024/25 Special School Funding Consultation at their meeting on the 23 November 2023. The Schools Forum supported a Special Schools MFG level of 0.5% for the 2024/25 financial year. The Special School MFG is not applicable to Pupil Referral Units (PRU). The estimated cost of the application of the 0.5% MFG compared to 0.0% MFG for 2024/25 is £60k, based on current pupil levels at North Yorkshire Special Schools.

- 5.7 The table below provides details of the impact of the proposed 0.5% MFG funding protections at individual school level:

School	2024/25 0.5% MFG
Brompton Hall	£0
Welburn Hall	£37,226
The Woodlands	£0
The Dales	£23,041
Springhead	£0
The Forest	£26,927
Springwater	£7,505
Brooklands	£22,195
Mowbray	£0
Forest Moor	£135,205
<b>TOTAL COST</b>	<b>£252,099</b>

It needs to be noted that the final value of MFG may change significantly by the point that the actual budget determinations are made (due to changes in pupil numbers, commissioned place numbers and/or changes in the assessed needs of the pupils).

- 5.8 The DfE High Needs guidance makes no provision for the application of the MFG for alternative provisions.
- 5.9 A proposed inflationary uplift of 1.9% will be applied to Element 3 top-up funding and the contextual funding received by Special Schools for the 2024/24 financial year. In determining the proposed inflationary uplift, the local authority is very mindful of both the significant inflationary pressures being experienced by schools and the deficit position on the local authority High Needs Block funding. The proposed increase is reflective of the DfE NFF increase for mainstream schools for the 2024/25 financial year. This proposed rate of

increase will be applied to Special Schools, mainstream schools and other settings in receipt of High Needs funding.

- 5.10 The new rates of funding are detailed below; these rates will apply across all settings in receipt of top-up funding.

	Funding Rates 2023-24	Funding Rates 2024-25 (including +1.9% increase)
Band 3	£0	£0
Band 4	£1,810	£1,850
Band 5	£3,990	£4,070
Band 6	£5,770	£5,880
Band 7	£8,820	£8,990
Band 8	£10,530	£10,740
Band 9	£14,620	£14,900
Band 10	Bespoke	Bespoke

- 5.11 It is proposed to increase the factor elements within the Contextual Funding by the assumed inflationary increase of +1.9%.
- 5.12 The uplift of +1.9%, proposed to be applied to the banded funding rates, is also proposed to be applied to the top-up funding allocation of £9,007 for pupil referral unit (PRU) and alternative provision (AP) settings. This will increase the top-up funding allocation for these settings to £9,178 for the 2024/25 financial year.
- 5.13 The current rate of funding in respect of placements in residential special schools for the residential component of the provision is £19,939 per annum. In the 2024/25 financial year, this funding will only apply to a small number of pupils in Brompton Hall's residential provision during the summer 2024 term before that provision is discontinued. This is because the residential provision at Welburn Hall has been paused for two academic years as a result of the major reactive repairs and maintenance programme in place at the school. It is proposed that the residential funding rate should be increased from £19,939 by +1.9% (in line with the proposed increase for Element 3 allocations) to £20,318 per annum

## 6.0 FINANCIAL IMPLICATIONS

- 6.1 The required funding for school budgets and high needs is provided from the Schools Block DSG, the Schools Block DSG Reserve and the High Needs Block DSG. There is no direct impact on the Council's budget as a result of the proposals detailed for school and high needs budgets for the 2024/25 financial year.
- 6.2 There is an impact on individual schools in terms of how the funding will be allocated. No mainstream school will receive less than the mandatory Minimum Per Pupil Level (MPPL) of funding. A comparison of the impact on schools for each of the proposed options was illustrated at individual mainstream school level as part of the consultation.
- 6.3 The proposed school funding arrangements will provide the maximum funding guarantee for 2024/25 permitted within the parameters established by the Department for Education. The funding outlook remains challenging for a number of schools - particularly small, rural secondary schools and special schools. The local authority continues to lobby for a fairer funding deal for schools in North Yorkshire, particularly those rural schools who cannot achieve the economies of scale of their more urban counterparts, whilst delivering a broad curriculum. The local authority continues to support, challenge and, where necessary,

intervene in schools to ensure the continued delivery of good quality education in financially sustainable schools.

## **7.0 LEGAL IMPLICATIONS**

- 7.1 No specific legal implications are identified as a result of the recommendations contained within this report. The DfE have a deadline of 22 January 2024 for the submission of mainstream school budgets (following political approval).

## **8.0 EQUALITIES IMPLICATIONS**

- 8.1 An Equality Impact Assessments (EIA) have been completed in respect of the proposals contained within this report. It is anticipated that there will be no impact on any persons with protected characteristics as defined by the Equality Act 2010. The EIA are provided in Appendix 1.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

- 9.1 Climate Change Impact Assessments (initial screening form) have been completed in respect of the proposals contained within this report. There are no specific climate change implications identified with the proposals.

## **10.0 CONSULTATION UNDERTAKEN AND RESPONSES**

- 10.1 A consultation was undertaken with all mainstream schools and academies in North Yorkshire, following discussions with the North Yorkshire Schools Forum.
- 10.2 This consultation lasted from 22<sup>nd</sup> September 2023 until 8<sup>th</sup> November 2023. 35\* responses have been received to the Consultation, as shown below.

LA Maintained Primary	19
LA Maintained Primary Federation	1
LA Maintained Secondary	7
Primary Academy	2
Secondary Academy	2
Academy Trust	4
	<hr/>
	35
	<hr/>

(57 schools and academies are represented in the responses received providing an overall response rate of 16.81% (14.14% LA maintained schools, 20.57% academies). 282 schools / academies are not represented in the consultation responses.

The LA maintained primary federation represents 2 schools. Four academy trusts have responded to the consultation representing 11, 6, 5 and 3 North Yorkshire academies respectively.

\*Duplicate, anonymous and non-mainstream responses have been disregarded from the consultation results.



10.3 The local authority has consulted special schools and academies within North Yorkshire on MFG protections levels of 0% and 0.5% for the 2024/25 financial year. 3 out of the 10 special school and academies within North Yorkshire provided a response to the 2024/25 funding consultation. The consultation results are detailed in the table below:

<b>Option</b>	<b>MFG %</b>	<b>No. Responses Received Supporting Option</b>
A	0%	0
B	0.5%	3
<b>Total Responses</b>		<b>3</b>

## 11.0 RECOMMENDATIONS

11.1 The Executive is asked to note the contents of this report, and to agree:

- a. That the Council applies a Minimum Funding Guarantee (MFG) of +0.5% in the calculation of mainstream school budgets for the 2024/25 financial year.
- b. That the Council uses age weighted pupil units (AWPU) as the methodology for the allocation to school budgets of any surplus funding available within the Schools Block DSG after the calculation of the school funding formula using National Funding Formula (NFF) values for the 2024/25 financial year
- c. That the Council uses a higher funding gains cap and higher scaling back percentage for managing the recovery of any funding shortfall on the Schools Block DSG after the calculation of the school funding formula using NFF values for the 2024/25 financial year. In the event of any funding shortfall being too significant to manage through the use of the capping and scaling mechanism, the Corporate Director – Resources and the Corporate Director – Children & Young People’s Service, in consultation with the Chair of the Schools Forum, will determine a school funding methodology that delivers affordability within the 2024/25 Schools Block DSG and associated reserves.
- d. That the Council implements the changes, as detailed in section 2.2 of this report, to the notional Special Educational Needs (SEN) budget local funding formula calculation for the 2024/25 financial year to reflect the funding requirements with North Yorkshire and comply with the funding formula validation requirements.
- e. That the Council includes an exceptional circumstance lump sum of £50,000 for very small sparse secondary schools (which would otherwise be unable to attract sufficient funding to remain viable) in the 2024/25 North Yorkshire school funding formula. The estimated £50k additional funding requirement to be funded from the DSG Schools Block Reserve.
- f. That the Council transfers 0.5% of funding from the Schools Block Dedicated Schools Grant (DSG) to the High Needs Block.
- g. That the Council applies MFG funding protection of 0.5% for special schools for the 2024/25 financial year.

- h. That the Council applies an increase of +1.9% to the Banded Funding allocations (top up/ 'element 3' allocations) received by mainstream and special schools and academies for the 2024/25 financial year.
- i. That the Council applies an increase of +1.9% to the Banded Funding allocations (top up / element 3 allocations) received by pupil referral units and alternative provision settings for the 2024/25 financial year.
- j. That the Council applies an increase of +1.9% to the factor elements within the Special school contextual funding for the 2024/25 financial year.
- k. The application of a +1.9% increase to the 2023/24 rate for residential special school placements for the 2024/25 financial year.
- l. That the Council will continue to push for a fairer and more equitable funding settlement for schools in North Yorkshire. We will also continue to lobby for a fairer settlement of High Needs resources.

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

January 2024

Author of report – Howard Emmett, Assistant Director – Strategic Resources

Background Documents:

Reports to the North Yorkshire Schools Forum:

- 16 March 2023
- 18 May 2023
- 21 September 2023
- 23 November 2023

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



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

(form updated June 2023)

### 2024/25 School Funding Consultation

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。

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 find completed EIAs, we also publish them in our website's Equality and Diversity section. 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	Central Services - Resources
Lead Officer and contact details	Howard Emmett – Assistant Director – Resources <a href="mailto:howard.emmett@northyorks.gov.uk">howard.emmett@northyorks.gov.uk</a>
Names and roles of other people involved in carrying out the EIA	Sally Dunn – Head of Finance – Schools. Early Years & High Needs <a href="mailto:sally.dunn@northyorks.gov.uk">sally.dunn@northyorks.gov.uk</a>
How will you pay due regard? for example, working group, individual officer	The proposal will be subject to a school wide consultation process from 22 <sup>nd</sup> September 2023 ending 27 <sup>th</sup> October 2023 and this EIA will be updated during and following the consultation responses. The item will be discussed at the North Yorkshire School Forum meetings on 21 <sup>st</sup> September 2023 and 23 <sup>rd</sup> November 2023.
When did the due regard process start?	In setting School Funding each year, it is necessary to consider the level at which the Minimum Funding Guarantee (MFG) is set within

the parameters determined by the DfE and to consider any other local school funding formula decisions for the following financial year. This EIA considers these issues in respect of 2024-25 School Funding.

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

The EIA considers the review of the level of the MFG and school funding decisions to be considered for the 2024/25 financial year.

In setting School Funding each year, it is necessary to consider the level at which the Minimum Funding Guarantee (MFG) is set within the parameters determined by the DfE. The DfE school funding guidance for 2024/25 allows local authorities to continue to be able to set a MFG in local formulae, which in 2024/25 must be between 0% and +0.5%. This allows every school, dependent on the local decision on the level of the MFG, the opportunity to benefit from 0.5% more pupil-led funding per pupil compared to its 2023/24 National Funding Formula (NFF) baseline.

In the event of there being a funding shortfall or funding surplus in the Schools Block Dedicated Schools Grant (DSG) after the school funding formula allocations have been calculated using the NFF values as determined by the DfE, the methodology which will be used to allocate funding to or clawback funding from school budgets needs to be considered.

Local authorities are required to comply with the requirement to identify, for each mainstream school in their area, a notional amount within a school's delegated budget to guide schools in their spending to meet the costs, up to £6,000 per pupil, of additional support for the school's pupils with special educational needs (SEN). Although this is an indicative amount, the DfE identify that it is important that it is sufficient for the reasonable additional costs that may be incurred by schools. Each local authority determines the calculation for the notional SEN budget within their local school funding formula. For the 2024/25 financial year, DfE recommend that local authorities undertake a check of the notional SEN budget calculation for 2024-2025 to ensure that it is in line with the latest DfE guidance. The notional SEN budget calculation for NYC needs to be considered for the 2024/25 financial year.

NYC is intending to consult schools on a request to transfer 0.5% funding from the Schools Block DSG to the High Needs budget for the 2024-25 financial year. This request is based on the continued and increasing cost pressures on the High Needs block in North Yorkshire; the High Needs cumulative budget deficit is forecast to be c£13m by March 2024 and the deficit position is forecast to continue to escalate for future financial years if the present demand trend for high needs support continues. The transfer of 0.5% of the 2024-25 Schools Block funding is estimated to be £2.2m. The in-year deficit on the High Needs Block for 2024-25 is estimated to be £7.6m based on assumptions on the continued trend for an increase in the number of children and young people assessed as requiring a funded Education, Health and Care Plan (EHCP), inflationary pressures, the mix of placements across different types of education provision, and the likely increase in High Needs Block DSG funding notified by the DfE. The transfer represents less than 30% of the currently estimated in-year deficit for 2024-25.

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

The DfE require each local authority to determine the level of the MFG to be used within their local school funding formula each financial year.

In order to ensure the effective and affordable use of the Schools Block DSG funding, consideration needs to be given to the methodology for managing any surplus or shortfall in funding after the calculation of school funding formula allocations using the NFF values as determined by the DfE.

The DfE requires each local authority to set a notional SEN budget calculation that is sufficient for the reasonable additional costs that may be incurred by schools. The notional SEN budget calculation within the NYC school funding formula has not been reviewed for a number of years. The calculation methodology is required to be reviewed and, where identified appropriate, updated to reflect the increasing numbers of pupils with SEN within North Yorkshire mainstream schools (over 100% increase in pupils assessed as requiring an EHCP between 2017 and 2023) and to ensure compliance with the latest DfE guidance.

The deficit on the High Needs Block DSG for NYC is forecast to be £13m at the end of the 2023/24 financial year. This position is forecast to deteriorate further for the 2024/25 financial year by a further £7.6m based on assumptions on the continued trend for an increase in the number of children and young people assessed as requiring a funded EHCP, inflationary pressures, the mix of placements across different types of education provision, and the likely increase in High Needs Block DSG funding for 2024/25 notified by the DfE. It is recognised that the proposed 0.5% funding transfer from the Schools Block to the High Needs budget for the 2024/25 financial year presents a cost pressure to school budgets. However, given the significance of the levels of concern, at both local authority level and national DfE level, in relation to the High Needs budget deficit position within North Yorkshire, the local authority feels that this option must be considered as part of the overall financial recovery plan strategy for the High Needs budget.

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

The impact on individual schools may vary in relation to:

- the proposed level of the MFG to be implemented in 2024/25 and the methodology used for managing any surplus or shortfall in funding on the Schools Block DSG after the calculation of school funding formula allocations using the NFF values as determined by the DfE
- the notional SEN budget calculation will be more reflective of the increased number of pupils with SEN within North Yorkshire schools and is sufficient for the reasonable additional costs that may be incurred by schools.
- the level of deficit on the DSG high needs budget will be partially mitigated by a transfer of funding from the Schools Block DSG and the High Needs budget. The transfer is reflective of the shared budget responsibility within the high needs system for the provision of support for pupils with SEN. However, it is recognised that any funding transfer will result in an additional cost pressure on school budgets.

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

The DfE released their 2024/25 funding announcement and the associated detailed funding information required to model funding formula options for the next financial year in July 2023. The

North Yorkshire Schools Forum will be updated on the 2024/25 funding arrangements and notified on the intention to consult with schools at its meeting the 21 September 2023.

A consultation will be undertaken with schools and academies will be undertaken between 22 September 2023 and 27 October 2023.

The responses and results from the consultation exercise will be presented at the Schools Forum on 23 November 2023. This EIA will be updated during and following the consultation responses. Schools will be notified of the outcome of this process in early / mid-December 2023

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

Please explain briefly why this will be the result.

The specific proposal in the EIA is cost neutral as all costs will be contained within the ring-fence of the 2024/25 Schools and High Needs Block DSG

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic. The proposal will be applied to both primary and secondary schools.
Disability		✓		It is anticipated that the proposal will increase funding levels identified through a school's notional SEN budget. A school's notional SEN budget provides a guide for spending decisions on the school's duty to use its 'best endeavours' to secure special provision for its pupils with SEND
Sex	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic.
Race	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
Gender reassignment	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
Sexual orientation	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic

Religion or belief	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
Pregnancy or maternity	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
Marriage or civil partnership	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
...have a low income?	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
...are carers (unpaid family or friend)?	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
..... are from the Armed Forces Community	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
North Yorkshire wide	✓
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>	

<b>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (for example, 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.</b>
None identified

<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>
1. <b>No adverse impact - no major change is needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	✓
2. <b>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.	
3. <b>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)	
4. <b>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 the option has been chosen</b> (include any advice given by Legal Services.)</p> <p>No significant adverse impacts have been identified from the EIA affecting one or more protected characteristic. Whilst it is acknowledged that the proposed 0.5% funding transfer from the Schools Block DSG to the High Needs budget for the 2024/25 financial year presents a cost pressure to school budgets, the funding reduction will be implemented proportionately across all primary and secondary schools. It is considered that the impact will be across all mainstream schools with North Yorkshire and no greater adverse impact will be experienced by anyone with a protected characteristic.</p> <p>The consultation with schools will conclude on the 27 October 2023. This EIA will be updated during and following the consultation responses should this be required.</p>	

<p><b>Section 11. If the proposal is to be implemented how will you find out how it is really affecting people?</b> (How will you monitor and review the changes?)</p> <p>The school financial governance processes operating within the LA monitor the position of school budgets and the associated impact on the operations of schools.</p> <p>The high needs budget is monitored on a monthly basis, with quarterly formal reporting.</p>
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<p><b>Section 12. Action plan.</b> 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.</p>				
Action	Lead	By when	Progress	Monitoring arrangements
1. To undertake a formal consultation with schools	Howard Emmett – Asst. Director	27 October 2023		
2. To report outcomes to School Forum	Howard Emmett – Asst. Director	23 November 2023		



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

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

- To consider MFG levels of 0% and 0.5% for the 2024/25 financial year
- To consider the methodology to be used, if required, for managing any surplus or shortfall in funding after the calculation of school funding formula allocations using the NFF values as determined by the DfE.
- To consider the review and updating of the local notional SEN budget calculation to reflect current support requirements for pupils with SEN in mainstream schools and to meet the DfE stated budget requirements.
- To consider a transfer of 0.5% from the Schools Block DSG to the High Needs budget for the 2024/25 financial year.
- To hold a consultation with all schools and academies in North Yorkshire over these proposals
- To report findings, conclusions and recommendations to the School Forum

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

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

This full EIA was completed by:

**Name: Sally Dunn**

**Job title: Head of Finance – Schools, Early Years & High Needs**

**Directorate: Central Services - Resources**

**Signature: Sally Dunn**

**Completion date: 12/09/2023**

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

**Date: 20/09/2023**





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

(form updated June 2023)

### *Special School Funding 2024-25 (High Needs Block Funding)*

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email [communications@northyorks.gov.uk](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 find completed EIAs, we also publish them in our website's Equality and Diversity section. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	North Yorkshire Council: Resources
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Lead Officer and contact details	Howard Emmett - Assistant Director – Resources
Names and roles of other people involved in carrying out the EIA	Leanne Stables – Head of Finance (Children & Families, Inclusion & Education & Skills)
How will you pay due regard? for example, working group, individual officer	The proposal is subject to a special school only consultation process from 29th September 2023 ending 27th October 2023 and this EIA will be updated during and following the consultation responses. The item will be discussed at the North Yorkshire School Forum meetings on 21 <sup>st</sup> September 2023 and 23 <sup>rd</sup> November 2023.
When did the due regard process start?	In setting Special School Funding each year, it is necessary to consider the level at which the Minimum Funding Guarantee (MFG) is set within the parameters determined by the DfE. This EIA considers this issue in respect of 2024-25 School Funding.

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

Minimum Funding Guarantee (MFG) is a protection for special schools against seeing a reduction in funding from year to year assuming that the number and type of places in the school remain the same. The Department for Education has proposed a protection level of between 0% and 0.5% for 2024-25. The Local Authority is seeking views of the special schools on this issue.

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

MFG has a vital role to play in protecting special schools where either (a) the aggregate needs of pupils in their schools have changed substantially or (b) the level of funding provided to pupils has been systematically reduced. The Local Authority aims to ensure the views of the special schools around the rate applied are considered in the decision process.

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

Customers

If the 0.5% MFG option is selected, it may result additional funding for a special school in North Yorkshire. This may have a positive impact on current pupils attending the school.

If the 0% MFG option is selected, it may result in a reduction in funding in real terms for a special school, which may mean changes will be made to the provision of current pupils attending that school.

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

The consultation document is being sent to all special schools inviting responses to be returned to the LA by 27<sup>th</sup> October 2023. The responses and results from the consultation exercise will be presented to the Schools Forum on Thursday 23<sup>rd</sup> November 2023. This EIA will be monitored during the consultation and will continue during the process of collating and analysing all consultation feedback.

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

Please explain briefly why this will be the result.

The difference between a 0% and 0.5% MFG will increase the High Needs Budget expenditure, the level of which will be dependant on the level of banding increase and pupil numbers in January.

The resulting deficit will be cash flowed by the Local Authority and carried forward, with the expectation that it will be repaid by surpluses in High Needs Block funding in future years.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age		✓	✓	There are around 1080 children and young people aged 0-19 in North Yorkshire special schools who are affected by the proposal.

				The level of the MFG could positively or negatively impact on the level of funding for a special school, which may mean changes will be made to the provision of current pupils attending that school.
Disability		✓	✓	The level of the MFG could positively or negatively impact on the level of funding for a special school, which may mean changes will be made to the provision of current pupils attending that school.
Sex		✓	✓	The population of young people attending special schools in North Yorkshire is higher among boys; proportionally more boys may be negatively affected than girls.
Race	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
Gender reassignment	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
Sexual orientation	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
Religion or belief	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
Pregnancy or maternity	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
Marriage or civil partnership	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.

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<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
...have a low income?	✓			No data available at time of writing to show there is a greater impact on those children with SEND and families with low incomes.
...are carers (unpaid family or friend)?	✓			No data available at time of writing to show there is a greater impact on those children with SEND and unpaid carers..
..... are from the Armed Forces Community	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
North Yorkshire wide	
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
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>	

<p><b>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics?</b> (for example, older women or young gay men) <b>State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</b></p> <p>It is anticipated proposed changes to the current provision will impact more on the following: Young people with special educational needs and disabilities.</p>
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<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>5. No adverse impact - no major change is needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	
<b>6. 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>7. 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>8. 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 the option has been chosen</b> (include any advice given by Legal Services.)</p> <p>The actual impact will not be known until the budget determinations are made.</p> <p>During the consultation and decision making process there will be ongoing consideration to any equality impacts that arise, and how these can be mitigated.</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?)**

Regular monitoring and reporting of finances to the School Forum

**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
To consider a formal consultation responses received from special schools	Howard Emmett – Asst. Director	Ongoing		
To present results for discussion at Schools Forum	Howard Emmett – Asst. Director	23 <sup>rd</sup> Nov 2023		
Outcome of consultation considered by CYPS Executive Members in conjunction with Corporate Director and associated proposals approved	Howard Emmett – Asst. Director	Dec 2023		
Final Decision by Full Executive on the High Needs Budget 2024/25	Final Decision by Full Executive on the High Needs Budget 2024/25	Jan 2024		

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

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

- To apply MFG of 0% or 0.5% for special schools budget in 2024-25
- To consider consultation responses received from all special schools in North Yorkshire over this proposal



Although it has identified that certain groups with protected characteristics are likely to be adversely affected if the 0% MFG option is selected, further work on possible mitigation will be undertaken, once the proposal has been through the decision making process.

**Section 14. Sign off section**

This full EIA was completed by:

**Name: Leanne Stables**

**Job title: Head of Finance – Children & Families, Inclusion and Education & Skills**

**Directorate: Central Services**

**Signature: Leanne Stables**

**Completion date: 27/09/23**

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

**Date:28/09/23**

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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: 18 December 2023

Last updated: 18 December 2023

Period covered by Plan: 31 December 2024

### PLEASE NOTE:-

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

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>**Decision Taker</b>	<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>Contact details for making representations</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
23 Jan 2024	Executive		Revenue Budget 2024/25 and Medium Term Financial Strategy - To make recommendation to Full Council	Yes	To consider and recommend to Council the Revenue Budget for 2024/25 and the Medium Term Financial Strategy (MTFS) including the: • Revenue Plan • Capital Plan • Treasury Management • Prudential Indicators	Management Board	Budget consultation process	Gary Fielding, Corporate Director of Resources gary.fielding@northyorks.gov.uk	Revenue Budget 2024/25 and Medium Term Financial Strategy - To make recommendation to Full Council
23 Jan 2024	Executive		Council Plan 2024- 2028	Yes	To consider and recommend to council the Council Plan for 2024-2028	Corporate and Partnerships Overview and Scrutiny Committee Management Board	Meetings	Simon Moss, Strategy & Performance Team Leader simon.moss@northyorks.gov.uk	Council Plan 2024- 2028
23 Jan 2024	Executive		Proposed Selective Licensing scheme in Scarborough	Yes	To report on the findings of the consultation on the proposed Selective Licensing scheme for private rented properties in parts of Scarborough and subject to these findings, recommend the designation of a Selective Licensing	The consultation on the proposal to introduce a Selective Licensing scheme was with residents within the proposed	By means of both a paper and on-line survey to residents and landlords. Community-in drop sessions for residents and landlords Stakeholder meeting and meetings with	John Burroughs, Housing Strategy and Development Officer john.burroughs@northyorks.gov.uk	Proposed Selective Licensing scheme in Scarborough

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>**Decision Taker</b>	<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>Contact details for making representations</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
					scheme within parts of the Castle, Northstead and Falsgrave and Stepney divisions within Scarborough.	area, private landlords and agents with properties in the proposed area and all relevant stakeholders	individual stakeholders		
Jan 2024	Executive		Allocations scheme for the provision of social housing – approval of the proposed North Yorkshire Council allocations policy for social housing following public consultation	Yes	To seek approval to adopt the revised Housing allocations policy for social housing.	<ul style="list-style-type: none"> <li>•All NYC tenants</li> <li>•All applicants on the Harrogate locality housing register who are not already tenants of NYC</li> <li>•All applicants of the North Yorkshire Home Choice allocation scheme (the draft allocation policy will serve as both the policy for NYC and the North Yorkshire</li> </ul>	<ul style="list-style-type: none"> <li>•Primarily through an online survey with the option of a paper version for those who require this</li> <li>•A more detailed programme of events will be carried out in the Harrogate locality in recognition of the fact the new council proposes to adopt the system of choice-based lettings for the allocation of social housing</li> <li>•Meeting of the Executive 23 January 2024c</li> </ul>	Carl Doolan, Housing Services Manager carl.doolan@northyorks.gov.uk	Allocations scheme for the provision of social housing – approval of the proposed North Yorkshire Council allocations policy for social housing following public consultation

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>**Decision Taker</b>	<b>In Consultation with (Executive Member or Corporate Director)</b>	<b>Description of Matter – including if the report contains any exempt information and the reasons why</b>	<b>Key Decision YES/NO</b>	<b>Decision Required</b>	<b>Consultees (i.e. the principal groups to be consulted)</b>	<b>Consultation Process (i.e. the means by which any such consultation is to be undertaken)</b>	<b>Contact details for making representations (Tel: 0845 034 9494) unless specified otherwise)</b>	<b>Relevant documents already submitted to Decision Taker</b>
						Home Choice partnership) •Relevant Executive Member, officers and stakeholders			
18 Jan 2024	Executive		Admission Arrangements 2025/2026	Yes	To report on the consultation response to the proposed admission arrangements for Community and Voluntary Controlled schools for the school year 2025/2026, and to seek Executive approval to recommend the proposed arrangements to the Council for determination.	Statutory consultation – public and schools	Posted on Council website and emailed to primary & secondary schools and other stakeholders including diocesan directors for education and neighbouring authorities. Dates of consultation 27th October 2023 to 15th December 2023.	Lisa Herdman, Lead for Admissions, Education and Skills lisa.herdman@northyorks.gov.uk	Admission Arrangements 2025/2026
23 Jan 2024	Executive		Director of Public Health Annual Report	No	The Executive are being asked to consider and note the annual report on the health of the people in the area of the local authority'.	Key groups engaged with included children, young adults, families and professionals working with children and families.	Growing up in North Yorkshire survey 2022 - analysis Qualitative engagement with individuals and small groups	Shanna Carrell, Equalities Manager shanna.carrell@northyorks.gov.uk 01609532992	Director of Public Health Annual Report

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>**Decision Taker</b>	<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>Contact details for making representations</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
23 Jan 2024	Executive		Approval of criteria and fee for entry on to the Self-build and Custom Housebuilding register	Yes	To consider responses to the consultation on the proposed criteria and fee for entry onto the Self-build and Custom Housebuilding register and adopt the measures set out in the report. To delegate authority to the Executive Mbr for Open for Business to consider and approve any future amendments to the current restrictions and/or fees.	All existing persons or groups on the former district's registers were consulted as were all town and parish councils across North Yorkshire.	As above. Consultation has already taken place prior to this report being brought before Executive.	Steve Wilson, Planning Policy and Conservation Manager steve.wilson1@northyorks.gov.uk	Approval of criteria and fee for entry on to the Self-build and Custom Housebuilding register
23 Jan 2024	Executive		Fountains Earth, Lofthouse, Church of England Endowed VC Primary School – School Closure Proposal	Yes	Decision whether or not to publish statutory proposals and notices for the closure of Fountains Earth, Lofthouse CE Endowed Primary School with effect from 31 March 2024.	Parents, Staff, Governors, Local Elected Members, Parish Council, Diocese Board, MP and other local stakeholders.	Consultation ran from 17/11 - 22/12 2023. Consultation document issued to consultees and available on NYC website. If approved statutory proposals would be published on NYC website, in a local newspaper and placed on the school gate. Statutory proposals representation	Andrew Dixon, Strategic Planning Manager, Education & Skills Andrew.Dixon@northyorks.gov.uk	Fountains Earth, Lofthouse, Church of England Endowed VC Primary School – School Closure Proposal



**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>**Decision Taker</b>	<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 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>Contact details for making representations</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
							period would be from 1 February to 29 February 2024.		
23 Jan 2024	Executive		Second Homes Council Tax Premium	Yes	To consider the introduction of a premium as previously approved by Council in principle in February 2023	N/A		Louise Heaps sherri.williams@northyorks.gov.uk	Second Homes Council Tax Premium
23 Jan 2024	Executive		Development of temporary accommodation and housing options for the homeless	Yes	To inform Members of the current situation regarding the need for temporary accommodation and the housing options for the homeless in North Yorkshire. To agree a capital budget and delegate authority to provide additional accommodation to meet this need.	Community Development : Housing, Resources Legal and Democratic Services: Legal Resources: Property, Procurement and Commercial	Email and briefing	Hannah Heinemann, Head of Housing Delivery and Partnerships hannah.heinemann@northyorks.gov.uk	Development of temporary accommodation and housing options for the homeless
6 Feb 2024	Executive		Review of Car Park Tariff 2024	Yes	To consider the outcome of a review of existing parking tariffs across the county.	N/a	N/a	Head of Parking Services steve.brown1@northyorks.gov.uk	Review of Car Park Tariff 2024
6 Feb 2024	Executive		Housing Assistance and Disabled Adaptations Policy	Yes	Due to the variations in approach towards the method of delivery of the disabled facilities grant, there were also To	Health	A draft policy was submitted to the LGR Housing board post vesting day. As	Lynn Williams, Head of Housing Renewal lynn.williams@northyorks.gov.uk	Housing Assistance and Disabled Adaptations

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>**Decision Taker</b>	<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>Contact details for making representations</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>	
Page 75					outline how the policy seeks to draw together an interpretation of the mandatory elements of Disabled Facilities Grant (DFG) legislation and the discretionary elements of the RRO into a single published document. The report will set out the key recommendations for the policy and seek agreement to adopt the North Yorkshire Housing Assistance and Disabled Facilities Grant Policy for the new authority.		part of the LGR work, consultation had taken place with representatives from the LGR Housing work stream. A further task		Policy	
	6 Feb 2024	Executive			Managing Adult Social Care Pressures	Yes	To update Members on actions being taken to address adult social care waiting times and workforce pressures and to set out the evaluation of the Ethical Decision-Making Framework that was put in place in January 2022		Richard Webb, Corporate Director of Health and Adult Services richard.webb@northyorks.gov.uk	
	6 Feb 2024	Executive			North Yorkshire Council Local Development Scheme 2024	Yes	To seek approval to bring into effect the North Yorkshire Council Local Development Scheme	Executive Member Open to Business Development	Correspondence and meetings	Linda Marfitt, Acting Head of Place-shaping and Economic Growth

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Page 76					2024 as required by Section 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended. The LDS sets out the key milestones for preparing development plan document.	Plans Committee Executive		linda.marfitt@northyorks.gov.uk	t Scheme 2024
Feb 2024	Executive		Selby District Local Plan - Revised Regulation 19 (Publication version) draft plan for public consultation	Yes	To seek approval to consult on a revised Publication Local Plan for the former Selby district area to fulfil the requirements of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).	Executive Mbr Open to Business, Management Board, Selby and Ainsty Area Committee Development Plans Committee Executive Full Council	Correspondence and meetings	Caroline Skelly, Planning Policy Manager caroline.skelly@northyorks.gov.uk	Selby District Local Plan - Revised Regulation 19 (Publication version) draft plan for public consultation
6 Feb 2024	Executive		Housing Enforcement Policy	Yes	The report will set out the detail of the proposed NYC housing enforcement policy, which is required in order for us to deliver our statutory duties in relation to housing standards in the private	As this is based on statutory legislation, consultation has been undertaken in house with environmental	Consultation was undertaken initially as part of the LGR work streams.  The policy has been developed based on the	Lynn Williams, Head of Housing Renewal lynn.williams@northyorks.gov.uk	Housing Enforcement Policy

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Page 77					sector.	health and enforcement officers across the legacy council areas who deliver the service, in addition to other environmental health colleagues regionally and nationally.	good practice of other authorities, through information sharing at regional and national meetings. A housing enforcement workshop for all staff delivering housing enforcement.		
	6 Feb 2024	Executive		Acquisition of Property to Meet Identified Need	Yes	To work with Children and Young Peoples Services to provide accommodation to meet an identified need for temporary/move on accommodation.  To agree a capital budget and delegated authority in order to acquire property to meet this need.	Community Development Housing, Resources Legal and Democratic Services: Legal Resources: Property, Procurement & Commercial Children and Young Peoples Service: Children and Families	Email and briefing  Hannah Heinemann, Head of Housing Delivery and Partnerships hannah.heinemann@northyorks.gov.uk	Acquisition of Property to Meet Identified Need

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6 Feb 2024	Executive		Provision of accommodation for Unaccompanied Asylum Seeking Children & move on accommodation for looked after children	Yes	To work with Children and Young Peoples Services to provide accommodation to meet the needs of Unaccompanied Asylum Seeking Children and move on accommodation for existing placements. To agree a capital budget and delegated authority in order to provide additional accommodation across the County to meet this need.	Community Development: Housing, Resources Legal and Democratic Services: Legal Resources: Property, Procurement & Commercial Children and Young Peoples Service: Children and Families	Email and briefing	Hannah Heinemann, Head of Housing Delivery and Partnerships hannah.heinemann@northyorks.gov.uk	Provision of accommodation for Unaccompanied Asylum Seeking Children & move on accommodation for looked after children
6 Feb 2024	Executive		Scarborough Harbour West Pier	Yes	The report will seek approval: 1. Confirm the allocation From the Scarborough Local Investment Fund 2. To set the budget for the Works for the redevelopment of Scarborough Harbour West Pier 3. Approves entry into contract for selected developer the Scarborough Harbour	Community Development : Economic Development Regeneration Tourism and Skills, Resources Environment: Harbours, Resources Legal and Democratic Services: Legal	Email and briefing	Helen Jackson, Regeneration Projects Manager helen.jackson1@northyorks.gov.uk	Scarborough Harbour West Pier

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					West Pier	Resources: Property, Procurement and Commercial			
20 Feb 2024	Executive		Q3 Performance Monitoring and Budget Report	Yes	Q3 Performance Monitoring and Budget report including: Revenue Plan; Capital Plan; Treasury Management and Prudential Indicators	Management Board	Meetings	Gary Fielding, Corporate Director of Resources gary.fielding@northyorks.gov.uk	Q3 Performance Monitoring and Budget Report
19 Mar 2024	Executive		Future arrangements for the Harrogate and Rural Alliance	Yes	To seek approval for the continuation of the Harrogate and Rural Alliance. To approve the updated operating model. To agree the proposed legal agreement (S113) and the updated partnership agreement.	NHS Commissioners and Providers	Correspondence, meetings and Council website	Chris Watson chris.watson@northyorks.gov.uk	
19 Mar 2024	Executive		Housing Strategy 2024 to 2029	Yes	To seek approval from the Executive to adopt the Housing Strategy 2024 to 2029.	key partners & stakeholders, Registered Providers, Government agencies (such as Homes England) the Council's tenants and	A broad consultation from 2/10/23 – 11/12/23.	Hannah Heinemann, Head of Housing Delivery and Partnerships hannah.heinemann@northyorks.gov.uk	Housing Strategy 2024 to 2029

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						residents, and other key Council services			
19 Mar 2024	Executive		Department for Education (DfE) Grant - Financial Support for Local Authorities Supporting Maintained Schools in Financial Difficulty	Yes	<ul style="list-style-type: none"> <li>Local Authority acceptance of the Department for Education (DfE) Grant funding of £972,188 in respect of Financial Support for Local Authorities Supporting Maintained Schools in Financial Difficulty.</li> <li>To approve the allocation of the grant funding to a number of local authority-maintained schools that are deemed to meet the eligibility requirements, as determined by the local authority, for the award of the grant funding.</li> </ul>		No formal consultation process is required by the DfE on the utilisation of the grant however the local authority will proactively engage with relevant stakeholders in determining the allocation of the grant funding to individual local authority-maintained schools.	Howard Emmett howard.emmett@northyorks.gov.uk	
19 Mar 2024	Executive		Redeployment of land to the north and south of Crosshills Lane, Selby	Yes	To approve the proposed redeployment of the property	Executive Mbrs and Management Board at the informal Executive meeting held on 08/06/21		Philip Cowan, Non-Operational Property Manager, NYCC Property Services Philip.Cowan@northyorks.gov.uk	



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16 Apr 2024	Executive		Annual Review of Member Champions	No	Annual Review of Member Champions	Leader	Emails	Democratic Services and Scrutiny Manager daniel.harry@northyorks.gov.uk	Annual Review of Member Champions
16 Apr 2024	Executive		Proposed extra care housing scheme	Yes	To approve funding to support the development of an extra care housing scheme in Whitby. To review the proposed scheme and outcome of the procurement.			Head of Housing Marketing Development (Commissioning), Health and Adult Services michael.rudd@northyorks.gov.uk	
15 May 2024	Full Council		Housing Strategy 2024 to 2029	Yes	To seek approval from Full Council to adopt the Housing Strategy 2024 to 2029.	key partners & stakeholders, Registered Providers, Government agencies (such as Homes England) the Council's tenants and residents, and other key Council services	a broad consultation from 2 October to 11 December 2023.	Hannah Heinemann, Head of Housing Delivery and Partnerships hannah.heinemann@northyorks.gov.uk	Housing Strategy 2024 to 2029
28 May 2024	Executive		Q4 Performance Monitoring and Budget Report	Yes	Q4 Performance Monitoring and Budget report including: Revenue Plan; Capital	Management Board	Meetings	Gary Fielding, Corporate Director of Resources	Q4 Performance Monitoring and Budget

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					Plan/ Treasury Management and Prudential Indicators			gary.fielding@northyorks.gov.uk	Report
18 Jun 2024	Executive		North Yorkshire Joint Health and Wellbeing Strategy	Yes	To consider the proposed North Yorkshire Joint Health and Wellbeing Strategy and recommend it for adoption to the Council. NOTE: The North Yorkshire Health and Wellbeing Board's Terms of Reference state that "The Joint Health and Wellbeing Strategy will be referred to the Council for approval as part of the Council's Policy Framework."	<ul style="list-style-type: none"> <li>•The public and partners</li> <li>•North Yorkshire Health and Wellbeing Board (finalised draft) in May 2024</li> <li>•Executive on 18 June 2024</li> <li>•Council on 24 July 2024: On-going liaison with the North Yorkshire Health and Wellbeing Board</li> </ul>	In terms of the public and partners, a period of public consultation is planned for autumn/winter 2023. In terms of the formal meetings referred to above, the process will be via presentation and discussion of the proposed Strategy at the relevant Committee meetings.	Louise Wallace, AD Health and Integration louise.wallace@northyorks.gov.uk	North Yorkshire Joint Health and Wellbeing Strategy
20 Aug 2024	Executive		Q1 Performance Monitoring and Budget Report	Yes	Q1 Performance Monitoring and Budget report including: Revenue Plan; Capital Plan; Treasury Management and Prudential Indicators	Management Board	Meetings	Gary Fielding, Corporate Director of Resources gary.fielding@northyorks.gov.uk	Q1 Performance Monitoring and Budget Report

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19 Nov 2024	Executive		Q2 Performance Monitoring and Budget Report	Yes	Q2 Performance Monitoring and Budget report including: Revenue Plan; Capital Plan; Treasury Management and Prudential Indicators	Management Board	Meetings	Gary Fielding, Corporate Director of Resources gary.fielding@northyorks.gov.uk	Q2 Performance Monitoring and Budget Report

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

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