



Agenda

Meeting: Executive

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

Date: Tuesday 16th April 2024

Time: 11.00 am

Venue: Council Chamber, Civic Centre, St Luke's Avenue, Harrogate HG1 2AE

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. 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 Meetings held on 12 March 2024 and 19 March 2024** (Pages 5 - 16)

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 Elizabeth Jackson, Principal Democratic Services Officer, elizabeth.jackson@northyorks.gov.uk and supplied the text by midday on Thursday 11 April 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. **Amendments to the Council's Constitution** **(Pages 17 - 152)**

Recommendations:

- (a) the proposed amendments to the Constitution set out in **Part A of Appendix 1** be proposed to full Council for approval;
- (b) Members note the amendments to the Constitution set out in **Part B of Appendix 1** to this report, made by the Assistant Chief Executive Legal and Democratic Services under his delegated powers, for reporting back to full Council for information;
- (c) Members note the consequential amendments to the Procurement and Contract Procedure Rules as set out in **Appendices 2a and 2b** to this report made by the Assistant Chief Executive Legal and Democratic Services under his general delegations in Article 15.02(c) of the Constitution and specific delegated power from full Council on 15 November 2023, for reporting back to full Council for information;
- (d) Members note the Development Plan Committee Terms of Reference and Delegated Powers consequentially included in the Constitution and attached at **Appendix 3** to this report for reporting back to full Council for information;
- (e) there be 5 full Council meetings per year, the fourth meeting to consider the Council Budget and Council Plan only and the reserve date to be used for the rest of Council business:
 - i. for 2025, the scheduled meeting on 19 February 2025 be the additional Council meeting dedicated to the consideration of the Budget and the Council Plan and all other business normally scheduled for 19 February 2025 be moved to the reserve date of 21 February 2025;
 - ii. for 2026, the meetings be spaced so that the dedicated Budget and Council Plan meeting is held in February and the other meeting held in March or April;
 - iii. for 2026, a reserve date should be kept for the Budget and Council Plan meeting; instead of this being on the Friday in the week of the meeting, it is recommended that the reserve date be on the following Wednesday (a week after the Budget and Council Plan Council meeting);
- (f) the Executive consider whether the proposed amendments to Council Procedure Rules 9.2 and 9.4 set out in **Appendix 4** should apply to all committee meetings or just full Council meetings and the Assistant Chief Executive Legal and Democratic Services be authorised to make any further amendments as Members may wish to the Council Procedure Rules for recommendation to full Council for approval;
- (g) the proposed amendments to the Council Procedure Rules set out in section 6 of

this report and **Appendix 4** be recommended to full Council for approval and the Assistant Chief Executive Legal and Democratic Services be authorised to make any further consequential amendments which may be required to the Constitution;

- (h) the Transition (LGR) Overview and Scrutiny Committee should formally cease as of the 15 May 2024 Council meeting and that any outstanding work should be re-allocated, in liaison with Scrutiny Board, to the other overview and scrutiny committees (with the exception of matters relating to leisure); that the proposed amendments to the overview and scrutiny committee terms of reference in Article 6 of the Constitution as set out by way of tracked changes in **Appendix 5b** be recommended to full Council for approval; and that the Assistant Chief Executive Legal and Democratic Services be authorised to make any further consequential amendments which may be required to the Constitution;
- (i) a new Housing and Leisure Overview and Scrutiny Committee of 16 Members and politically balanced (as per the other overview and scrutiny committees) be created at the 15 May 2024 Council meeting, appointments to which to be made at that meeting of full Council and the first meeting of the new overview and scrutiny committee to follow in June 2024; that the proposed amendments to the overview and scrutiny committee membership lists in Part 3, Schedule 3 of the Constitution as set out by way of tracked changes in **Appendix 5c** be recommended to full Council for approval; and that the Assistant Chief Executive Legal and Democratic Services be authorised to make any further consequential amendments which may be required to the Constitution;
- (j) the proposed revised Terms of Reference for the Council's Independent Remuneration Panel on Member Allowances that have been proposed by the Panel Members as set out at **Appendix 7**, be recommended to full Council for approval;
- (k) Members give initial consideration to the full review of the Constitution post 12 months' operation and to the scope and form of the review, indicating whether there are any specific areas of focus Members would wish to suggest.

6. Domestic Abuse Policy for Housing Service - Approval of the Proposed New Policy following Consultation (Pages 153 - 188)

Recommendations:

- i) That Executive notes the contents of the report, the proposed Domestic Abuse Policy for the Housing Service, consultation responses and the Equality Impact Assessment.
- ii) That Executive approves the Domestic Abuse Policy for the Housing Service.

7. Scrutiny Task and Finish Group - Special Educational Needs and Disability (SEND) Provision in the Scarborough and Whitby Area (Pages 189 - 210)

Recommendation:

That the suggestions set out in Section 7 of the report be endorsed by the Executive at its meeting on 16 April 2024.

8. Forward Plan (Pages 211 - 226)

9. Any Other Items

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

10. Date of Next Meeting - 7 May 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 Elizabeth Jackson, Principal Democratic Services Officer

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Website: www.northyorks.gov.uk

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

Monday 8 April 2024

North Yorkshire Council

Executive

Minutes of the meeting held on Tuesday, 12th March 2024 commencing at 11.00 am.

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

In attendance: Councillors David Ireton and Sam Gibbs.

Officers present: Elizabeth Jackson, Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Richard Webb, Melanie Carr, Daniel Harry, Nic Harne, Nick Edwards and Paula Lorimer.

Apologies: Councillor Derek Bastiman and Barry Khan.

Copies of all documents considered are in the Minute Book

408 Apologies for Absence

Apologies were received from Councillor Derek Bastiman.

409 Minutes of the Meeting held on 20 February 2024

Resolved –

That the public Minutes of the meeting held on 20 February 2024, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

410 Declarations of Interest

There were no declarations of interest.

411 Public Participation

There were no public questions or statements.

412 Harrogate Convention Centre Redevelopment

Considered – A report of the Corporate Director of Resources providing an update on the outcome of the final tendered price and programme for phase 1 of the redevelopment project for Harrogate Convention Centre (HCC) and seeking a decision on whether or not to accept the contract price and enter into contract for the works.

Councillor Gareth Dadd introduced the report and Nick Edwards provided a detailed overview of the current position of HCC, the need for significant investment, the current subsidy arrangements, the escalation in costs for the planned phased approach and the lack of any matched funding/external funding. He confirmed that in light of the above, the draft Business Case had been updated and the consultants had confirmed they were no

longer in favour of proceeding with Phase I. Instead it was proposed that the opportunities should be re-appraised and assessed through soft market testing.

Paula Lorimer - Director of Harrogate Convention Centre outlined the issues with the Centre and drew attention to the disruption to forward bookings that would come with phase I of the works, and the significant associated risks. She confirmed her view that there were better ways of investing tactically that would enable the redevelopment of individual parts of the Centre, on a year by year basis thereby creating less disruption.

Executive Members acknowledged the extensive work on the project to date and were pleased to note the upturn in revenue performance and the Director of Harrogate Convention Centre's confidence in the model and commitment to finding suitable investment, though not at any cost.

Councillor Michael Harrison stressed the importance of the Council's investment in the Centre for its economic impact on the Harrogate area and the wider region.

Having considered the report in full, and having noted the importance the HCC site had on the economic GVA for Harrogate, its impact on the public purse and of providing best value to the NY taxpayer, the Executive

Resolved the recommendations in the report i.e. that:

- i) The outcome of the final tendered price and programme for phase 1 of the redevelopment project for HCC be noted.
- ii) The £57m construction contract for phase 1 improvements not be progressed, accepting this would not be an end to investment in HCC.
- iii) The options be subsequently re-appraised once the outcome of the SMT and options appraisal was known in Spring 2024.
- iv) Pending the outcome of (iii) above, a planned improvement programme for HCC be considered, concentrating upon essential, timely building requirements with a commercial approach to future working.
- v) Asset risks continue to be established, monitored, and managed until a longer-term solution could be agreed.

In addition, the Executive agreed the future new Mayor for North Yorkshire should also be involved in securing the future of Harrogate Convention Centre, and it was

Resolved – That

- vi) The Chief Executive write to all declared Mayoral candidates after close of nominations, outlining the position around Harrogate Convention Centre and seeking their support in principle should they be elected, in securing a resolution that preserves the economic benefit of the asset.

413 Forward Plan

Considered –

The Forward Plan for the period 4 March 2024 to 31 March 2025 was presented.

Resolved - That the Forward Plan be noted.

The meeting concluded at 11.35 am.

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North Yorkshire Council

Executive

Minutes of the meeting held on Tuesday 19th March 2024 commencing at 11.00 am.

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

In attendance: Councillors George Jabbour, Andrew Murday and Karin Sedgwick.

Officers present: Richard Flinton, Gary Fielding, Barry Khan, Nic Harne, Paul Thompson, Anton Hodge, Howard Emmett, Amanda Newbould, Karen Iveson, Elizabeth Jackson and Karen Iveson.

Apologies: Karl Battersby, Stuart Carlton and Richard Webb.

Copies of all documents considered are in the Minute Book

415 Apologies for Absence

Apologies for absence were received from Councillors David Chance and Janet Sanderson.

416 Declarations of Interest

Councillor Gareth Dadd and Gary Fielding declared an interest in Minute no. 425 – Provision of Internal Audit, Counter Fraud and Related Governance Services, as unpaid directors of Veritau. They both left the meeting during consideration and vote on the item.

417 Exclusion of the Public

It was noted that there was an exempt appendix relating to Minute number: 425 – Provision of Internal Audit, Counter Fraud and Related Governance Services
As the contents of the exempt appendix were not discussed there was no requirement to exclude the public from the meeting.

418 Public Participation

A public question was received from Mrs Anne Seex in relation to Minute number 419 – Housing Strategy 2024 to 2029 as follows:

The on-line consultation on the Draft Housing Strategy engaged less than 0.01% of the adult population and NYC received only 14 'stand alone' written responses. Although the report on the Consultation tries to make the best of it, even within this limited number of respondents 3 in 10 either disagree or have no view on the 'Vision' and 4 in 10 disagree or have no view on the priorities.

Many responses comment adversely on the absence of a definition of 'affordable' housing, the lack of evidence and relevant statistics, failure to engage with the National Parks as Planning Authorities, failure to recognise the different area needs and characteristics

across North Yorkshire.

Cllr Myers previously acknowledged that he did not have access to information about:

- * 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;*
- * how many homes do not meet decent standards and where such homes are located; or*
- * what resources North Yorkshire Council predicts it will have to invest in housing in the next 10 years.*

Will the Executive now accept that the absence of such information has contributed to the lack of engagement in the consultation on the Draft Housing Strategy, recognise that the draft is not 'fit-for-purpose' and defer approving it until further work has been done and there has been meaningful engagement with citizens, social landlords and private landlords, housing developers and community organisations?

Councillor Simon Myers thanked Mrs Seex for her contribution and responded that Consultation on the draft housing strategy took place with a wide range of key partners and stakeholders, which included Registered Providers, Private Landlords, Housing Developers, the two National Parks, all Town and Parish Councils in North Yorkshire, plus a wide range of Community and Voluntary Organisations and the wider community.

Both the National Park Planning Authorities were consulted individually, as well as via the YNY Housing Board. Responses were received from both NPAs to the consultation and amends were made to the draft strategy as a result.

The draft strategy also made frequent reference to some of the different needs and characteristics of various parts of the authority, including the demographic challenges, affordability issues, rural housing challenges, the impact of second homes and holiday lets and the concentration of private rented homes in some localities.

The consultation lasted for 10 weeks and there was a high level of engagement with partners and stakeholders, through various means, including attendance at and participation in forums, events and individual meetings with key partners and stakeholders. There was an on-line survey, which was advertised widely, through various means, including through the Council's website, targeted social media alerts and media releases. The forums and events ensured that there was consultation with a very wide range of consultees including various Partnerships, reaching a greater range of consultees, such as the York and North Yorkshire Housing Partnership, consisting of over 25 social housing providers operating across York and North Yorkshire.

The Council also undertook a mid-point review of the consultation, which identified a number of key groups where response rates were low. As a result, targeting of those particular groups took place in order to increase response rates.

Overall, more than 500 responses were received, (including 25 specific written responses). 70% of respondents agreed with the Vision, whilst over 60% agreed with both the People and Places themes and 71% agreed with the Homes themes.

It should also be noted that there is no statutory requirement to produce a Housing Strategy and as a consequence there are no prescribed requirements for undertaking such a consultation. The feedback that the Council received to the consultation was analysed and as a result, a number of meaningful amendments were made to the final version, which reflected the feedback received.

We do also accept that further work will be required to build our data and evidence bases.

However that is reflected and built into the strategy going forward. It should also be noted that the consultation on the draft strategy was a starting point of dialogue with partners, stakeholders, communities and others, which will be continued as we undertake delivery of the action plans.

In consequence, we consider the consultation to have been comprehensive and robust, with the feedback shaping the final version of the Strategy being considered for adoption.

In response to a supplementary question from Mrs Seex on the benefit of selling homes at half price, Councillor Myers advised that that was not a part of the draft strategy.

419 Housing Strategy 2024 to 2029

Considered – A report of the Corporate Director – Community Development presenting the North Yorkshire Housing Strategy 2024-29 for approval for the strategy to be taken to Council for adoption.

Councillor Simon Myers introduced the report. In September 2023 approval had been given for public consultation on a 5 year draft Housing Strategy, the first housing strategy for North Yorkshire Council. The report provided details of the consultation process and those consulted with. This was a high-level strategy and action plans were being developed to deliver the council's aspirations. At budget Council in February the budget for the Housing Revenue Account budget had been approved and this gave a commitment to the development of 500 new council homes, as well as a commitment to upgrading and maintaining existing housing stock.

Resolved – That:

- i) the detailed consultation that was undertaken on the draft Housing Strategy, along with the analysis of the feedback and the consequent revised Housing Strategy 2024 to 2029 be considered; and
- ii) a report be taken to Full Council recommending the adoption of the North Yorkshire Housing Strategy 2024 to 2029.

420 Network North: Phase 3 Bus Service Improvement Plan Funding Proposal

Considered – A report of the Corporate Director – Environment providing information on the Network North Bus Service Improvement Plan 3 (BSIP3) funding for 2024/25 and seeking approval to submit scheme proposals and accept the one-year funding.

Councillor Keane Duncan introduced the report, noting that bus passenger numbers had increased over the past two years and bus routes had been protected. BSIP funding of £3.5m had been allocated by the Government which would enable 20 more bus routes to be supported for one year. It was proposed that the Council would work with operators to fund more frequent services, extra customer services staff, marketing and a £1 fare cap for under 19's. This was a 1 year pilot and these services would need to be supported to enable them to continue beyond the pilot.

Councillors Gareth Dadd and Carl Les welcomed this funding and emphasised the importance of the public supporting these bus services as the Government would not continue to provide financial support if they were not used.

In moving the recommendation Councillor Duncan advised that progress was dependent on close working with the operators who believed that the selected routes had commercial

prospects with this initial support.

Resolved – That:

- i) the submission of BSIP3 proposals to the Department for Transport by 28 March 2024 be approved; and
- ii) the Corporate Director - Environment, in conjunction with the Corporate Director - Resources, be authorised to accept the BSIP3 grant from Department for Transport subject to agreeing appropriate terms.

421 Delivering Better Value in SEND – Acceptance of Grant Allocation from the Department for Education

Considered – A report of the Corporate Director – Children and Young People’s Service requesting approval to accept an offer of grant funding for £1,000,000 from the Department for Education’s (DfE) ‘Delivering Better Value in SEND Programme’.

In the absence of Councillor Janet Sanderson, Councillor Annabel Wilkinson introduced the report and explained that the Council had been invited to take part in the programme as one of 55 local authorities. The report requested the Executive accept the offer of grant funding of £1m to support three key areas of the SEND programme as described in section 4 of the report.

Resolved – That:

- i) the acceptance for grant funding of £1,000,000 be authorised; and
- ii) the authorisation of the grant Memorandum of Understanding should be delegated to the Corporate Director, Resources in conjunction with the Assistant Chief Executive, Legal and Democratic Services.

422 Department for Education (DfE) Grant - Financial Support for Local Authorities Supporting Maintained Schools in Financial Difficulty

Considered – A report of the Corporate Director – Children and Young People’s Service which provided the Executive with an overview of the additional grant funding received by the Council from the Department for Education (DfE) in 2023-24 to support maintained schools in financial difficulty.

Councillor Annabel Wilkinson introduced the report and advised that the grant was for £972,188. Approval was sought for additional funding for maintained schools currently in financial deficit and which met the proposed eligibility criteria based on the methodology set out in the resolution below.

In response to a question from Councillor Wilkinson, Howard Emmett, the Assistant Director Resources, advised that the grant was primarily intended to contribute to the elimination of existing deficits, rather than to be allocated to schools currently in surplus but which might be predicted to be in deficit in the future.

On a show of hands it was

Resolved (unanimously) – That:

- a. the contents of the report be noted;

- b. the local authority accept the Department for Education Grant funding of £972,188 in respect of Financial Support for Local Authorities Supporting Maintained Schools in Financial Difficulty;
- c. the distribution of the additional funding support be approved to maintained schools currently in a financial deficit, that meet the proposed eligibility criteria, based on the following methodology (Option 1):

Maintained Nursery Schools	£25,000 per school
Primary Schools (under 200 pupils)*	£25,000 per school
Primary Schools (200 pupils and over)	£50,000 per school
Secondary Schools	£100,000 per school
Special Schools	£50,000 per school

*Primary schools under 200 pupils, with a forecast deficit balance of £100k or more as at 31 March 2024 to receive an additional funding allocation of £25,000.

- d. a condition of acceptance of additional funding by any school will require a school resource management review to be undertaken where a review has not been completed since April 2021.

423 Boroughbridge High School, Boroughbridge – Proposal to remove Sixth Form Provision

Considered – A report of the Corporate Director – Children and Young People’s Service which detailed the outcome of the public consultation carried out by the Council on the proposal to change the age range at Boroughbridge High School by ceasing the Sixth Form provision from 31 August 2024. The Executive were requested to authorise the publication of statutory proposals and notices and schedule taking a final decision on the proposal on 18 June 2024.

Councillor Annabel Wilkinson introduced the report and advised that the federated Governing Board of Boroughbridge High School and King James’s School, Knaresborough resolved to ask the Council to consult on the permanent closure of the Sixth Form at Boroughbridge High School, which had been temporarily suspended since September 2022. This was in response to falling numbers of Sixth Form pupils due to the demographics of the area and the falling numbers on the roll making it difficult to maintain viable class sizes at post-16 in terms of quality of experience, subject breadth and subject viability.

On a vote being taken it was

Resolved (unanimously) – That:

- i) Statutory proposals and notices be published on 4 April 2024 proposing to change the age range of Boroughbridge High School, by ceasing sixth form provision, with effect from 31 August 2024; and
- ii) The Executive (or the Executive Member for Education, Learning and Skills if there are no objections during the representation period) schedule taking a final decision on these proposals on 18 June 2024.

424 Fountains Earth, Lofthouse CE Endowed Primary School – School Closure Proposal

Considered – A report of the Corporate Director – Children and Young People’s Service providing information upon which to determine the proposal to cease to maintain

Fountains Earth, Lofthouse CE Endowed Primary School with effect from 31 March 2024, together with the future arrangements for the school's current catchment area.

Councillor Annabel Wilkinson introduced the report and advised that on 23 January the Executive had approved proposals to close the school with effect from 31 March 2024 following consideration of responses to a consultation carried out by the Children's and Young People's Service. Statutory proposals had been published on 1 February 2024 giving four weeks until 29 February for representations to be made. A petition had been presented to the Skipton and Ripon Area Constituency Committee on 7 March.

The school currently had no children on roll and there had been no highest preference applications to join the school in September 2024. As there was no realistic prospect of the school having any pupils the school would receive no pupil led funding for the next academic year and the local authority was not able to approve any additional funding. For these reasons it was recommended that the Council proceed with the closure process.

Councillor Andrew Murday, division member for Pateley Bridge and Upper Nidderdale, attended the meeting and made a statement to the Executive. He reported that when he was first elected in May 2022 the school received a good Ofsted report, however two months later there was an application from the governors to close the school. Over the subsequent months a number of discussions took place within the community, parents and the parish council and this included two public meetings. Councillor Murday felt there were issues of communication between the community, the governors of the Upper Nidderdale federation and staff; and it was his view that if the issues of governance were resolved children would return to the school. He referred to the petition taken to the ACC which requested an assessment of the governance of the federation by Overview and Scrutiny and requested that any decision to close the school be deferred until after an investigation had taken place.

The Assistant Chief Executive Legal and Democratic Services (ACELDS) referred to the request that the Overview and Scrutiny Committee investigate the governance of the school federation and advised that school leadership was delegated to school governors and that local authorities had limited powers with regards to governing bodies. The Overview and Scrutiny Committee did not have the power to start investigating individual decisions, though it could look at wider issues in relation to governance matters. The ACELDS advised that the Executive needed to consider whether it had sufficient information to make a decision at this meeting.

In response to a question from Councillor Gareth Dadd on what the financial implications would be of deferring a decision, the Assistant Director Resources advised that a school would not get any funding if it had no pupils. Keeping the school open would require funds for running the building and staffing, which would need to come from reserves which would require Schools Forum support.

The Assistant Director Education and Skills (ADES) referred to previous difficulties recruiting teachers to the school, and advised that funding a teacher at the school would divert resource away from the other schools in the federation. The ADES reported on the declining numbers of children in the school catchment area and provided further information on the issues within schools with very small numbers of children.

In moving the motion Councillor Annabel Wilkinson advised that the challenges faced by such small schools were continually being reviewed, and closing a small school was a difficult decision.

Resolved (unanimously) – That:

- (a) having undertaken the required preliminary checks, the Executive resolve that the issues listed above in section 9 have been satisfied and there can be a determination

of the proposals.

(b) the following proposal be determined:

- i) To cease to maintain Fountains Earth, Lofthouse CE Endowed Primary School with effect from 31 March 2024.
- ii) To extend the catchment area of St Cuthbert's Church of England Primary School, Pateley Bridge with effect from 1 April 2024 to include the area currently served by Fountains Earth, Lofthouse CE Endowed Primary School.

425 Provision of Internal Audit, Counter Fraud and Related Governance Services

Considered – A report of the Corporate Director Resources which sought approval to enter into a new 3 year contract with Veritau for Internal Audit and related assurance services from Veritau Ltd with effect from 1 April 2024. Veritau was a local authority-controlled company set up in 2009 by North Yorkshire County Council and City of York Council to operate a shared audit, counter fraud and information governance service. The current contract was due to expire on 31 March 2024 and was for an initial term of ten years with two optional extensions of three and two years respectively. The procurement approach was to undertake a direct award to Veritau.

Resolved (unanimously) – That:

The Executive approve a 3 year contract with Veritau with effect from 1 April 2024.

426 Forward Plan

Considered –

The Forward Plan for the period 11 March 2024 to 31 March 2025 was presented.

Resolved - That the Forward Plan be noted.

427 Date of Next Meeting - 16 April 2024

The meeting concluded at 11.56 am.

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North Yorkshire Council

EXECUTIVE

16 April 2024

Proposed Changes to the Constitution for recommendation to full Council

Report of the Assistant Chief Executive Legal and Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To present to the Executive, for reporting back to full Council for information, amendments to the Constitution made by the Assistant Chief Executive Legal and Democratic Services under his delegated powers.
- 1.2 To present to the Executive, for recommendation to full Council for approval, proposed amendments to the Constitution.
- 1.3 To seek Members' views regarding the full review of the Constitution post 12 months' operation of the unitary authority and regarding the scope and form of the review.

2.0 BACKGROUND

- 2.1 The Constitution is maintained by the Assistant Chief Executive Legal and Democratic Services and kept under review on an ongoing basis.
- 2.2 Under Article 15.02(c) of the Constitution, the Assistant Chief Executive Legal and Democratic Services has delegated power to amend the Constitution:
 - (i) to correct administrative issues such as cross-references, title changes, typographical errors and formatting;
 - (ii) to ensure that the Constitution and the Council's procedures meet all legal requirements;
 - (iii) to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by the person(s) or body with authority to take such action; and
 - (iv) consequentially, to give effect to changes explicitly approved by the full Council;

and any such amendments as set out in sub-paragraph (c)(ii) above shall be reported to the next meeting of the full Council.

- 2.3 Full Council previously agreed at the time of adopting the Constitution, that a full review of the Constitution should take place after one years' operation post Vesting Day. This is discussed later in this report.

3.0 AMENDMENTS TO THE CONSTITUTION

- 3.1 Part A of the amendments chart at **Appendix 1** sets out proposed amendments to the Constitution for Members' consideration, relating to:

- a) updating the Notes for the Standards and Governance Committee membership page to include the names of the additional Independent Persons for Standards appointed by full Council on 17 July 2023;
- b) making consequential amendments to reflect previously agreed changes to Financial Procedure Rule 28 (approval and acceptance process for the different type of grants), agreed by full Council on 15 November 2023 (and previously considered by the Members' Constitution Working Group).

3.2 The more substantive items for consideration are the subject of separate sections of this report below.

3.3 Part B of the amendments chart at **Appendix 1** sets out amendments for information which have been undertaken by the Assistant Chief Executive Legal and Democratic Services under his delegated powers in Article 15.02(c) of the Constitution and which are being reported back to full Council for information. The Assistant Chief Executive Legal and Democratic Services has recently used his delegated powers to amend the Constitution to:

- a) update out of date references in the Scrutiny of Health Committee terms of reference to the Strategic health authorities and the Healthcare Commission as they have ceased to exist and were replaced by the Health and Care Partnerships and the Integrated Care Boards;
- b) correct typographical/administrative/formatting errors.

3.4 Subject to any comments Members may have, the Executive is asked to:

- a) agree that the proposed amendments to the Constitution set out in Part A of **Appendix 1** be proposed to full Council for approval;
- b) note the amendments to the Constitution set out in Part B of **Appendix 1** to this report, made by the Assistant Chief Executive Legal and Democratic Services under his delegated powers, for reporting back to full Council for information.

4.0 **PROCUREMENT AND CONTRACT PROCEDURE RULES**

4.1 Proposed amendments to the Procurement and Contract Procedure Rules, previously considered by Constitution Working Group and Executive, were approved by full Council on 15 November 2023.

4.2 Full Council also specifically delegated to the Assistant Chief Executive Legal and Democratic Services the power to make the necessary consequential changes to the Procurement and Contract Procedure Rules to incorporate the changes made by the Health Care Services (Provider Selection Regime) Regulations 2023. These rules make changes with regard to public healthcare services and seeks to promote collaboration and flexible decision making. It provides for a "Provider Selection Regime" (PSR) to come into force for certain health care services and will require some changes to the existing Procurement and Contract Procedure Rules. The Assistant Chief Executive Legal and Democratic Services has used his specific delegation from full Council on 15 November 2023 to consequentially amend the Procurement and Contract Procedure Rules as set out by way of tracked changes in **Appendix 2a** to this report.

4.3 In addition, the procurement thresholds for 2024 were released via the Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment)

Regulations 2023 and these apply from 1 January 2024. The Assistant Chief Executive Legal and Democratic Services used his general delegation under Article 15.02(c) of the Constitution to consequentially amend the Procurement and Contract Procedure Rules as set out in **Appendix 2a** to this report.

4.4 The nature of the amendments made under the delegations are:

- Reference to the Health Care Services (Provider Selection Regime) Regulations 2023 and the implications of this added to the overarching statement at the beginning of the Rules.
- Inclusion of new terminology linked to the PSR (i.e. Health Care Services, PSR and PSR Governance Process).
- WTO GPA threshold updated throughout in line with the updated values.
- Inclusion of details around mixed procurement which include Health Care Services and when the PSR must be used.
- Inclusion of tables detailing the transparency procedures for the various Health Care Services processes and some minor formatting amendments to these tables.
- Reference to regulations updated throughout to differentiate between the PSR and the Public Contract Regulations (PCR).
- New Rule added detailing options for Health Care Services processes and rule numbers updated through to reflect additions.
- New PSR Governance Process added detailing authorisation process.
- Reference to Health Care Service updated throughout where required.

4.5 Some further minor typographical errors were amended by the Assistant Chief Executive Legal and Democratic Services and a clean version of the current Rules, with the changes accepted, is set out at **Appendix 2b** to this report for ease of reference.

4.6 The Executive is asked to note the changes made to the Procurement and Contract Procedure Rules by the Assistant Chief Executive Legal and Democratic Services under his delegated powers and to refer them on to full Council by way of report back for information.

5.0 **DEVELOPMENT PLAN COMMITTEE**

5.1 At its meeting on 15 November 2023, full Council agreed the approach to Member engagement and decision-making throughout the preparation of Development Plan Documents and Neighbourhood Plans as set out in that report, including the establishment of a Development Plan Committee, and consequential amendments to the Constitution.

5.2 Following the full Council meeting in November, the Assistant Chief Executive Legal and Democratic Services amended the Constitution consequentially to include Terms of Reference and Delegated Powers for the Development Plan Committee in accordance with the agreed approach. A copy is attached at **Appendix 3**. The membership list was also updated to reflect a membership change.

5.3 Members are requested to note the Development Plan Committee Terms of Reference and Delegated Powers attached at **Appendix 3** and to refer them on to full Council by way of report back for information.

6.0 **COUNCIL PROCEDURE RULES**

6.1 A number of areas for discussion, suggested by Members, were considered by the Members' Working Group on the Constitution at its meeting on 21 March 2024, relating to the number and length of council meetings, public and Member questions and motions. These areas are covered by Council Procedure Rules 2 and 9 to 14, extracts of which are attached at **Appendix 4** to this report.

6.2 The Working Group considered the issues raised below and propose to the Executive, for recommendation to full Council for approval, certain changes to the Council Procedure Rules:

a) The number of Council meetings

- i. that an additional Council meeting in February 2025 be introduced which is dedicated to the consideration of the Budget and the Council Plan;
- ii. this is to be the scheduled date of 19 February 2025;
- iii. all other business normally scheduled for 19 February 2025 to be moved to the reserve date of 21 February 2025;
- iv. for 2026, consideration should be given to spacing the meetings so that, for example, the dedicated Budget and Council Plan meeting is held in February and the other meeting held in March or April;
- v. for 2026, a reserve date should be kept for the Budget and Council Plan meeting. The Working Group considered this should be the following Wednesday, subject to seeking the views of the Corporate Director Finance. Following consultation with the Corporate Director, it is recommended that the reserve date for the Budget and Council Plan meeting be scheduled for the Friday in the week of the meeting, as this will help in ensuring there is maximum time available for billing purposes;
- vi. no public questions or statements to be allowed at the Council meeting dedicated to the Budget and Council Plan;
- vii. that there should be a greater time for Members to speak on the Council Budget – 6 minutes each for the mover and seconder and every spokesperson of a political group.

b) Public questions

- i. that public questions and statements should remain, **except** for the dedicated meeting for the consideration of the Budget and Council Plan (where no public questions or statements should be permitted);
- ii. where public questions/statements are permitted, there should be a limit of 30 minutes for public questions/statements at full Council meetings: 5 questions or statements maximum to be allowed at Council meetings (rationale that a question is 3 minutes, an answer 3 minutes and so that is the 30 minute total allowed in the Constitution);
- iii. each question/statement must relate to an item for decision on the Council agenda.
- iv. that there should be only one question or statement per individual, organisation or group in a given 6 month period (from

the point at which the initial question was asked) for the Executive and Council meetings;

- v. that there should be no supplementary questions allowed at meetings of full Council;
- vi. the Chair of Council can refuse to accept a question or statement for a full Council meeting if it is the same as asked at Executive or Council in the previous 6 months;
- vii. the Chair of Council can refuse to accept questions/statements submitted to full Council or can refer them to other committees;
- viii. where there are multiple questions/statements on the same theme, there should be one spokesperson;
- ix. the Chair of Council should decide, in consultation with the Assistant Chief Executive Legal and Democratic Services, which questions are asked and in what order;
- x. there should be an express provision that no public planning related questions/statements are to come to full Council (as they are quasi judicial in nature and should generally be answered through the planning regime by being submitted to the Strategic Planning Committee) unless they specifically relate to a decision making item on the Council agenda;
- xi. that there should be no public questions or statements allowed at any Council or committee meeting from publicly declared candidates for elections, during the pre-election period.

The Executive is requested to consider whether the proposed amendments to Council Procedure Rules 9.2 and 9.4 set out in **Appendix 4** should apply to all committee meetings or just full Council meetings.

c) Motions

- i. motions on notice should be moved higher up the order of business, to after the Leader's statement;
- ii. Scrutiny Board shall determine which overview and scrutiny committee is the most appropriate to consider motions referred from Council. Once the relevant overview and scrutiny committee has considered the matter, it should be referred back to the relevant decision making body rather than automatically being referred back to full Council;
- iii. that the provision in Council Procedure Rule 14 (Previous Decisions and Motions) regarding the proposer of a motion and 15 other members being able to call back something for re-debate be amended to provide for a 6 month embargo on bringing matters back for review/re-debate unless there has been a substantial material change in circumstances.

6.3 Proposed amendments reflecting the above are set out by way of tracked changes on the extracts in **Appendix 4**.

6.4 Subject to any comments Members may have, it is proposed that the draft amendments to the Council Procedure Rules set out in **Appendix 4** to reflect the above be recommended to full Council for approval.

7.0 **OVERVIEW AND SCRUTINY OF HOUSING SERVICES**

7.1 The Members' Working Group on the Constitution considered a report of the Corporate Director Community Development on 21 March 2024 regarding the overview and scrutiny of housing services. The report sought the views of the Group regarding how the scrutiny of housing services could be taken forward in light of concerns that the existing arrangements do not create the capacity to enable this complex, detailed and high-profile area of work to be effectively reviewed on an ongoing basis. The report highlighted the need for Council to revise the current arrangements for the oversight and scrutiny of its housing services without the need to significantly change its existing constitution.

Background

7.2 When the new North Yorkshire Council was created, responsibility for the overview and scrutiny of housing services was added to the remit of the existing Care and Independence scrutiny committee. Feedback from members post vesting day would suggest that their existing workload would not allow for sufficient time to be afforded to this additional area of work and they have suggested that alternative arrangements should be explored.

7.3 As set out in the accompanying HRA Governance Arrangements working paper (**Appendix 5**), there has been a considerable change in the landscape for the regulation of social housing through the introduction of the Social Housing Regulation Act 2023 and subsequently the launch of the revised consumer standards for social housing with effect from April 2024 onwards. North Yorkshire Council, as a landlord, has a significant amount of policy review, service improvement and embedding of governance arrangements to complete in order to demonstrate compliance with the new requirements meaning that more member time should be dedicated to overview and scrutiny of Housing.

7.4 In addition to providing oversight and scrutiny of the Council's HRA functions, the committee also needs to perform this role for the full range of housing services for which NYC is responsible for and which extends to housing strategy, homelessness and housing needs, the delivery of affordable housing as well as private sector housing renewal.

7.5 This report suggests that the work associated with overseeing and scrutinising housing services could be transferred to the Transition (LGR) Overview and Scrutiny Committee or that a new overview and scrutiny committee that focussed upon housing and related matters (potentially including some aspects of the existing work of the Transition (LGR) Overview and Scrutiny Committee) be created.

7.6 The Transition (LGR) Overview and Scrutiny committee currently scrutinises Leisure, Culture, Tourism, Arts, Waste Collection, Bereavement Services and Licensing, as well as the significant decisions made by the Executive regarding the new unitary authority and Local Government Reorganisation.

7.7 The Committee has been retained until 31 March 2026 with a review after two years (i.e. after 31 March 2025). Clearly, the Member Working Group on the Constitution can review the status of the Transition (LGR) Overview and Scrutiny Committee and make recommendations to Council.

- 7.8 In September 2023 the Council sought an external view of the Housing Revenue Account (HRA) and HRA Business Plan, which brings together the HRAs of the three former stockholding councils and a review of the governance and associated arrangements in place in relation to compliance with the Regulator of Social Housing's (RSH's) current and (at that point proposed) revised Consumer Standards.
- 7.9 One of the suggestions was that North Yorkshire Council's governance arrangements could be enhanced to provide greater assurance that the Council can oversee its responsibilities as a Registered Provider.
- 7.10 Following this, regarding the current overview and scrutiny arrangements it was suggested that given the breadth and importance of the committee's remit there is likely to be significant pressure on meeting agendas and a risk that social housing activity receives insufficient attention. Scrutinising social housing activities may also benefit from different/ additional skillsets and one option the Council may wish to consider is establishing housing-specific member scrutiny arrangements.
- 7.11 Currently the responsibility for overview and scrutiny of housing at the Council rests within the Terms of Reference the Care and Independence and Housing Overview and Scrutiny Committee which "Scrutinises the needs of vulnerable adults, older people and people whose independence needs to be supported by intervention from the public or voluntary sector and housing".
- 7.12 Given the workload associated with the increasing regulation of the council's landlord function it is suggested to remove the overview of scrutiny of housing from the Terms of Reference of the Care and Independence and Housing Overview and Scrutiny Committee.
- 7.13 It is suggested that the responsibility for the overview of scrutiny of housing could rest within the Terms of Reference of the Transition (LGR) Overview and Scrutiny Committee and amend the scope of that committee to cover: 'Housing, Leisure, Culture, Tourism, Arts, Waste Collection, Bereavement Services and Licensing. Alternatively, a new overview and scrutiny committee be created that focussed upon housing and related matters (potentially including some aspects of the existing work of the Transition (LGR) Overview and Scrutiny Committee). The future role of the Transition (LGR) Overview and Scrutiny Committee could then be reviewed.
- 7.14 The Housing element would have the following requirements:
- 7.14.1 Scope
In scope for the work of the committee would be the functions of the Housing Service:
- Housing Delivery, Enabling, Partnerships
 - Housing Needs
 - Housing Standards
 - Landlord Services
 - Private Sector Renewal.
- 7.14.2 Out of scope
- Planning/Local Plan/ wider housing delivery.
- 7.15 Workplan
Appendix 5 contains an example cyclical work plan based upon regulatory reporting requirements. Key reports that the committee would need to consider will be:

- HRA Business Plan
- Self-assessment of compliance with the Complaints Handling Code
- Tenant Satisfaction Measures
- Quarterly Performance and financial monitoring.
- Complaints monitoring
- Resident Panel Feedback.

7.16 Task and Finish Groups

It is envisaged that specific Task and Finish Groups would be required, for example, regarding Housing Policy, to speed up scrutiny of and therefore adoption of a plethora of policies required by the Regulator to fulfil our landlord function.

7.17 Membership

We would require a level of flexibility in order to co-opt external experts in, for example,

- Tenant engagement/involvement
- Landlord health and safety
- Asset management and
- Local authority finance.
- Tenant representatives.

7.18 Links to Tenant Scrutiny

A core element of consumer standards compliance is providing opportunities for tenants to scrutinise and hold their landlord to account, we will need to consider how member-scrutiny and tenant scrutiny can work together. This will be kept under review during development of the Tenant Scrutiny arrangements.

Alternative options considered

7.19 Do nothing. As stated above, the option of leaving the oversight and scrutiny of housing services with the Care and Independence and Housing Overview and Scrutiny committee would seem to rule out this option due to concerns around workload.

7.20 Create a new overview and scrutiny committee. This option would enable a sharp focus upon housing related matters and could include aspects of the work of the existing Transition (LGR) Overview and Scrutiny Committee. The necessary changes to the Constitution and committee appointments could be made at Council in May and so the new committee could be meeting by June 2024. This would then mean that an additional committee had been created, increasing the workload upon members. As such, there may be value in reviewing the ongoing position of the Transition (LGR) Overview and Scrutiny Committee.

7.21 Transfer responsibility for the oversight and scrutiny of housing services to an existing committee. This has the least impact overall and can be delivered relatively quickly in order to meet the regulatory challenges faced by NYC.

Implications

7.22 Any financial implications would be minimal. There will be a need to provide specific training to committee members to ensure up to date knowledge of the new regulatory environment.

7.23 Regarding legal implications, the requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011. The legislation

permits the Council to determine its own overview and scrutiny arrangements to best suit its needs.

- 7.24 There are no equalities or climate change implications.
- 7.25 Transferring the responsibility for the overview and scrutiny of housing services from the Care and Independence and Housing Overview and Scrutiny committee to the Transition (LGR) Overview and Scrutiny committee or to a dedicated housing overview and scrutiny committee delivers the best outcomes for the authority and its residents.
- 7.26 The Members' Working Group on the Constitution considered these matters at its meeting on 21 March 2024 and agreed that it be proposed to the Executive, for recommendation to full Council, that:
- i. the Transition (LGR) Overview and Scrutiny Committee should formally cease as of the 15 May 2024 Council meeting. Any outstanding work should be re-allocated, in liaison with Scrutiny Board, to the other overview and scrutiny committees (with the exception of matters relating to leisure);
 - ii. A new Housing and Leisure Overview and Scrutiny Committee to be created at the 15 May 2024 Council meeting, appointments to which to be made at full Council (16 members politically balanced as per the other overview and scrutiny committees) and the first meeting of the new overview and scrutiny committee to follow in June 2024.

8.0 **INDEPENDENT REMUNERATION PANEL TERMS OF REFERENCE**

- 8.1 The Members' Working Group on the Constitution considered a report on 21 March 2024 regarding draft changes to the Terms of Reference for the Council's Independent Remuneration Panel on Member Allowances that has been proposed by the Panel Members.

Background

- 8.2 The Independent Remuneration Panel was convened by legislation in 2003. The role of the Panel is to consider issues relating to Members' remuneration and expenses and then to make recommendations and provide advice to the Council.
- 8.3 The Panel currently consists of four members, recruited by open advert for a four-year term of office. It is open for any member of the public to apply. Members may be re-appointed for a further term of up to four years. Interviews for and appointments to the Panel are made by the Leaders of the Political Groups, the Chief Executive, the Monitoring Officer, and the Chair of the Panel, or another Member of the Panel. The Panel chooses its own Chairman and duration.

Terms of Reference

- 8.4 In December 2023, the Panel undertook a review of their Terms of Reference. The Panel members felt that the existing Terms of Reference needed to be refreshed to accurately reflect that work that was being undertaken. The amendments that are proposed are relatively minor points of clarification, context and simplification and do not alter the role, remit and responsibilities of the Panel. The current Terms of Reference are at **Appendix 6** and the proposed revised Terms of Reference are at **Appendix 7**.

8.5 The Terms of Reference for the Independent Remuneration Panel are not included in the Constitution for the Council, reflecting the independent nature of the Panel which has to be at arm's length from the Council. The Terms of Reference were, however, taken to the Member Working Group on the Constitution for review ahead of them being to the Executive and then Full Council.

8.6 Subject to any comments Members may have, the proposed revised Terms of Reference for the Council's Independent Remuneration Panel on Member Allowances that have been proposed by the Panel Members as set out at **Appendix 7**, be recommended to full Council for approval.

9.0 **FULL REVIEW OF CONSTITUTION**

9.1 At the time of adopting the Constitution for North Yorkshire Council, full Council agreed that a review of the Constitution should take place after 12 months' operation of the unitary authority.

9.2 The inaugural year of North Yorkshire Council is now complete and Members are requested to give initial consideration to the full review of the Constitution post 12 months' operation and Members' views are welcomed as to the form and scope the review should take.

9.3 It is suggested that any review commence after this round of changes to the Constitution has been considered by full Council at its May meeting.

10.0 **FINANCIAL IMPLICATIONS**

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

11.0 **LEGAL IMPLICATIONS**

11.1 The legal implications are set out in the body of this report.

12.0 **ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS**

12.1 There are no significant environmental or climate change implications arising from this report.

13.0 **CONSULTATION**

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

13.2 This report also incorporates the views of the Members' Working Group on the Constitution as expressed at the Group's meeting on 21 March 2024.

14.0 **REASONS FOR RECOMMENDATIONS**

14.1 For the reasons set out in the body of this report and in the Appendices, it is recommended that, subject to any comments Members may have, the matters raised in this report be considered and the recommendations and proposed changes to the Constitution set out below be recommended to full Council for information and/or approval as indicated.

15.0 **RECOMMENDATIONS**

15.1 That, subject to any comments Members may have:

- (a) the proposed amendments to the Constitution set out in **Part A of Appendix 1** be proposed to full Council for approval;
- (b) Members note the amendments to the Constitution set out in **Part B of Appendix 1** to this report, made by the Assistant Chief Executive Legal and Democratic Services under his delegated powers, for reporting back to full Council for information;
- (c) Members note the consequential amendments to the Procurement and Contract Procedure Rules as set out in **Appendices 2a and 2b** to this report made by the Assistant Chief Executive Legal and Democratic Services under his general delegations in Article 15.02(c) of the Constitution and specific delegated power from full Council on 15 November 2023, for reporting back to full Council for information;
- (d) Members note the Development Plan Committee Terms of Reference and Delegated Powers consequentially included in the Constitution and attached at **Appendix 3** to this report for reporting back to full Council for information;
- (e) there be 5 full Council meetings per year, the fourth meeting to consider the Council Budget and Council Plan only and the reserve date to be used for the rest of Council business:
 - i. for 2025, the scheduled meeting on 19 February 2025 be the additional Council meeting dedicated to the consideration of the Budget and the Council Plan and all other business normally scheduled for 19 February 2025 be moved to the reserve date of 21 February 2025;
 - ii. for 2026, the meetings be spaced so that the dedicated Budget and Council Plan meeting is held in February and the other meeting held in March or April;
 - iii. for 2026, a reserve date should be kept for the Budget and Council Plan meeting; instead of this being on the Friday in the week of the meeting, it is recommended that the reserve date be on the following Wednesday (a week after the Budget and Council Plan Council meeting);
- (f) the Executive consider whether the proposed amendments to Council Procedure Rules 9.2 and 9.4 set out in **Appendix 4** should apply to all committee meetings or just full Council meetings and the Assistant Chief Executive Legal and Democratic Services be authorised to make any further amendments as Members may wish to the Council Procedure Rules for recommendation to full Council for approval;
- (g) the proposed amendments to the Council Procedure Rules set out in section 6 of this report and **Appendix 4** be recommended to full Council for approval and the Assistant Chief Executive Legal and Democratic Services be authorised to make any further consequential amendments which may be required to the Constitution;
- (h) the Transition (LGR) Overview and Scrutiny Committee should formally cease as of the 15 May 2024 Council meeting and that any outstanding work should

be re-allocated, in liaison with Scrutiny Board, to the other overview and scrutiny committees (with the exception of matters relating to leisure); that the proposed amendments to the overview and scrutiny committee terms of reference in Article 6 of the Constitution as set out by way of tracked changes in **Appendix 5b** be recommended to full Council for approval; and that the Assistant Chief Executive Legal and Democratic Services be authorised to make any further consequential amendments which may be required to the Constitution;

- (i) a new Housing and Leisure Overview and Scrutiny Committee of 16 Members and politically balanced (as per the other overview and scrutiny committees) be created at the 15 May 2024 Council meeting, appointments to which to be made at that meeting of full Council and the first meeting of the new overview and scrutiny committee to follow in June 2024; that the proposed amendments to the overview and scrutiny committee membership lists in Part 3, Schedule 3 of the Constitution as set out by way of tracked changes in **Appendix 5c** be recommended to full Council for approval; and that the Assistant Chief Executive Legal and Democratic Services be authorised to make any further consequential amendments which may be required to the Constitution;
- (j) the proposed revised Terms of Reference for the Council's Independent Remuneration Panel on Member Allowances that have been proposed by the Panel Members as set out at **Appendix 7**, be recommended to full Council for approval;
- (k) Members give initial consideration to the full review of the Constitution post 12 months' operation and to the scope and form of the review, indicating whether there are any specific areas of focus Members would wish to suggest.

BARRY KHAN
Assistant Chief Executive Legal and Democratic Services

County Hall
NORTHALLERTON

8 April 2024

Background Documents:

North Yorkshire Council Constitution
The Local Government 2000 as amended

Appendices

1. Proposed Amendments Chart
- 2a. Consequential tracked change amendments to the Procurement and Contract Procedure Rules.
- 2b. Procurement and Contract Procedure Rules (consequential tracked changes accepted).
3. Development Plan Committee Terms of Reference
4. Extracts from Council Procedure Rules
5. HRA Governance paper
6. Current Terms of Reference of Independent Remuneration Panel on Member Allowances
7. Proposed revised Terms of Reference of Independent Remuneration Panel on Member Allowances
8. Equality Impact Assessment Screening Form
9. Climate Change Impact Assessment Screening Form

APPENDIX 1

Proposed Amendments to Constitution – for full Council in May 2024

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

<u>PART A: ITEMS FOR DECISION</u>			
Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Part 3 – Responsibility for Functions Schedule 1 – Council Committees, their membership and powers Standards and Governance Committee	Note: (i) The Standards and Governance Committee is subject to the rules on political balance. (ii) The Independent Persons for Standards are Hilary Gilbertson MBE and Louise Holroyd.	Note: (i) The Standards and Governance Committee is subject to the rules on political balance. (ii) The Independent Persons for Standards are <u>Gillian Baker, Hilary Gilbertson MBE, Louise Holroyd, Roy Martin, James Nelson and Richinda Taylor.</u>	To update the Notes for the Standards and Governance Committee membership page to include the names of the additional Independent Persons for Standards appointed by full Council on 17 July 2023.
Part 3 – Responsibility for Functions Schedule 2 – The Executive Executive Members' Delegation Scheme Paragraph 6	6. In respect of grant or other external funding: (a) Following consultation with the relevant Corporate Director and the Corporate Director of Resources, to authorise the submission of bids for grant or other external funding in excess of £500,000; and (b) Following consultation with the relevant Corporate Director, the Corporate Director of Resources and the Assistant Chief Executive Legal and Democratic Services to authorise the acceptance of	6. In respect of grant or other external funding: (a) <u>To be consulted, along with the Executive Member for Finance, regarding the submission of bids for grant or other external funding of £200,000 or more (save in the case of recurring grants, where consultation with the Executive Member will be at the discretion of the Chief Finance Officer), as set out in Financial Procedure Rule 28.4;</u> and (b) Following consultation with the <u>Chief Finance Officer and the Executive</u>	To make consequential amendments to reflect changes to Financial Procedure Rule 28 (approval and acceptance process for the different type of grant agreed by full Council on 15 November 2023 (and previously considered by the Members' Constitution Working Group)

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	<p>any offer of grant or other external funding of £200,000 to £1million (inclusive) in line with the requirements of Rules 28.5 of the Financial Procedure Rules;</p> <p>subject, in all cases, to the implications for the Council being consistent with the budget and policy framework, and subject also to the requirements of the Financial Procedure Rules in relation to Partnerships and Accountable Bodies at Rules 29 and 30 respectively.</p>	<p><u>Member for Finance.</u> to authorise the acceptance of any offer of <u>new</u> grant or other external funding of £200,000 to £1million (inclusive) in line with the requirements of Rules 28.5 of the Financial Procedure Rules;</p> <p><u>(c) To be consulted, along with the Executive Member for Finance, regarding the acceptance of recurring grants or other external funding of £200,000 or more, as set out in Financial Procedure Rule 28.5;</u></p> <p>subject, in all cases, to the implications for the Council being consistent with the budget and policy framework, and subject also to the requirements of the Financial Procedure Rules in relation to Partnerships and Accountable Bodies at Rules 29 and 30 respectively.</p>	
<p><u>PART B: ITEMS FOR INFORMATION</u></p>			

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<p>Part 2 – Articles</p> <p>Article 6 – Overview and Scrutiny Committees</p> <p>6.01 Terms of Reference</p> <p>Scrutiny of Health</p>	<p>To review any matter relating to the planning, provision and operation of health services in the County, including Ambulance Trusts and the policies of the Strategic Health Authority.</p> <p>The aim is to act as a lever to improve the health of local people, ensuring that the needs of the local people are considered as an integral part of the delivery and development of health services.</p> <p>To focus on action to achieve health improvement; to examine health care in the context of the wider determinants of health; to examine how health services address the needs of local communities; especially to address health inequalities; to ensure that local health and health related issues are being tackled jointly and in a co-ordinated way across agencies.</p> <p>To contribute to the annual health checks by providing commentaries to the Health Care Commission on the performance of NHS Trusts serving North Yorkshire and on the experiences that the Committee has had with those Trusts.</p>	<p>To review any matter relating to the planning, provision and operation of health services in the County, including Ambulance Trusts and the policies of the Health and Care Partnerships.</p> <p>The aim is to act as a lever to improve the health of local people, ensuring that the needs of the local people are considered as an integral part of the delivery and development of health services, and will look:</p> <ul style="list-style-type: none"> • To focus on action to achieve health improvement; • To examine health care in the context of the wider determinants of health; • To examine how health services address the needs of local communities; • To especially to address health inequalities; • To ensure that local health and health related issues are being tackled jointly and in a co-ordinated way across agencies; • To contribute to annual health checks by providing feedback to the Integrated Care Boards and NHS Trusts serving North Yorkshire on their performance and the experiences that the Committee has with them. 	<p>To update out of date references namely to replace the references to the Strategic health authorities and the Healthcare Commission as they have ceased to exist and were replaced by the Health and Care Partnerships and the Integrated Care Boards.</p>	<p>Deleted: Strategic Health Authority</p> <p>Deleted: .</p> <p>Deleted: t</p> <p>Deleted: t</p> <p>Deleted: t</p> <p>Deleted: .</p> <p>Deleted: the</p> <p>Deleted: commentaries</p> <p>Deleted: Health Care Commission</p> <p>Deleted: on the performance of</p> <p>Deleted: on</p> <p>Deleted: had</p> <p>Deleted: those Trusts</p>
<p>Part 3</p> <p>Schedule 1 – Council Committees, their membership and their powers</p> <p>Pension Fund Committee</p>		<p><i>The Pension Fund Committee membership list in the Constitution has been updated to reflect membership changes.</i></p>	<p>To keep the Constitution up to date.</p>	

<p>Part 3</p> <p>Schedule 1 – Council Committees, their membership and their powers</p> <p>Health and Wellbeing Board Terms of Reference</p>	<p>1. Core Functions</p> <p>1.1 The Health and Social Care Act 2012 requires the Council to establish a Health and Wellbeing Board (the Board) for Irea to encourage the improvement and integration of working of health and social care for North Yorkshire.</p>	<p>1. Core Functions</p> <p>1.1 The Health and Social Care Act 2012 requires the Council to establish a Health and Wellbeing Board (the Board) for its area to encourage the improvement and integration of working of health and social care for North Yorkshire.</p>	<p>To correct a typographical error.</p>
<p>Whole Constitution</p>		<p><i>Minor formatting/typographical/administrative errors have been corrected in the Constitution under the Monitoring Officer's delegated powers as set out in Article 15.02(c)(i) of the Constitution to correct administrative issues.</i></p>	<p>To ensure that the Constitution is accurate and up to date.</p>

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Procurement and Contract Procedure Rules

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1. Introduction
2. General
3. Compliance with Legislation and Standards
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19. Contract Management
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OFFICIAL

OFFICIAL

23. Hiring and Engaging Staff

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

Please note that any reference within these Rules to the Public Contracts Regulations 2015 and any requirement arising from them remain in force in accordance with the Withdrawal Agreement 2019 until replaced by future legislation. The Health Care Services (Provider Selection Regime) Regulations 2023 comes into effect 1st January 2024 and will replace the Public Contracts Regulations 2015 when arranging health care services and revoke the National Health Service Regulations 2013. Further guidance will be issued by the Procurement and Contract Management Service in due course.

1. INTRODUCTION

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

Above Threshold Process means the procurement process to be followed where the estimated whole life value of a Contract exceeds the relevant WTO GPA Threshold

Above Threshold Tender means a tender submitted as part of an Above Threshold Process

Best Value Form means the form to be completed to capture the rationale for not seeking bids in accordance with **Rule 8.6**

Competitive Grant Form means the form to be completed confirming the competitive process being undertaken to award the Grant

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

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

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

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

Contract Management Practitioners Group means the Council's practitioner group responsible for improving contract management standards, chaired by the Senior Contract Officer/s

Contract Register means the register of Contracts maintained by the Council as set out in **Rule 18.6**

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Contractor	means a person or entity with whom the Council has a contract
Council	means The North Yorkshire Council
Decision Record	means a record of a decision produced in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
Director	means the Chief Executive Officer; Assistant Chief Executive HR and Business Support, Assistant Chief Executive Legal and Democratic Services, Assistant Chief Executive Local Engagement, Corporate Director of Environment; Corporate Director Health and Adult Services; Corporate Director Children and Young People's Service; Corporate Director of Resources; Corporate Director of Community Development as the context requires
Directors Recommendation	means a written record of the decision and justification to apply one of the exceptions set out in Rule 17.2 to be signed and kept by the relevant Director
Electronic Signatures	means an advanced electronic signature which is: <ul style="list-style-type: none"> (i) uniquely linked to the signatory; and (ii) capable of identifying the signatory; and (iii) created using means that the signatory can maintain under his/her sole control; and (iv) linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.
E-Sourcing system	means the Council's chosen E-sourcing system
FPP	means the Forward Procurement Plan which outlines all future procurement requirements of the Council
Framework Agreement	means an agreement with one or more contracting authorities and one or more economic operator which establishes an arrangement for: <ul style="list-style-type: none"> (i) multiple orders to be placed with one Contractor (a single supplier framework), or (ii) a framework of multiple Contractors to engage in further competitions or direct award (a multiple supplier framework)
Gateway Process	means the Council's value based gateway commissioning and procurement process that combines assessment and

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understanding of various aspects of value with appropriate review and scrutiny at defined points in the commissioning and procurement cycle

Health Care Services means those services detailed within Schedule 1 of the Health Care Services (Provider Selection Regime) Regulations 2023

Grant means a sum of money awarded by the Council to third parties

HoP means the Head of Procurement and Contract Management

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

ITB means an Invitation to Bid

ITQ means an invitation to Quote

ITT means an Invitation to Tender

Key Decision means a decision made in connection with the discharge of a function which is the responsibility of the Executive set out in Article 13.03(b) of the Constitution

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

LDSO means a Legal and Democratic Services Officer

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

Monitoring Officer means the Council's appointed Monitoring Officer

Officer means a Council employee or other authorised agent

PAB means the Procurement Assurance Board, chaired by the HoP

Participant means a person or entity participating in a procurement process, who has expressed an interest in tendering for a Contract or who has tendered for a Contract

PSBO means Public Sector Buying Organisation

PCR means the Public Contracts Regulations 2015

Person means any individual, partnership, company, trust, other local authority, Government department or agency

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Procurement and Contract Management Service	means the procurement and contract management team at the Council
Procurement Manual	means the manual to accompany these Rules which provides detailed guidance on procurement techniques and the effect of the Rules
Procurement and Contract Management Strategy	means the Council's approved Procurement and Contract Management Strategy
Property Contract	means a contract which creates an estate or interest in land or buildings
PSR	means <u>The Health Care Services (Provider Selection Regime) Regulations 2023</u>
PSR Governance Process	means the Council's value based governance commissioning and procurement process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points in the commissioning and procurement cycle
Responsible Officer	means the Officer from the directorate who is responsible for the procurement and/or management of a Contract
Rules	means these Procurement and Contract Procedure Rules
SCM	means Senior Category Manager
S151 Officer	means the Council's appointed Section 151 Officer
Services or Supplies	means as defined in Regulation 2 of the PCRs
Social and Other Specific Services	means those services defined as such in Schedule 3 of the PCRs
SQ	means the Selection Questionnaire
WTO GPA Threshold	means the current threshold above which the PCR's apply, currently £ <u>214,904</u> inclusive of VAT for services and supplies £663,540, inclusive of VAT for social and other specific services and £5, <u>372,609</u> for works inclusive of VAT
Waiver Request Form	means the prescribed form to be completed when requesting a waiver in accordance with Rule 17.5
Works	means as defined in Regulation 2 of the PCRs

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1.2 These Rules form part of the overall control framework within which the Council operates. They aim to facilitate sound, innovative service delivery by setting out best

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practice for the administration of all procurement and contract management matters throughout the Council, ensuring a high quality of procurement and contract management information, robust procurement and contract management and enabling good decision making. They should not be viewed as a barrier to executive action and are constantly kept under review to ensure that they remain relevant to the day to day activities of the Council and contribute to the delivery of value for money.

1.3 References in these Rules to:-

- (a) any legislation (e.g. Act, Statutory Instrument, WTO requirement) include a reference to any amendment or re-enactment of such legislation;
- (b) the value of any Contract or Grant are to the total estimated value payable (including VAT where applicable) over the full period of the Contract or Grant including any options or extensions to the Contract or Grant.
- (c) Directors, the S151 Officer and the Monitoring Officer shall be taken to include such Officers as are designated by those officers to undertake the duties and responsibilities set out in these Rules, except in the case of the following Rules:-
 - (i) Director - **Rules 9.6, 16.1 (e) and (j)**
 - (ii) S151 Officer - **Rules 2.1**
 - (iii) Monitoring Officer - **Rules 2.1**

where delegation is not permitted, except in exceptional circumstances. A record of all duties and responsibilities as delegated under these Rules is to be maintained by each Director, the S151 Officer and the Monitoring Officer.

2. GENERAL

- 2.1 These Rules are made by the Council on the advice of the S151 Officer (in consultation with the Monitoring Officer) under Article 14.02 of the Constitution and define the correct procedures to be followed when the Council enters into any contractual arrangement and should be read in conjunction with the Finance Procedure Rules under Article 14.01 of the Constitution.
- 2.2 These Rules apply to all Grants and Contracts for Works, Supplies, Services or Social and Other Specific Services, and Health Care Services (unless otherwise specified) but do not apply to: -
 - (a) contracts of employment;
 - (b) property contracts (which are covered by the Property Procedure Rules); and
 - (c) financial instruments (including, but without limitation, shares, bonds, bills of exchange, future or options contracts) (which are covered by the Financial Procedure Rules).
- 2.3 The S151 Officer (in consultation with the Monitoring Officer) shall review the application and effect of these Rules and make an annual report or as required but no less than once per year to the Audit Committee recommending such amendments to the Rules as are considered appropriate.

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- 2.4 The S151 Officer has produced a Procurement Manual which sets out important issues to be considered in the procurement context. These Rules should be read in conjunction with the Procurement Manual.
- 2.5 The S151 Officer has also produced a Finance Manual which gives advice on financial procedures.
- 2.6 Where a contract for the acquisition or hire of goods or services involves any form of Leasing Agreement to finance the transaction then the S151 Officer shall undertake the negotiation of terms and authorise the arrangement in accordance with Rule 20.10 of the Financial Procedure Rules.
- 2.7 Directors and the HoP shall ensure that all documentation relating to Contracts, Grants and procurement processes is retained in accordance with the Council's Records Retention and Destruction Schedule.
- 2.8 Where the Council has awarded a contract to any person to supervise or otherwise manage a contract on its behalf such a person shall be required to comply with these Rules as if they were an Officer of the Council.
- 2.9 Wherever appropriate procurement shall be undertaken using the standard documents contained in the Procurement Manual applying to SQ's, ITT's or ITBs. Wherever alternative documents are to be used they must be approved by the HoP and where appropriate the Monitoring Officer.
- 2.10 All Officers shall adhere to the approved Procurement and Contract Management Strategy of the Council.
- 2.11 Where the Council is procuring in partnership with another contracting authority who are the lead procurer, subject to agreement from the HoP, the Council will follow the lead procurers Procurement and Contract Procedure Rules or equivalent.
- 2.12 Where the total Grant or Contract value is within the values in the first column of **Tables 1-5**, below, the award and transparency procedure in the second and third column must be followed.
- 2.13 Where a procurement includes two or more types of provision (i.e. Goods, Services and Works) the value shall be based on the provision that characterises the main subject of the Contract in question.
- 2.14 When a contract comprises a mixture of in-scope Health Care Services and out-of-scope Services or Goods, relevant authorities may only use the PSR to arrange those services when both of the below requirements are satisfied:
- The main subject-matter of the contract is in-scope Health Care Services
 - The relevant authority is of the view that the other goods or services could not reasonably be supplied under a separate contract.
- 2.15 For the purposes of the Transparency Procedures set out in **Tables 1-5** below, the Responsible Officer must also consider the Key Decision criteria set out in Article 13.03(b)(i) of the Constitution when determining whether the procurement comprises a Key Decision.

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

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Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract	
£0 up to £5,000 (exclusive of VAT)	<p>A single quotation shall be invited in accordance with Rule 8.</p> <p>The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>Contract details do not need to be published on the Contract Register or to Contracts Finder.</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	<p>One signature. The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>	<p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Left, Space After: 0 pt</p> <p>Formatted Table</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Space After: 0 pt</p> <p>Deleted:</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial, 11 pt</p>
£5,000 (excluding VAT) up to £50,000 (inclusive of VAT)	<p>Quotes should be invited or the Best Value Form process followed in accordance with Rule 8.</p> <p>The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>Contract details must be published on the Contract Register.</p> <p>Contract details must be published on Contracts Finder for contracts above £30,000 (incl. VAT).</p> <p>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	<p>One signature. The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>	<p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: (Default) Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Space After: 0 pt</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p>
£50,000 (inclusive of VAT) up to WTO GPA Threshold (currently £214,904 inclusive of VAT)	<p>Bids must be invited in accordance with Rule 9.</p> <p>The opportunity must be advertised on the e-tendering system, Contracts Finder. It does not need to be advertised on Find a Tender Service.</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract Register and on Contracts Finder.</p>	<p>One signature. The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>	<p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Space After: 0 pt</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Deleted: 213,477.00,</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p>

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Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
	contracts finder or Find a Tender Service.	<p>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	
<p>£50,000 (inclusive of VAT) up to WTO GPA Threshold (currently £5,372,609 inclusive of VAT for Works)</p>	<p>Bids must be invited in accordance with Rule 9.</p> <p>The opportunity must be advertised on the e-tendering system, Contracts Finder. It does not need to be advertised on Find a Tender Service.</p> <p>Contract details must be published on the Contract Register and to Contracts Finder.</p>	<p>Contract award is approved by the Responsible Officer. For Contracts with a value of £1,000,000 or greater approval must be sought through the Gateway Process.</p> <p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract Register and to Contracts Finder.</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf)</p> <p>Contracts with a value in excess of £1,000,000 (inclusive of VAT) must be sealed by the Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.</p>
<p>Above WTO GPA Threshold (currently £5,372,609 inclusive of VAT for Works)</p>	<p>Follow the appropriate Procedure as set out in Rules 11 and 12.</p> <p>The opportunity must be advertised on the e-tendering system, Contracts Finder and Find a Tender Service.</p>	<p>Approval must be sought through the Gateway Process.</p> <p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract Register and on Contracts Finder.</p>	<p>Contracts must be sealed by the Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.</p>

Table 3: Social & Other Specific Services (Excluding Health Care Services)

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Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract	Formatted: Left, Space After: 0 pt
£0 up to £5,000 (exclusive of VAT)	<p>A single quotation shall be invited in accordance with Rule 8.</p> <p>The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>Contract details do not need be published on the Contract Register or the Contracts Finder.</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf)</p>	<p>Formatted Table</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Space After: 0 pt</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p>
£5,000 up to £50,000 inclusive of VAT	<p>Quotes should be invited or the Best Value Form process followed in accordance with Rule 8.</p> <p>The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>Contract details must be published on the Contract Register.</p> <p>Contract details must be published on Contracts Finder for contracts above £30,000 (incl. VAT).</p> <p>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf)</p>	<p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Space After: 0 pt</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p>
£50,000 inclusive of VAT up to WTO GPA Threshold (currently £663,540 inclusive of VAT)	<p>Bids must be invited in accordance with Rule 9.</p> <p>The opportunity must be advertised on the e-tendering system, Contracts Finder. It does not need to be advertised on Find a Tender Service.</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract Register and on Contracts Finder.</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf)</p>	<p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Space After: 0 pt</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p> <p>Formatted: Font: Arial</p>

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Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
Above UK Procurement Threshold (currently £663,540 inclusive of VAT)	Follow the appropriate procedure as set out in Rules 11 and 12 . The opportunity must be advertised on the e-tendering system, Contracts Finder and Find a Tender Service.	Approval must be sought through the Gateway Process. The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process. Contract details must be published on the Contract Register and on Contracts Finder.	Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf). AND The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf). Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6 .

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Table 4: Health Care Services (Excluding Social & Other Specific Services)

Direct Award Process A

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£0 – £50,000 (including VAT)	Follow the appropriate procedure as set out in Rule 15 . The Gateway Process must be completed.	Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
£50,000 – £663,540 (including VAT)	Awarded contract details must be published on the Contract Register, Find a Tender Service and to Contracts Finder.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above. Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).

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<u>Total Contract Value</u>	<u>Award Procedure</u>	<u>Transparency Procedure</u>	<u>Signature/Sealing Contract</u>
<u>Over £663,540 (including VAT)</u>		<u>The Responsible Officer must complete the Key Decision process.</u>	<p>Two signatures <u>The Director (or by an Officer authorised by the Director to sign on the Directors behalf).</u> AND <u>The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf).</u></p> <p><u>Sealing (where appropriate)</u> <u>Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.</u></p>

Direct Award Process B

<u>Total Contract Value</u>	<u>Award Procedure</u>	<u>Transparency Procedure</u>	<u>Signature/Sealing Contract</u>
<u>£0 – £50,000 (including VAT)</u>	<p><u>Follow the appropriate procedure as set out in Rule 15.</u></p> <p><u>The Gateway Process must be completed.</u></p>	<u>Where applicable, the Responsible Officer must complete the Key Decision process.</u>	<p><u>One signature</u> <u>The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</u></p>
<u>£50,000 – £663,540 (including VAT)</u>	<p><u>Expressions of Interest must be sought on the E-Sourcing system.</u></p> <p><u>Awarded contract details must be published on the Contract Register.</u> <u>Find a Tender Service and to Contracts Finder.</u></p>	<p><u>The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above.</u></p> <p><u>Where applicable, the Responsible Officer must complete the Key Decision process.</u></p>	<p><u>One signature</u> <u>The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</u></p>
<u>Over £663,540 (including VAT)</u>		<u>The Responsible Officer must complete the Key Decision process.</u>	<p>Two signatures <u>The Director (or by an Officer authorised by the Director to sign on the Directors behalf).</u> AND <u>The Monitoring Officer (or by an Officer</u></p>

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<u>Total Contract Value</u>	<u>Award Procedure</u>	<u>Transparency Procedure</u>	<u>Signature/Sealing Contract</u>
			<p>authorised by the Monitoring Officer to sign on his behalf).</p> <p>Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.</p>

Direct Award Process C

<u>Total Contract Value</u>	<u>Award Procedure</u>	<u>Transparency Procedure</u>	<u>Signature/Sealing Contract</u>
<u>£0 – £50,000 (including VAT)</u>	<p>Follow the appropriate procedure as set out in Rule 15.</p> <p>The Gateway Process must be completed.</p>	Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
<u>£50,000 – £663,540 (including VAT)</u>	<p>An intention to award notice must be published on Find a Tender Service and to Contracts Finder.</p> <p>Awarded contract details must be published on the Contract Register.</p>	<p>The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above.</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
<u>Over £663,540 (including VAT)</u>	Find a Tender Service and to Contracts Finder.	The Responsible Officer must complete the Key Decision process.	<p>Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf). AND The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf).</p> <p>Sealing (where appropriate) Monitoring Officer (or by an Officer</p>

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<u>Total Contract Value</u>	<u>Award Procedure</u>	<u>Transparency Procedure</u>	<u>Signature/Sealing Contract</u>
			authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.

Most Suitable Provider Process

<u>Total Contract Value</u>	<u>Award Procedure</u>	<u>Transparency Procedure</u>	<u>Signature/Sealing Contract</u>
<u>£0 – £50,000 (including VAT)</u>	Follow the appropriate procedure as set out in Rule 15. The Gateway Process must be completed.	Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
<u>£50,000 – £663,540 (including VAT)</u>	A Notice of Intention to follow the Most Suitable Provider Process must be published via Find a Tender Service An Intention to Award Notice must be published to Contracts Finder and Find a Tender Service.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above. Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
<u>Over £663,540 (including VAT)</u>	Finder and Find a Tender Service. Awarded contract details must be published on the Contract Register, Find a Tender Service and to Contracts Finder.	The Responsible Officer must complete the Key Decision process.	Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf). AND The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf). Sealing _____ (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.

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Competitive Process

<u>Total Contract Value</u>	<u>Award Procedure</u>	<u>Transparency Procedure</u>	<u>Signature/Sealing Contract</u>
<u>£0 – £50,000 (including VAT)</u>	Follow the appropriate procedure as set out in <u>Rule 15</u> . The Gateway Process must be completed.	Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
<u>£50,000 – £663,540 (including VAT)</u>	The opportunity must be advertised on the E-Sourcing system. Find a Tender Service and Contracts Finder. Awarded contract details must be published on the Contract Register.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above. Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
<u>Over £663,540 (including VAT)</u>	Find a Tender Service and to Contracts Finder.	The Responsible Officer must complete the Key Decision process.	Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf). AND The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf). Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6 .

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Table 5: Grants awarded by the Council

<u>Total Grant Value</u>	<u>Award Procedure</u>	<u>Transparency Procedure</u>	<u>Signature/Sealing</u>
£0 up to £100,000	The Best Value Form or a Competitive Grant Form must be completed in accordance with Rule 23 .	The Responsible Officer must complete the Decision Record process and/or the Key Decision Process where applicable.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).

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Total Grant Value	Award Procedure	Transparency Procedure	Signature/Sealing
		<p>Contract details must be published on the Contract Register for contracts above £5,000 (excl. VAT).</p> <p>Contract details must be published on Contracts Finder for contracts above £30,000 (incl. VAT).</p> <p>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</p>	
£100,000+	<p>A competitive application process must be completed in accordance with Rule 23.</p> <p>Where the value is below the thresholds set out in Rule 19.2 a Competitive Grant Form must be completed.</p> <p>Where the value exceeds the thresholds set out in Rule 19.2 the Gateway Process must be completed.</p>	<p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract Register and on Contracts Finder.</p>	<p>Sealing</p> <p>Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6 (unless signing is agreed by the Monitoring Officer).</p>

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3. COMPLIANCE WITH LEGISLATION AND STANDARDS

- 3.1 Every Contract and Grant shall comply with all relevant applicable legislation and government guidance.
- 3.2 Where relevant, every Contract shall specify that materials used, goods provided, services supplied or works undertaken (as the case may be) shall comply with applicable standards.

4. POWERS AND KEY DECISIONS

- 4.1 In consultation with the Monitoring Officer Directors shall ensure that the Council has the legal power to enter into any Contract or Grant and that in respect of all Contracts

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and Grants, regardless of whether they involve the procurement or provision by the Council of Works, Supplies, Services or Social and Other Specific Services, and Health Care Services. Directors shall ensure that no Contract or Grant shall be entered into which is ultra vires.

- 4.2 Directors shall ensure that a written record of the decision to procure a Grant or Contract is made in accordance with the Gateway process where **Rule 19** applies. Where such a decision comprises a Key Decision under the Constitution, Directors shall ensure that it is entered on to the Forward Plan and treated as a Key Decision in all respects.

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5. FORM OF CONTRACT

- 5.1 Every Contract and Grant shall be evidenced in writing and must be signed or sealed (as appropriate) by both parties. Signature or sealing by the Council shall be in accordance with the requirements set out in **Rule 2** and **Rule 6**.
- 5.2 Wherever appropriate, and for all Contracts exceeding £50,000 including VAT in value, such written agreements shall be made on the basis of terms and conditions agreed by the Monitoring Officer. Such terms and conditions may be incorporated into standard order conditions. The Council may accept different terms and conditions proposed by a Contractor provided that the advice of the Monitoring Officer as to their effect has been sought and considered.
- 5.3 The written form of agreement must clearly specify the obligations of the Council and the Contractor and shall include:-
- (a) the work to be done or the Supplies, Services or Social and Other Specific Services, or Health and Care Services to be provided
 - (b) the standards which will apply to what is provided
 - (c) the price or other consideration payable
 - (d) the time in which the Contract is to be carried out
 - (e) the remedies which will apply to any breach of Contract.

6. SIGNATURE/SEALING OF CONTRACTS

- 6.1 Every written Contract or Grant must be either signed or sealed in accordance with this Rule. The Monitoring Officer (or an Officer authorised by the Monitoring Officer) will determine whether a Contract must be signed or sealed.
- 6.2 The Monitoring Officer and such of his staff as he may designate are authorised to sign any such contract or Grant.
- 6.3 The Monitoring Officer also authorises such Contracts or Grants to be signed as outlined in **Rule 2.12**, **Tables 1-5** and **Rule 1.3(c)** provided that:-
- (a) appropriate authority exists for the Council to enter into the Contract, and
 - (b) the Contract is either:-

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- (i) in a nationally recognised form, or
 - (ii) a standard form prepared or approved by the Monitoring Officer, or
 - (iii) is otherwise in a form approved by the Monitoring Officer; and
- (c) any variations to approved forms of Contract must themselves be approved by the Monitoring Officer, whether they are affected by amending the Contract itself or by correspondence.

6.4 Only the Monitoring Officer (or a Legal and Democratic Services' Officer (LDSO) authorised by the Monitoring Officer) may seal a Contract on behalf of the Council, in each case being satisfied that there is appropriate authority to do so. Where agreed by the Monitoring Officer, electronic Deeds may be executed by the Monitoring Officer or a LDSO using the Council's chosen electronic deeds execution system.

6.5 Signatures may be affixed to a Contract either using physical, handwritten means or an Electronic Signature, as appropriate and in accordance with UK law.

6.6 Electronic Signatures may only be affixed using the Council's chosen electronic signature system or an approved alternative, as agreed by the HoP.

6.7 The use of Electronic Signatures is not permitted in circumstances where:

- (a) the Contract is to be sealed (except where 6.4 applies);
- (b) a physical handwritten signature needs to be filed;
- (c) there is a proviso in the Contract which prevents the use of an Electronic Signature;
- (d) the Contract may need to be enforced in a jurisdiction where Electronic Signatures are not accepted;
- (e) the Contract needs to be notarised.

7. BONDS AND LIQUIDATED DAMAGES

7.1 Where appropriate the Council shall consider whether to include provision for the payment of liquidated damages by a Contractor for breach of Contract.

7.2 Where considered appropriate by the Council, the Contractor will be required to provide a parent company guarantee/performance bond to secure the performance of the Contract. Such performance bonds should provide for a sum of not less than 10% of the total value of the contract or such other sum as the S151 Officer considers appropriate.

7.3 Agreements made under Section 38 (adoption of new highways) or Section 278 (development of existing highways) of the Highways Act 1980 shall always include provision for a bond in respect of such sum as the Director of Environment shall consider appropriate except where: -

- (a) the identity of the developer renders the need for a bond unnecessary, or
- (b) adequate alternative security is provided, or

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- (c) the Director of Environment (in consultation with the S151 Officer) agrees that it is inappropriate for a bond to be required.

8. QUOTES

8.1 Rule 8 does not apply to Contracts for Health Care Services or Grants.

SINGLE QUOTATION

8.2 Where the estimated value of a Contract is less than or equal to £5,000 excluding VAT or less (taking into account the whole life cost of the Contract, including extensions and/or variations) a quote must be obtained.

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8.3 There is no requirement to use an E-Sourcing system or publish the opportunity on Contracts Finder for contracts below £5,000 (excluding VAT).

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8.4 A single quote cannot be accepted where the value exceeds £5,000 excluding VAT. If the value of the quote exceeds £5,000 excluding VAT three quotes must be obtained or the best value form completed in accordance with **Rules 8.4 to 8.10**.

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MINIMUM THREE QUOTES PROCESS/BEST VALUE FORM

8.5 Where the estimated value of a Contract is above £5,000 excluding VAT, and less than £50,000 including of VAT (taking into account the whole life cost of the Contract including extensions and/or variations) a minimum of three quotes should be sought.

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8.6 Where possible quotes should be sought from at least one local supplier based within North Yorkshire and at least one Small and Medium Enterprise (SME).

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8.7 If three quotes are not sought, the Contract may be directly awarded using the Best Value Form as long as sufficient justification is given for not undertaking a quotes process. It is the Officer's responsibility to complete the Best Value Form.

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8.8 A three quote process/best value form cannot be accepted where the value exceeds the upper limit for this process (i.e. £50,000 inclusive of VAT). If the value of the quote exceeds the upper limit for this process the bids process must be followed in accordance with **Rule 9**.

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8.9 Where the estimated value of a Contract is between £30,000 and £50,000 inclusive of VAT (taking into account the whole life cost of the Contract, including extensions and/or variations):

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(a) there is no requirement to advertise the opportunity, however if the Council chooses to advertise the opportunity, then it must also be advertised on Contracts Finder; and

(b) once the contract is awarded, details must be published on Contracts Finder.

8.10 It is the Officer's responsibility to keep a record of quotes sought for audit purposes and to demonstrate best value has been achieved.

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8.11 The Responsible Officer must follow the Council's Access to Information Rules, for example the Responsible Officer must complete the Key Decision process where applicable, and publish a decision record.

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9. BIDS

9.1 Rule 9 does not apply to Contracts for Health Care Services or Grants.

9.2 If the estimated value of a Contract exceeds £50,000 inclusive of VAT but is less than the appropriate WTO GPA Threshold, bids must be invited from all potential Contractors in accordance with **Rule 2.12, Tables 1-3.**

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9.3 A notice advertising the opportunity shall be published through the E-Sourcing System and on Contracts Finder and, if considered appropriate, a local newspaper and a suitable professional or trade journal or website. The form of advertising shall take into account the value, location and subject matter of the Contract. The notice shall specify brief details of the Contract, how the ITB documents may be obtained and the closing date for receipts of bids by the Council.

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9.4 All potential Contractors invited to submit bids shall be provided in all instances with identical information and instructions. Where considered appropriate, Directors may permit potential Contractors who have been invited to submit bids under **Rule 9.1** to also submit variant bids (i.e. bids which do not comply with some or all of the requirements of the primary bid). The same opportunity to submit variant bids must be given to all potential Contractors.

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9.5 A written bid may only be considered if:-

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- (a) it has been received electronically through the E-Sourcing System, or
- (b) (where permitted in exceptional circumstances) it has been received in a sealed envelope marked "Bid" and indicating the subject matter of the bid; and
- (c) it has been opened after the expiry of the deadline for submissions and at the same time as other bids for the same subject matter in the presence of at least two Officers authorised to open bids.

9.6 Before bids are requested the evaluation criteria must be recorded in writing in the SQ and/ITB documents. The evaluation criteria must be identified and the weighting between price and quality established and stated in the request for bids sent to participants.

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9.7 If a bid other than the lowest or the most economically advantageous bid is to be accepted, the written approval of the Director (in consultation with the S151 Officer or if the relevant Director is the S151 Officer, in consultation with the Chief Executive) shall be sought and obtained before the bid is accepted.

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9.8 A bid cannot be accepted where the value exceeds the relevant WTO GPA Threshold. If the value of the bid exceeds the relevant WTO GPA Threshold a Director must seek tenders in accordance with **Rules 11 and 12.**

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9.9 Before a Contract is awarded after a bid exercise such steps shall be taken by the Responsible Officer, as are reasonably necessary (having regard to the subject matter,

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value, duration of the Contract and other relevant factors) to complete a risk assessment of the potential Contractor's financial stability.

9.10 Bids may be altered only in accordance with **Rule 10**.

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9.11 Where a Contract is terminated within the first 6 months of the Contract commencement date, the Council may award the Contract to the second placed supplier, provided that this demonstrates Best Value and with agreement from the HoP in consultation with the appropriate SCM.

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9.12 The evaluation of bids shall be carried out by a panel of suitably qualified Officers who are considered appropriate having regard for the subject matter and value of the Contract.

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9.13 The Responsible Officer must follow the Council's Access to Information Rules, for example the Responsible Officer must complete the Key Decision process where applicable, and publish a decision record.

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10. POST BID NEGOTIATION AND CLARIFICATION

10.1 Rule 10 does not apply to Contracts for Health Care Services or Grants.

10.2 Post bid negotiations may not be undertaken where the value of the Contract exceeds the relevant WTO GPA Threshold. If the value of the bid exceeds the relevant WTO GPA Threshold, the Director must invite tenders in accordance with **Rules 11 and 12**.

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10.3 Post bid negotiations with selected Participants shall only be carried out where: -

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- (a) post tender negotiations are permitted by law; and
- (b) the Director in consultation with the HoP considers that added value may be obtained; and
- (c) post bid negotiations are conducted by a team of suitably experienced Officers approved by the Director and who have been trained in post bid negotiations; and
- (d) a comprehensive, written record of the post bid negotiations is kept by the Director; and
- (e) a clear record of the added value to be obtained as a result of the post bid negotiations is incorporated into the Contract with the successful Participant.

10.4 **Rules 10.2 and 10.3** shall not operate to prevent clarification of all or part of any bid to the extent permitted by law and where such clarifications are sought the provisions of **Rules 10.3(c) and 10.3(d)** shall apply.

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11. ABOVE THRESHOLD PROCESS

11.1 Rule 11 does not apply to Contracts for Health Care Services or Grants.

11.2 Where the estimated value of the Contract exceeds the WTO GPA Threshold, Above Threshold Tenders shall be invited and awarded in accordance with the PCRs and as prescribed in **Rule 11 and 12**.

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General Requirements

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11.3 Before an Above Threshold Tender is requested the evaluation criteria to be applied to the Above Threshold Tender must be recorded in writing in the SQ and/or ITT document. The evaluation criteria must be identified and the weighting between price and quality established and stated in the SQ and/or ITT sent to Participants.

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11.4 Irrespective of the procurement process being undertaken a notice must be published on the Find a Tender Service system and Contracts Finder, where possible this should be through the E-Sourcing system or an appropriate alternative system as agreed with the HoP.

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11.5 All Participants invited to submit Above Threshold Tenders shall be provided in all instances with identical instructions and information.

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11.6 Where considered appropriate, the HoP may, in consultation with the SCM, permit Participants to submit variant Above Threshold Tenders (i.e. tenders which do not comply with some or all of the requirements of the primary tender). The same opportunity to submit variant Above Threshold Tenders shall be given to all Participants. Variant Above Threshold Tenders shall only be considered if the Participant also submits a compliant primary tender.

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11.7 The evaluation of the Above Threshold Tenders shall be carried out by Officers who are considered appropriate having regard for the subject matter and value of the Contract.

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11.8 All procurements undertaken in accordance with **Rule 11** shall have a minimum of 3 appropriate Officers (excluding the Procurement and Contract Management Service representative) to undertake the evaluation process. The evaluation process shall include:

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- Individual evaluation assessment and scoring
- Consensus marking exercise, chaired by a member of the Procurement and Contract Management Service
- Independent review by SCM, where required
- Moderation by evaluation panel, where required

11.9 All evaluation panel members must have completed the evaluation training prior to completing any evaluation process.

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11.10 Where a Contract is terminated within the first 6 months of the Contract commencement date, the Council may award the contract to the second placed supplier with agreement from the HoP in consultation with the Monitoring Officer provided that this demonstrated Best Value and the original award criteria have not changed.

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11.11 The Responsible Officer must follow the Council's Access to Information Rules, for example the Responsible Officer must complete the Key Decision process where applicable, and publish a decision record.

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12. OPTIONS FOR ABOVE THRESHOLD PROCESS

12.1 Rule 12 does not apply to Contracts for Health Care Services or Grants.

12.2 The Gateway Process shall identify which Above Threshold Tender Procedures shall be used to invite tenders for Contracts with a value in excess of the relevant WTO GPA Threshold.

- (i) the Open Procedure (as prescribed by PCR Regulation 27)
- (ii) the Restricted Procedure (as prescribed by PCR Regulation 28)
- (iii) the Competitive Procedure with Negotiation (as prescribed by PCR Regulation 29)
- (iv) the Competitive Dialogue Procedure (as prescribed by PCR Regulation 30)
- (v) the Innovation Partnership Procurement (as prescribed by PCR Regulation 31)
- (vi) use of the Negotiated Procedure without prior publication (as prescribed by PCR Regulation 32)
- (vii) Social and Other Specific Services (Light Touch Regime) (as prescribed by PCR Regulations 74-76)

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

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

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

13. RECEIPT AND OPENING OF ABOVE THRESHOLD TENDERS

13.1 Rule 13 does not apply to Contracts for Health Care Services or Grants.

13.2 A written Above Threshold Tender may only be considered if: -

- (a) it has been received electronically through the E-Sourcing System, or (where permitted in exceptional circumstances, and subject to agreement by the HoP) it has been received electronically through an appropriate alternative method, such as a secure email inbox; or
- (b) (where permitted under Regulation 84(h)) it has been received in hard copy in a sealed envelope marked "Above Threshold Tender" and indicating the subject matter of the Above Threshold Tender, and the identity of the Participant cannot be ascertained from the tender envelope; and

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

13.3 The S151 Officer (or a person designated by them) shall be responsible for the reception and safe custody of Above Threshold Tenders until they are opened.

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13.4 Electronically submitted Above Threshold Tenders, whether electronic or hard copy must be opened at the same time, in an auditable way, by an independent Officer from the Procurement and Contract Management Service.

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

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13.6 Above Threshold Tenders submitted in hard copy must be opened at the same time and in the presence of the S151 Officer (or a person designated by them) or, where the Procurement and Contract Management Services is undertaking the procurement, the Monitoring Officer (or an Officer designated).

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

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14. ABOVE THRESHOLD TENDER EVALUATION AND ACCEPTANCE

14.1 Rule 14 does not apply to Contracts for Health Care Services or Grants.

14.2 The relevant officers shall evaluate Above Threshold Tenders using the evaluation criteria published in accordance with **Rule 11.2**.

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14.3 Before a Contract is awarded the HoP shall, in consultation with the SCMs, determine whether it is proportionate and appropriate to complete a risk assessment to ascertain the financial stability of the successful Participant. The risk assessment shall take into account the subject matter, complexity, duration, value and any other such factors as may be deemed to be relevant. This shall be recorded in accordance with the Gateway Process (Gate 3) where appropriate.

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14.4 On completion of the evaluation of the Above Threshold Tenders received and once all internal approvals have been obtained through the Gateway Process (Gate 3), the HoP (or an Officer authorised by the HoP) shall write to all Participants informing them of the outcome of the Above Threshold Tender evaluation and providing feedback on the content of their submission, in accordance with Regulation 55 of the PCR's.

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14.5 The HoP (or an Officer authorised by the HoP) shall wait a minimum of ten days (15 days if not sent electronically) from the date of issue of the letters notifying the Participants of the result of the evaluation before completing the Contract with the successful Participant, except where not required for example for call-offs under an existing Framework.

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14.6 The HoP (or an Officer authorised by the HoP) shall send for publication a Contract Award Notice stating the outcome of the procurement procedure no more than 30 days after the award of the Contract.

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15. OPTIONS FOR HEALTH CARE SERVICES PROCESS

15.1 The PSR governance process will identify which procedure shall be used for all Health Care Service contracts irrespective of value.

- a) Direct Award A (as prescribed by PSR Regulation 7)
- b) Direct Award B (as prescribed by PSR Regulation 8)
- c) Direct Award C (as prescribed by PSR Regulation 9)
- d) The Most Suitable Provider Process (as prescribed by PSR Regulation 10)
- e) The Competitive Process (as prescribed by PSR Regulation 11)

Such identified processes shall be used for the invitation and/or contract award in accordance with the requirements of the PSR.

16. CERTIFICATION OF CONTRACTS

16.1 The Local Government (Contracts) Act (LGCA) 1997 clarified the power of local authorities to enter into certain contracts, including Private Finance Initiative Contracts. Where Contracts need to be certified under the 1997 Act, only the following Officers are authorised to do so, following consultation with the relevant Executive Member: the Director Children and Young People's Service, the Director of Environment, the Director Health and Adult Services, the Director of Community Development, the Director of Public Health, the Monitoring Officer and the S151 Officer.

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17. EXCEPTIONS TO PROCUREMENT AND CONTRACT PROCEDURE RULES

17.1 Rule 17 does not apply to Contracts for Health Care Services or Grants.

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17.2 A Director does not need to invite bids in accordance with Rule 9 in the following circumstances: -

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- (a) purchases via Framework Agreements which have been established either by the Council or by other public sector bodies or consortia (including, but not limited to PSBOs) and where such framework agreements are lawfully accessible to the Council. Contracts awarded from such Framework Agreements shall be awarded in accordance with the provisions of that Framework Agreement; or
- (b) the contract is to be awarded to the Council's teckal company which is legally controlled by the Council; or
- (c) the instruction of Counsel by the Monitoring Officer; or
- (d) where funding is received by the Council, either in its own right or as an accountable body, and the terms of such grant or other external funding state that it must be applied in accordance with those terms; or

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

~~17.3~~ Where any of the exceptions set out in (e) to (j) above are applied a Directors Recommendation, in consultation with the relevant SCMs, shall be signed, dated and kept. The Procurement and Contract Management Service shall maintain a register of all recommendations made under this Rule.

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~~17.4~~ A Director does not need to invite Above Threshold Tenders in accordance with Rule 11 and 12, in the following circumstances however the gateway process at Rule 19 shall still apply:

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- (a) purchases via Framework Agreements which have been established either by the Council or by other public sector bodies or consortia (including, but not limited to PSBO's) and where such Framework Agreements are lawfully accessible to the Council. Contracts awarded from such Framework Agreements shall be awarded in accordance with the provisions of that Framework Agreement. Where appropriate Officers should apply a minimum 10 day standstill period for all call-off Contracts awarded under an existing Framework Agreement. This is not mandatory but is deemed best practice; or
- (b) where:

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- (i) Regulations 12 or 72 of the PCRs apply; or
- (ii) any other specific exclusions as set out in the PCRs apply.

Waivers

17.5 Specific exceptions to these Rules are permitted in such other circumstances as the S151 Officer and the Monitoring Officer may agree.

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17.6 Requests for waivers shall be made using the Waiver Request Form prescribed by the S151 Officer which shall specify the reasons for the request.

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

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18. COMPLIANCE, CONTRACT REGISTER AND FORWARD PROCUREMENT PLANS

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

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18.2 The S151 Officer shall be responsible for monitoring adherence to these Rules.

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

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

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

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18.6 The Council maintains a Contract Register the purpose of which is to record key details of:

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18.6.1 all Contracts with an aggregate value of £5,000 (exclusive of VAT) or more; and

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18.6.2 all Health Care Services contracts irrespective of value.

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18.7 All Responsible Officers will notify the Procurement and Contract Management Service of any Contract awarded:

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18.7.1 above £5,000; or

18.7.2 any contract for Health Care Services irrespective of value.

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The Responsible Officer will use the format prescribed by the Procurement and Contract Management Service and report this information quarterly.

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18.8 The HoP shall ensure that:-

- (a) all relevant Contracts (including those Contracts to which **Rule 17** applies) are entered onto the Contract Register; and
- (b) the Contract Register is maintained by entering new Contracts onto it and removing expired Contracts from it in line with the Council's Records Retention and Destruction Schedule.

Contracts Finder

18.9 When a Procurement leading to a Contract in excess of £30,000 inclusive of VAT is awarded the Procurement and Contract Management Service shall ensure that such information as is prescribed in the PCRs is published on Contracts Finder via the ESourcing system.

18.10 When a Procurement leading to a Health Care Services Contract of any value is awarded, the Procurement and Contract Management Service shall ensure that such information as is detailed in the PSRs is published on Contracts Finder via the E-Sourcing system.

19. GATEWAY PROCESS AND PSR GOVERNANCE PROCESS REPORTS INCLUDING NOTIFICATION OF SECTION 151 OFFICER AND MONITORING OFFICER

19.1 When a procurement or Grant is being considered which is expected to exceed the financial value thresholds specified in **Rule 19.2** the Gateway Process must be completed and signed off by the relevant Officers, as detailed in **Table 6** below.

Table 6: Gateway Process - Authorisation to Approve

Gateway Process gate	Approval process
Gate 1 – Commissioning and Procurement Options Appraisal (includes Grants)	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND The Monitoring Officer or delegated officer
Gate 2 – Authorisation of Documents	An Officer from the Procurement and Contract Management Service AND SCM <u>or delegated Officer</u>
Gate 3 – Contract/ Grant Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director

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Gate 4(a) – Contract / Grant Extension/Variation/Novation	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND, where appropriate Monitoring Officer or delegated officer – <i>only in cases where the extension is not part of the original Contract.</i>
Gate 4(b) – Contract/ Grant Termination (during the contract period)	PAB or HoP or delegated senior officer AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND Monitoring Officer or delegated officer

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19.2 The whole contract financial value thresholds for the purposes of **Rule 19.1** are:

- (a) Works and Concession Contracts - £1,000,000, inclusive of VAT
- (b) Social and Other Specific Services Contracts - £663,540, inclusive of VAT
- (c) Goods and Services Contracts - £214,904, inclusive of VAT.

The above values are used to determine the Gateway Process threshold for Grants.

19.3 In relation to Health Care Services contracts the PSR Governance Process must be completed and signed off by the relevant Officers, as detailed in **Table 7** below.

Table 7: PSR Governance Process - Authorisation to Approve

PSR Governance Process	Approval process
PSR Direct Award Process A, B or C – Contract Appraisal and Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer
PSR Most Suitable Provider Process or Competitive Process - Options Appraisal / Project Initiation	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer
PSR review – Authorisation of Documents	An Officer from the Procurement and Contract Management Service AND SCM or delegated Officer
PSR Most Suitable Provider Process or Competitive Process – Contract/ Grant Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer

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<u>PSR Contract Modification – Contract / Grant Extension/Variation/Novation</u>	<u>PAB or HoP or delegated SCM</u> AND <u>The relevant Director or delegated Officer</u> AND, where appropriate <u>Monitoring Officer or delegated officer – only in cases where the extension is not part of the original Contract.</u>
<u>PSR Contract Termination – Contract / Grant Termination (during the contract period)</u>	<u>PAB or HoP or delegated SCM</u> AND <u>The relevant Director or delegated Officer</u> AND <u>Monitoring Officer or delegated officer</u>

19.4 The whole contract financial value thresholds for the purposes of Rule 19.3 are:

(a) Health Care Services Contracts – any value

20. CONTRACT MANAGEMENT

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

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

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Contract Variation/Novation

20.3 Contracts with a value below the relevant WTO GPA Threshold may be varied or extended or novated in accordance with the terms of that Contract. Any proposed variations which have the effect of materially changing the Contract must be approved by the Monitoring Officer, whether or not they are affected by amending the Contract itself or by correspondence.

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20.4 Contracts with a value in excess of the relevant WTO GPA Threshold may be varied or extended in accordance with the terms of that Contract and/or as outlined in Regulation 72 of the PCRs. Approval must be sought in accordance with **Rule 19.1**, (Table 5 - Gateway Process - Authorisation to Approve Gate 4a).

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20.5 Health Care Services Contract variations must be done in accordance with Regulation 13 of the PSRs. Approval must be sought in accordance with Rule 19.3.

Contract Termination

20.6 If an Officer requires a Contract which exceeds the financial values stated in **Rule 19.2** or any Health Care Service Contract to be terminated then this must be done in

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accordance with the terms of the Contract and in accordance with the PCRs or PSRs, where applicable. Approval must be sought in accordance with Rule 19.1 or Rule 19.3 (as applicable).

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21. TRAINING FOR PROCUREMENT AND CONTRACT MANAGEMENT

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

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

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22. DECLARATION OF INTERESTS

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22.1 A Conflict of Interest declaration must be completed by all members of the evaluation panel. A Confidentiality Agreement or Declaration form must also be completed by any members of the evaluation panel who are not directly employed by the Council, unless there are alternative appropriate confidentiality provisions within the persons appointment documents (such as a consultancy agreement).

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22.2 If it comes to the knowledge of a Member, Responsible Officer or other Officer that a Contract or Grant in which they have an interest (determined in accordance with the Members' and/or Officers' Code of Conduct as appropriate) has been or is proposed to be entered into by the Council, they shall immediately give written notice to the Monitoring Officer.

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22.3 In relation to Health Care Services Contracts, conflicts of interest must be managed in line with Regulation 21 of the PSRs.

23. GRANTS

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23.1 A grant is a sum of funds for a specific purpose. Under a grant agreement, the funder makes a payment to the recipient for a specific purpose. The recipient is not obliged to deliver any goods or services to the funder. The Council may grant-fund third party organisations for example to help deliver community cohesion or to provide complementary activities. Responsible Officers should in consultation with Procurement and Contract Management Service and Monitoring Officer understand if the Grant is subject to the PCRs or PSRs.

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23.2 Grants up to a value of £100,000 may be directly awarded where a Best Value Form is completed, and subsidy control law must be complied with. It is the Officer's responsibility to complete the Best Value Form.

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23.3 For any Grant over £100,000, a competitive grants process must be completed and subsidy control law complied with. Where a competitive grants process is undertaken, a Competitive Grants Form must be completed. Where appropriate, the opportunity should be advertised on the Council's ESourcing system.

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23.4 Where the value of a grant exceeds the relevant WTO GPA Threshold, any value for Health Care Service Contracts, or £1,000,000 for works, the Gateway Process shall be completed in accordance with Rule 19.

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23.5 Specific exceptions to **Rule 23** are permitted in circumstances as the Monitoring Officer and S151 Officer may agree.

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

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24. HIRING AND ENGAGING STAFF

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

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Procurement and Contract Procedure Rules

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

Please note that any reference within these Rules to the Public Contracts Regulations 2015 and any requirement arising from them remain in force in accordance with the Withdrawal Agreement 2019 until replaced by future legislation. The Health Care Services (Provider Selection Regime) Regulations 2023 comes into effect 1st January 2024 and will replace the Public Contracts Regulations 2015 when arranging health care services and revoke the National Health Service Regulations 2013. Further guidance will be issued by the Procurement and Contract Management Service in due course.

1. INTRODUCTION

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

Above Threshold Process means the procurement process to be followed where the estimated whole life value of a Contract exceeds the relevant WTO GPA Threshold

Above Threshold Tender means a tender submitted as part of an Above Threshold Process

Best Value Form means the form to be completed to capture the rationale for not seeking bids in accordance with **Rule 8.6**

Competitive Grant Form means the form to be completed confirming the competitive process being undertaken to award the Grant

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

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

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

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

Contract Management Practitioners Group means the Council's practitioner group responsible for improving contract management standards, chaired by the Senior Contract Officer/s

Contract Register means the register of Contracts maintained by the Council as set out in **Rule 18.6**

Contractor means a person or entity with whom the Council has a contract

Council	means The North Yorkshire Council
Decision Record	means a record of a decision produced in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
Director	means the Chief Executive Officer; Assistant Chief Executive HR and Business Support, Assistant Chief Executive Legal and Democratic Services, Assistant Chief Executive Local Engagement, Corporate Director of Environment; Corporate Director Health and Adult Services; Corporate Director Children and Young People's Service; Corporate Director of Resources; Corporate Director of Community Development as the context requires
Directors Recommendation	means a written record of the decision and justification to apply one of the exceptions set out in Rule 17.2 to be signed and kept by the relevant Director
Electronic Signatures	means an advanced electronic signature which is: <ul style="list-style-type: none"> (i) uniquely linked to the signatory; and (ii) capable of identifying the signatory; and (iii) created using means that the signatory can maintain under his/her sole control; and (iv) linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.
E-Sourcing system	means the Council's chosen E-sourcing system
FPP	means the Forward Procurement Plan which outlines all future procurement requirements of the Council
Framework Agreement	means an agreement with one or more contracting authorities and one or more economic operator which establishes an arrangement for: <ul style="list-style-type: none"> (i) multiple orders to be placed with one Contractor (a single supplier framework), or (ii) a framework of multiple Contractors to engage in further competitions or direct award (a multiple supplier framework)
Gateway Process	means the Council's value based gateway commissioning and procurement process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points in the commissioning and procurement cycle

Grant	means a sum of money awarded by the Council to third parties
Health Care Services	means those services detailed within Schedule 1 of the Health Care Services (Provider Selection Regime) Regulations 2023
HoP	means the Head of Procurement and Contract Management
Internal Audit	means the Council's appointed internal auditors (currently Veritau)
ITB	means an Invitation to Bid
ITQ	means an invitation to Quote
ITT	means an Invitation to Tender
Key Decision	means a decision made in connection with the discharge of a function which is the responsibility of the Executive set out in Article 13.03(b) of the Constitution
Leasing Agreement	means a contract for the provision of finance to enable goods or services to be obtained and where ownership in those goods does not automatically pass to the Council at the end of the contract period
LDSO	means a Legal and Democratic Services Officer
Member	means an elected member of the Council or co-opted member on a Council committee
Monitoring Officer	means the Council's appointed Monitoring Officer
Officer	means a Council employee or other authorised agent
PAB	means the Procurement Assurance Board, chaired by the HoP
Participant	means a person or entity participating in a procurement process, who has expressed an interest in tendering for a Contract or who has tendered for a Contract
PSBO	means Public Sector Buying Organisation
PCR	means the Public Contracts Regulations 2015
Person	means any individual, partnership, company, trust, other local authority, Government department or agency
Procurement and Contract Management Service	means the procurement and contract management team at the Council

Procurement Manual	means the manual to accompany these Rules which provides detailed guidance on procurement techniques and the effect of the Rules
Procurement and Contract Management Strategy	means the Council's approved Procurement and Contract Management Strategy
Property Contract	means a contract which creates an estate or interest in land or buildings
PSR	means The Health Care Services (Provider Selection Regime) Regulations 2023
PSR Governance Process	means the Council's value based governance commissioning and procurement process that combines assessment and understanding of various aspects of value with appropriate review and scrutiny at defined points in the commissioning and procurement cycle
Responsible Officer	means the Officer from the directorate who is responsible for the procurement and/or management of a Contract
Rules	means these Procurement and Contract Procedure Rules
SCM	means Senior Category Manager
S151 Officer	means the Council's appointed Section 151 Officer
Services or Supplies	means as defined in Regulation 2 of the PCRs
Social and Other Specific Services	means those services defined as such in Schedule 3 of the PCRs
SQ	means the Selection Questionnaire
WTO GPA Threshold	means the current threshold above which the PCR's apply, currently £214,904 inclusive of VAT for services and supplies £663,540.00 inclusive of VAT for social and other specific services and £5,327,609 for works inclusive of VAT
Waiver Request Form	means the prescribed form to be completed when requesting a waiver in accordance with Rule 17.5
Works	means as defined in Regulation 2 of the PCRs

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

1.3 References in these Rules to:-

- (a) any legislation (e.g. Act, Statutory Instrument, WTO requirement) include a reference to any amendment or re-enactment of such legislation;
- (b) the value of any Contract or Grant are to the total estimated value payable (including VAT where applicable) over the full period of the Contract or Grant including any options or extensions to the Contract or Grant.
- (c) Directors, the S151 Officer and the Monitoring Officer shall be taken to include such Officers as are designated by those officers to undertake the duties and responsibilities set out in these Rules, except in the case of the following Rules:-
 - (i) Director - **Rules 9.6, 16.1 (e) and (j)**
 - (ii) S151 Officer - **Rules 2.1**
 - (iii) Monitoring Officer - **Rules 2.1**

where delegation is not permitted, except in exceptional circumstances. A record of all duties and responsibilities as delegated under these Rules is to be maintained by each Director, the S151 Officer and the Monitoring Officer.

2. GENERAL

- 2.1 These Rules are made by the Council on the advice of the S151 Officer (in consultation with the Monitoring Officer) under Article 14.02 of the Constitution and define the correct procedures to be followed when the Council enters into any contractual arrangement and should be read in conjunction with the Finance Procedure Rules under Article 14.01 of the Constitution.
- 2.2 These Rules apply to all Grants and Contracts for Works, Supplies, Services or Social and Other Specific Services, and Health Care Services (unless otherwise specified) but do not apply to: -
 - (a) contracts of employment;
 - (b) property contracts (which are covered by the Property Procedure Rules); and
 - (c) financial instruments (including, but without limitation, shares, bonds, bills of exchange, future or options contracts) (which are covered by the Financial Procedure Rules).
- 2.3 The S151 Officer (in consultation with the Monitoring Officer) shall review the application and effect of these Rules and make an annual report or as required but not less than once per year to the Audit Committee recommending such amendments to the Rules as are considered appropriate.
- 2.4 The S151 Officer has produced a Procurement Manual which sets out important issues to be considered in the procurement context. These Rules should be read in conjunction with the Procurement Manual.
- 2.5 The S151 Officer has also produced a Finance Manual which gives advice on financial procedures.
- 2.6 Where a contract for the acquisition or hire of goods or services involves any form of Leasing Agreement to finance the transaction then the S151 Officer shall undertake

the negotiation of terms and authorise the arrangement in accordance with Rule 20.10 of the Financial Procedure Rules.

- 2.7 Directors and the HoP shall ensure that all documentation relating to Contracts, Grants and procurement processes is retained in accordance with the Council's Records Retention and Destruction Schedule.
- 2.8 Where the Council has awarded a contract to any person to supervise or otherwise manage a contract on its behalf such a person shall be required to comply with these Rules as if they were an Officer of the Council.
- 2.9 Wherever appropriate procurement shall be undertaken using the standard documents contained in the Procurement Manual applying to SQ's, ITT's or ITBs. Wherever alternative documents are to be used they must be approved by the HoP and where appropriate the Monitoring Officer.
- 2.10 All Officers shall adhere to the approved Procurement and Contract Management Strategy of the Council.
- 2.11 Where the Council is procuring in partnership with another contracting authority who are the lead procurer, subject to agreement from the HoP, the Council will follow the lead procurers Procurement and Contract Procedure Rules or equivalent.
- 2.12 Where the total Grant or Contract value is within the values in the first column of **Tables 1-5**, below, the award and transparency procedure in the second and third column must be followed.
- 2.13 Where a procurement includes two or more types of provision (i.e. Goods, Services and Works) the value shall be based on the provision that characterises the main subject of the Contract in question.
- 2.14 When a contract comprises a mixture of in-scope Health Care Services and out-of-scope Services or Goods, relevant authorities may only use the PSR to arrange those services when both of the below requirements are satisfied:
- The main subject-matter of the contract is in-scope Health Care Services
 - The relevant authority is of the view that the other goods or services could not reasonably be supplied under a separate contract.
- 2.15 For the purposes of the Transparency Procedures set out in **Tables 1-5** below, the Responsible Officer must also consider the Key Decision criteria set out in Article 13.03(b)(i) of the Constitution when determining whether the procurement comprises a Key Decision.

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

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
<p>£0 up to £5,000 (exclusive of VAT)</p>	<p>A single quotation shall be invited in accordance with Rule 8.</p> <p>The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>Contract details do not need be published on the Contract Register or to Contracts Finder.</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	<p>One signature</p> <p>The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>
<p>£5,000 (excluding VAT) up to £50,000 (inclusive of VAT)</p>	<p>Quotes should be invited or the Best Value Form process followed in accordance with Rule 8.</p> <p>The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>Contract details must be published on the Contract Register.</p> <p>Contract details must be published on Contracts Finder for contracts above £30,000 (incl. VAT).</p> <p>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	<p>One signature</p> <p>The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>
<p>£50,000 (inclusive of VAT) up to WTO GPA Threshold (currently £214,904 inclusive of VAT)</p>	<p>Bids must be invited in accordance with Rule 9.</p> <p>The opportunity must be advertised on the e-tendering system, Contracts Finder. It does not need to be</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract</p>	<p>One signature</p> <p>The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
	advertised on Find a Tender Service.	Register and on Contracts Finder.	
Above WTO GPA Threshold (currently £214,904 inclusive of VAT)	<p>Follow the appropriate procedure as set out in Rules 11 and 12.</p> <p>The opportunity must be advertised on the e-tendering system, Contracts Finder and Find a Tender Service.</p>	<p>Approval must be sought through the Gateway Process.</p> <p>The Responsible Officer must complete the Decision Record Process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract Register and on Contracts Finder.</p>	<p>Two signatures: The Director (or by an Officer authorised by the Director to sign on the Directors behalf). AND The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf).</p> <p>Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.</p>

Table 2: Works and Concessions

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£0 up to £5,000 (exclusive of VAT)	<p>A single quotation shall be invited in accordance with Rule 8.</p> <p>The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>Contract details do not need to be published on the Contract Register or to Contracts Finder.</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>
£5,000 (excluding VAT) up to £50,000 (inclusive of VAT)	<p>Quotes should be invited or the Best Value Form process followed in accordance with Rule 8.</p> <p>The opportunity does not need to be advertised on</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>Contract details must be published on the Contract Register.</p> <p>Contract details must be published on Contracts</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
	<p>the e-tendering system, contracts finder or Find a Tender Service.</p>	<p>Finder for contracts above £30,000 (incl. VAT).</p> <p>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	
<p>£50,000 (inclusive of VAT) up to WTO GPA Threshold (currently £5,327,609 inclusive of VAT for Works)</p>	<p>Bids must be invited in accordance with Rule 9.</p> <p>The opportunity must be advertised on the e-tendering system, Contracts Finder. It does not need to be advertised on Find a Tender Service.</p> <p>Contract details must be published on the Contract Register and to Contracts Finder.</p>	<p>Contract award is approved by the Responsible Officer. For Contracts with a value of £1,000,000 or greater approval must be sought through the Gateway Process.</p> <p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract Register and to Contracts Finder.</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p> <p>Contracts with a value in excess of £1,000,000 (inclusive of VAT) must be sealed by the Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.</p>
<p>Above WTO GPA Threshold (currently £5,372,609 inclusive of VAT for Works)</p>	<p>Follow the appropriate Procedure as set out in Rules 11 and 12.</p> <p>The opportunity must be advertised on the e-tendering system, Contracts Finder and Find a Tender Service.</p>	<p>Approval must be sought through the Gateway Process.</p> <p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract Register and on Contracts Finder.</p>	<p>Contracts must be sealed by the Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.</p>

Table 3: Social & Other Specific Services (Excluding Health Care Services)

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£0 up to £5,000 (exclusive of VAT)	<p>A single quotation shall be invited in accordance with Rule 8.</p> <p>The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>Contract details do not need to be published on the Contract Register or the Contracts Finder.</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>
£5,000 up to £50,000 inclusive of VAT	<p>Quotes should be invited or the Best Value Form process followed in accordance with Rule 8.</p> <p>The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>Contract details must be published on the Contract Register.</p> <p>Contract details must be published on Contracts Finder for contracts above £30,000 (incl. VAT).</p> <p>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>
£50,000 inclusive of VAT up to WTO GPA Threshold (currently £663,540 inclusive of VAT)	<p>Bids must be invited in accordance with Rule 9.</p> <p>The opportunity must be advertised on the e-tendering system, Contracts Finder. It does not need to be</p>	<p>Contract award is approved by the Responsible Officer.</p> <p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract</p>	<p>One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
	advertised on Find a Tender Service.	Register and on Contracts Finder.	
Above UK Procurement Threshold (currently £663,540 inclusive of VAT)	<p>Follow the appropriate procedure as set out in Rules 11 and 12.</p> <p>The opportunity must be advertised on the e-tendering system, Contracts Finder and Find a Tender Service.</p>	<p>Approval must be sought through the Gateway Process.</p> <p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract Register and on Contracts Finder.</p>	<p>Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf).</p> <p>AND The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf).</p> <p>Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.</p>

Table 4: Health Care Services (Excluding Social & Other Specific Services)

Direct Award Process A

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£0 – £50,000 (including VAT)	Follow the appropriate procedure as set out in Rule 15 . The Gateway Process must be completed.	Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
£50,000 – £663,540 (including VAT)	Awarded contract details must be published on the Contract Register, Find a Tender Service and to Contracts Finder.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above. Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
Over £663,540 (including VAT)		The Responsible Officer must complete the Key Decision process.	Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf). AND The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf). Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6 .

Direct Award Process B

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£0 – £50,000 (including VAT)	Follow the appropriate procedure as set out in Rule 15 . The Gateway Process must be completed.	Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
£50,000 – £663,540 (including VAT)	Expressions of Interest must be sought on the E-Sourcing system. Awarded contract details must be published on the Contract Register, Find a Tender Service and to Contracts Finder.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above. Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
Over £663,540 (including VAT)		The Responsible Officer must complete the Key Decision process.	Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf). AND The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf). Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6 .

Direct Award Process C

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£0 – £50,000 (including VAT)	Follow the appropriate procedure as set out in Rule 15 .	Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£50,000 – £663,540 (including VAT)	The Gateway Process must be completed. An intention to award notice must be published on Find a Tender Service and to Contracts Finder.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above. Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
Over £663,540 (including VAT)	Awarded contract details must be published on the Contract Register, Find a Tender Service and to Contracts Finder.	The Responsible Officer must complete the Key Decision process.	Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf). AND The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf). Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6 .

Most Suitable Provider Process

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£0 – £50,000 (including VAT)	Follow the appropriate procedure as set out in Rule 15 . The Gateway Process must be completed.	Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
£50,000 – £663,540 (including VAT)	A Notice of Intention to follow the Most Suitable Provider Process must be published via Find a Tender Service An Intention to Award Notice must be published to Contracts	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above. Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
Over £663,540 (including VAT)	Finder and Find a Tender Service. Awarded contract details must be published on the Contract Register, Find a Tender Service and to Contracts Finder.	The Responsible Officer must complete the Key Decision process.	Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf). AND The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf). Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6 .

Competitive Process

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£0 – £50,000 (including VAT)	Follow the appropriate procedure as set out in Rule 15 . The Gateway Process must be completed.	Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
£50,000 – £663,540 (including VAT)	The opportunity must be advertised on the E-Sourcing system, Find a Tender Service and Contracts Finder. Awarded contract details must be published on the Contract Register,	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above. Where applicable, the Responsible Officer must complete the Key Decision process.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
Over £663,540 (including VAT)	Find a Tender Service and to Contracts Finder.	The Responsible Officer must complete the Key Decision process.	Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf). AND The Monitoring Officer (or by an Officer authorised by the

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
			Monitoring Officer to sign on his behalf). Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.

Table 5: Grants awarded by the Council

Total Grant Value	Award Procedure	Transparency Procedure	Signature/Sealing
£0 up to £100,000	The Best Value Form or a Competitive Grant Form must be completed in accordance with Rule 23.	<p>The Responsible Officer must complete the Decision Record process and/or the Key Decision Process where applicable.</p> <p>Contract details must be published on the Contract Register for contracts above £5,000 (excl. VAT).</p> <p>Contract details must be published on Contracts Finder for contracts above £30,000 (incl. VAT).</p> <p>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</p>	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).

Total Grant Value	Award Procedure	Transparency Procedure	Signature/Sealing
£100,000+	<p>A competitive application process must be completed in accordance with Rule 23.</p> <p>Where the value is below the thresholds set out in Rule 19.2 a Competitive Grant Form must be completed.</p> <p>Where the value exceeds the thresholds set out in Rule 19.2 the Gateway Process must be completed.</p>	<p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract Register and on Contracts Finder.</p>	<p>Sealing Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6 (unless signing is agreed by the Monitoring Officer).</p>

3. COMPLIANCE WITH LEGISLATION AND STANDARDS

- 3.1 Every Contract and Grant shall comply with all relevant applicable legislation and government guidance.
- 3.2 Where relevant, every Contract shall specify that materials used, goods provided, services supplied or works undertaken (as the case may be) shall comply with applicable standards.

4. POWERS AND KEY DECISIONS

- 4.1 In consultation with the Monitoring Officer Directors shall ensure that the Council has the legal power to enter into any Contract or Grant and that in respect of all Contracts and Grants, regardless of whether they involve the procurement or provision by the Council of Works, Supplies, Services or Social and Other Specific Services, and Health Care Services, Directors shall ensure that no Contract or Grant shall be entered into which is ultra vires.
- 4.2 Directors shall ensure that a written record of the decision to procure a Grant or Contract is made in accordance with the Gateway process where **Rule 19** applies. Where such a decision comprises a Key Decision under the Constitution, Directors shall ensure that it is entered on to the Forward Plan and treated as a Key Decision in all respects.

5. FORM OF CONTRACT

- 5.1 Every Contract and Grant shall be evidenced in writing and must be signed or sealed (as appropriate) by both parties. Signature or sealing by the Council shall be in accordance with the requirements set out in **Rule 2** and **Rule 6**.
- 5.2 Wherever appropriate, and for all Contracts exceeding £50,000 including VAT in value, such written agreements shall be made on the basis of terms and conditions agreed by the Monitoring Officer. Such terms and conditions may be incorporated into standard order conditions. The Council may accept different terms and conditions

proposed by a Contractor provided that the advice of the Monitoring Officer as to their effect has been sought and considered.

- 5.3 The written form of agreement must clearly specify the obligations of the Council and the Contractor and shall include:-
- (a) the work to be done or the Supplies, Services or Social and Other Specific Services, or Health and Care Services to be provided
 - (b) the standards which will apply to what is provided
 - (c) the price or other consideration payable
 - (d) the time in which the Contract is to be carried out
 - (e) the remedies which will apply to any breach of Contract.

6. SIGNATURE/SEALING OF CONTRACTS

- 6.1 Every written Contract or Grant must be either signed or sealed in accordance with this Rule. The Monitoring Officer (or an Officer authorised by the Monitoring Officer) will determine whether a Contract must be signed or sealed.
- 6.2 The Monitoring Officer and such of his staff as he may designate are authorised to sign any such contract or Grant.
- 6.3 The Monitoring Officer also authorises such Contracts or Grants to be signed as outlined in **Rule 2.12, Tables 1-5** and **Rule 1.3(c)** provided that:-
- (a) appropriate authority exists for the Council to enter into the Contract, and
 - (b) the Contract is either:-
 - (i) in a nationally recognised form, or
 - (ii) a standard form prepared or approved by the Monitoring Officer, or
 - (iii) is otherwise in a form approved by the Monitoring Officer; and
 - (c) any variations to approved forms of Contract must themselves be approved by the Monitoring Officer, whether they are affected by amending the Contract itself or by correspondence.
- 6.4 Only the Monitoring Officer (or a Legal and Democratic Services' Officer (LDSO) authorised by the Monitoring Officer) may seal a Contract on behalf of the Council, in each case being satisfied that there is appropriate authority to do so. Where agreed by the Monitoring Officer, electronic Deeds may be executed by the Monitoring Officer or a LDSO using the Council's chosen electronic deeds execution system.
- 6.5 Signatures may be affixed to a Contract either using physical, handwritten means or an Electronic Signature, as appropriate and in accordance with UK law.
- 6.6 Electronic Signatures may only be affixed using the Council's chosen electronic signature system or an approved alternative, as agreed by the HoP.
- 6.7 The use of Electronic Signatures is not permitted in circumstances where:

- (a) the Contract is to be sealed (except where 6.4 applies);
- (b) a physical handwritten signature needs to be filed;
- (c) there is a proviso in the Contract which prevents the use of an Electronic Signature;
- (d) the Contract may need to be enforced in a jurisdiction where Electronic Signatures are not accepted;
- (e) the Contract needs to be notarised.

7. BONDS AND LIQUIDATED DAMAGES

- 7.1 Where appropriate the Council shall consider whether to include provision for the payment of liquidated damages by a Contractor for breach of Contract.
- 7.2 Where considered appropriate by the Council, the Contractor will be required to provide a parent company guarantee/performance bond to secure the performance of the Contract. Such performance bonds should provide for a sum of not less than 10% of the total value of the contract or such other sum as the S151 Officer considers appropriate.
- 7.3 Agreements made under Section 38 (adoption of new highways) or Section 278 (development of existing highways) of the Highways Act 1980 shall always include provision for a bond in respect of such sum as the Director of Environment shall consider appropriate except where: -
- (a) the identity of the developer renders the need for a bond unnecessary, or
 - (b) adequate alternative security is provided, or
 - (c) the Director of Environment (in consultation with the S151 Officer) agrees that it is inappropriate for a bond to be required.

8. QUOTES

- 8.1 Rule 8 does not apply to Contracts for Health Care Services or Grants.

SINGLE QUOTATION

- 8.2 Where the estimated value of a Contract is less than or equal to £5,000 excluding VAT or less (taking into account the whole life cost of the Contract, including extensions and/or variations) a quote must be obtained.
- 8.3 There is no requirement to use an E-Sourcing system or publish the opportunity on Contracts Finder for contracts below £5,000 (excluding VAT).
- 8.4 A single quote cannot be accepted where the value exceeds £5,000 excluding VAT. If the value of the quote exceeds £5,000 excluding VAT three quotes must be obtained or the best value form completed in accordance with **Rules 8.5 to 8.11**.

MINIMUM THREE QUOTES PROCESS/BEST VALUE FORM

- 8.5 Where the estimated value of a Contract is above £5,000 excluding VAT, and less than £50,000 including of VAT (taking into account the whole life cost of the Contract including extensions and/or variations) a minimum of three quotes should be sought.
- 8.6 Where possible quotes should be sought from at least one local supplier based within North Yorkshire and at least one Small and Medium Enterprise (SME).
- 8.7 If three quotes are not sought, the Contract may be directly awarded using the Best Value Form as long as sufficient justification is given for not undertaking a quotes process. It is the Officer's responsibility to complete the Best Value Form.
- 8.8 A three quote process/best value form cannot be accepted where the value exceeds the upper limit for this process (i.e. £50,000 inclusive of VAT). If the value of the quote exceeds the upper limit for this process the bids process must be followed in accordance with **Rule 9**.
- 8.9 Where the estimated value of a Contract is between £30,000 and £50,000 inclusive of VAT (taking into account the whole life cost of the Contract, including extensions and/or variations):
- (a) there is no requirement to advertise the opportunity, however if the Council chooses to advertise the opportunity, then it must also be advertised on Contracts Finder; and
 - (b) once the contract is awarded, details must be published on Contracts Finder.
- 8.10 It is the Officer's responsibility to keep a record of quotes sought for audit purposes and to demonstrate best value has been achieved.
- 8.11 The Responsible Officer must follow the Council's Access to Information Rules, for example the Responsible Officer must complete the Key Decision process where applicable, and publish a decision record.

9. BIDS

- 9.1 Rule 9 does not apply to Contracts for Health Care Services or Grants.
- 9.2 If the estimated value of a Contract exceeds £50,000 inclusive of VAT but is less than the appropriate WTO GPA Threshold, bids must be invited from all potential Contractors in accordance with **Rule 2.12, Tables 1-3**.
- 9.3 A notice advertising the opportunity shall be published through the E-Sourcing System and on Contracts Finder and, if considered appropriate, a local newspaper and a suitable professional or trade journal or website. The form of advertising shall take into account the value, location and subject matter of the Contract. The notice shall specify brief details of the Contract, how the ITB documents may be obtained and the closing date for receipts of bids by the Council.
- 9.4 All potential Contractors invited to submit bids shall be provided in all instances with identical information and instructions. Where considered appropriate, Directors may permit potential Contractors who have been invited to submit bids under **Rule 9.2** to also submit variant bids (i.e. bids which do not comply with some or all of the requirements of the primary bid). The same opportunity to submit variant bids must be given to all potential Contractors.
- 9.5 A written bid may only be considered if:-

- (a) it has been received electronically through the E-Sourcing System, or
 - (b) (where permitted in exceptional circumstances) it has been received in a sealed envelope marked "Bid" and indicating the subject matter of the bid; and
 - (c) it has been opened after the expiry of the deadline for submissions and at the same time as other bids for the same subject matter in the presence of at least two Officers authorised to open bids.
- 9.6 Before bids are requested the evaluation criteria must be recorded in writing in the SQ and/ITB documents. The evaluation criteria must be identified and the weighting between price and quality established and stated in the request for bids sent to participants.
- 9.7 If a bid other than the lowest or the most economically advantageous bid is to be accepted, the written approval of the Director (in consultation with the S151 Officer or if the relevant Director is the S151 Officer, in consultation with the Chief Executive) shall be sought and obtained before the bid is accepted.
- 9.8 A bid cannot be accepted where the value exceeds the relevant WTO GPA Threshold. If the value of the bid exceeds the relevant WTO GPA Threshold a Director must seek tenders in accordance with **Rules 11 and 12**.
- 9.9 Before a Contract is awarded after a bid exercise such steps shall be taken by the Responsible Officer, as are reasonably necessary (having regard to the subject matter, value, duration of the Contract and other relevant factors) to complete a risk assessment of the potential Contractor's financial stability.
- 9.10 Bids may be altered only in accordance with **Rule 10**.
- 9.11 Where a Contract is terminated within the first 6 months of the Contract commencement date, the Council may award the Contract to the second placed supplier, provided that this demonstrates Best Value and with agreement from the HoP in consultation with the appropriate SCM.
- 9.12 The evaluation of bids shall be carried out by a panel of suitably qualified Officers who are considered appropriate having regard for the subject matter and value of the Contract.
- 9.13 The Responsible Officer must follow the Council's Access to Information Rules, for example the Responsible Officer must complete the Key Decision process where applicable, and publish a decision record.

10. POST BID NEGOTIATION AND CLARIFICATION

- 10.1 Rule 10 does not apply to Contracts for Health Care Services or Grants.
- 10.2 Post bid negotiations may not be undertaken where the value of the Contract exceeds the relevant WTO GPA Threshold. If the value of the bid exceeds the relevant WTO GPA Threshold, the Director must invite tenders in accordance with **Rules 11 and 12**.
- 10.3 Post bid negotiations with selected Participants shall only be carried out where: -
- (a) post tender negotiations are permitted by law; and
 - (b) the Director in consultation with the HoP considers that added value may be obtained; and
 - (c) post bid negotiations are conducted by a team of suitably experienced Officers approved by the Director and who have been trained in post bid negotiations; and
 - (d) a comprehensive, written record of the post bid negotiations is kept by the Director; and
 - (e) a clear record of the added value to be obtained as a result of the post bid negotiations is incorporated into the Contract with the successful Participant.
- 10.4 **Rules 10.2 and 10.3** shall not operate to prevent clarification of all or part of any bid to the extent permitted by law and where such clarifications are sought the provisions of **Rules 10.3(c) and 10.3(d)** shall apply.

11. ABOVE THRESHOLD PROCESS

- 11.1 Rule 11 does not apply to Contracts for Health Care Services or Grants.
- 11.2 Where the estimated value of the Contract exceeds the WTO GPA Threshold, Above Threshold Tenders shall be invited and awarded in accordance with the PCRs and as prescribed in **Rule 11 and 12**.

General Requirements

- 11.3 Before an Above Threshold Tender is requested the evaluation criteria to be applied to the Above Threshold Tender must be recorded in writing in the SQ and/or ITT document. The evaluation criteria must be identified and the weighting between price and quality established and stated in the SQ and/or ITT sent to Participants.
- 11.4 Irrespective of the procurement process being undertaken a notice must be published on the Find a Tender Service system and Contracts Finder, where possible this should be through the E-Sourcing system or an appropriate alternative system as agreed with the HoP.
- 11.5 All Participants invited to submit Above Threshold Tenders shall be provided in all instances with identical instructions and information.
- 11.6 Where considered appropriate, the HoP may, in consultation with the SCM, permit Participants to submit variant Above Threshold Tenders (i.e. tenders which do not comply with some or all of the requirements of the primary tender). The same opportunity to submit variant Above Threshold Tenders shall be given to all

Participants. Variant Above Threshold Tenders shall only be considered if the Participant also submits a compliant primary tender.

- 11.7 The evaluation of the Above Threshold Tenders shall be carried out by Officers who are considered appropriate having regard for the subject matter and value of the Contract.
- 11.8 All procurements undertaken in accordance with **Rule 11** shall have a minimum of 3 appropriate Officers (excluding the Procurement and Contract Management Service representative) to undertake the evaluation process. The evaluation process shall include:
- Individual evaluation assessment and scoring
 - Consensus marking exercise, chaired by a member of the Procurement and Contract Management Service
 - Independent review by SCM, where required
 - Moderation by evaluation panel, where required
- 11.9 All evaluation panel members must have completed the evaluation training prior to completing any evaluation process.
- 11.10 Where a Contract is terminated within the first 6 months of the Contract commencement date, the Council may award the contract to the second placed supplier with agreement from the HoP in consultation with the Monitoring Officer provided that this demonstrated Best Value and the original award criteria have not changed.
- 11.11 The Responsible Officer must follow the Council's Access to Information Rules, for example the Responsible Officer must complete the Key Decision process where applicable, and publish a decision record.

12. OPTIONS FOR ABOVE THRESHOLD PROCESS

- 12.1 Rule 12 does not apply to Contracts for Health Care Services or Grants
- 12.2 The Gateway Process shall identify which Above Threshold Tender Procedures shall be used to invite tenders for Contracts with a value in excess of the relevant WTO GPA Threshold.
- (i) the Open Procedure (as prescribed by PCR Regulation 27)
 - (ii) the Restricted Procedure (as prescribed by PCR Regulation 28)
 - (iii) the Competitive Procedure with Negotiation (as prescribed by PCR Regulation 29)
 - (iv) the Competitive Dialogue Procedure (as prescribed by PCR Regulation 30)
 - (v) the Innovation Partnership Procurement (as prescribed by PCR Regulation 31)
 - (vi) use of the Negotiated Procedure without prior publication (as prescribed by PCR Regulation 32)
 - (vii) Social and Other Specific Services (Light Touch Regime) (as prescribed by PCR Regulations 74-76)

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

- 12.3 The Gateway Process shall also identify which of the following techniques and instruments which can be used for Electronic and Aggregated Procurements:
- (i) Framework Agreement (as prescribed by PCR Regulation 33)
 - (ii) Dynamic Purchasing System (as prescribed by PCR Regulation 34)
 - (iii) Electronic auctions (as prescribed by PCR Regulation 35)
 - (iv) Electronic catalogues (as prescribed by PCR Regulation 36).

13. RECEIPT AND OPENING OF ABOVE THRESHOLD TENDERS

- 13.1 Rule 13 does not apply to Contracts for Health Care Services or Grants.
- 13.2 A written Above Threshold Tender may only be considered if: -
- (a) it has been received electronically through the E-Sourcing System, or (where permitted in exceptional circumstances, and subject to agreement by the HoP) it has been received electronically through an appropriate alternative method, such as a secure email inbox; or
 - (b) (where permitted under Regulation 84(h)) it has been received in hard copy in a sealed envelope marked "Above Threshold Tender" and indicating the subject matter of the Above Threshold Tender, and the identity of the Participant cannot be ascertained from the tender envelope; and
 - (c) (subject to **Rule 13.5**) it has been received by the Above Threshold Tender closing date and time.
- 13.3 The S151 Officer (or a person designated by them) shall be responsible for the reception and safe custody of Above Threshold Tenders until they are opened.
- 13.4 Electronically submitted Above Threshold Tenders, whether electronic or hard copy must be opened at the same time, in an auditable way, by an independent Officer from the Procurement and Contract Management Service.
- 13.5 Where permitted under Regulation 84(h) of the PCRs and Above Threshold Tenders are returned in hard copy format a written record shall be maintained by the HoP, of the Above Threshold Tenders received. Such a record shall include the date and time of Above Threshold Tender opening, the identity of the Officer(s) present, the identities of Participants and the tendered sums (where readily ascertainable).
- 13.6 Above Threshold Tenders submitted in hard copy must be opened at the same time and in the presence of the S151 Officer (or a person designated by them) or, where the Procurement and Contract Management Services is undertaking the procurement, the Monitoring Officer (or an Officer designated).
- 13.7 If an Above Threshold Tender is received after the specified closing date and time it may not be considered unless the HoP is satisfied that the Above Threshold Tender was submitted electronically or posted or otherwise dispatched in sufficient time to be

delivered before the specified time but that delivery was prevented by an event beyond the control of the Participant.

14. ABOVE THRESHOLD TENDER EVALUATION AND ACCEPTANCE

- 14.1 Rule 14 does not apply to Contracts for Health Care Services or Grants.
- 14.2 The relevant officers shall evaluate Above Threshold Tenders using the evaluation criteria published in accordance with **Rule 11.3**.
- 14.3 Before a Contract is awarded the HoP shall, in consultation with the SCMs, determine whether it is proportionate and appropriate to complete a risk assessment to ascertain the financial stability of the successful Participant. The risk assessment shall take into account the subject matter, complexity, duration, value and any other such factors as may be deemed to be relevant. This shall be recorded in accordance with the Gateway Process (Gate 3) where appropriate.
- 14.4 On completion of the evaluation of the Above Threshold Tenders received and once all internal approvals have been obtained through the Gateway Process (Gate 3), the HoP (or an Officer authorised by the HoP) shall write to all Participants informing them of the outcome of the Above Threshold Tender evaluation and providing feedback on the content of their submission, in accordance with Regulation 55 of the PCR's.
- 14.5 The HoP (or an Officer authorised by the HoP) shall wait a minimum of ten days (15 days if not sent electronically) from the date of issue of the letters notifying the Participants of the result of the evaluation before completing the Contract with the successful Participant, except where not required for example for call-offs under an existing Framework.
- 14.6 The HoP (or an Officer authorised by the HoP) shall send for publication a Contract Award Notice stating the outcome of the procurement procedure no more than 30 days after the award of the Contract.

15. OPTIONS FOR HEALTH CARE SERVICES PROCESS

- 15.1 The PSR governance process will identify which procedure shall be used for all Health Care Service contracts irrespective of value.
- a) Direct Award A (as prescribed by PSR Regulation 7)
 - b) Direct Award B (as prescribed by PSR Regulation 8)
 - c) Direct Award C (as prescribed by PSR Regulation 9)
 - d) The Most Suitable Provider Process (as prescribed by PSR Regulation 10)
 - e) The Competitive Process (as prescribed by PSR Regulation 11)

Such identified processes shall be used for the invitation and/or contract award in accordance with the requirements of the PSR.

16. CERTIFICATION OF CONTRACTS

- 16.1 The Local Government (Contracts) Act (LGCA) 1997 clarified the power of local authorities to enter into certain contracts, including Private Finance Initiative Contracts. Where Contracts need to be certified under the 1997 Act, only the following Officers

are authorised to do so, following consultation with the relevant Executive Member: the Director Children and Young People's Service, the Director of Environment, the Director Health and Adult Services, the Director of Community Development, the Director of Public Health, the Monitoring Officer and the S151 Officer.

17. EXCEPTIONS TO PROCUREMENT AND CONTRACT PROCEDURE RULES

17.1 Rule 17 does not apply to Contracts for Health Care Services or Grants.

17.2 A Director does not need to invite bids in accordance with **Rule 9** in the following circumstances: -

- (a) purchases via Framework Agreements which have been established either by the Council or by other public sector bodies or consortia (including, but not limited to PSBOs) and where such framework agreements are lawfully accessible to the Council. Contracts awarded from such Framework Agreements shall be awarded in accordance with the provisions of that Framework Agreement; or
- (b) the contract is to be awarded to the Council's teckal company which is legally controlled by the Council; or
- (c) the instruction of Counsel by the Monitoring Officer; or
- (d) where funding is received by the Council, either in its own right or as an accountable body, and the terms of such grant or other external funding state that it must be applied in accordance with those terms; or
- (e) purchases at public auctions (including internet auction sites, e.g. Ebay) where the Director is satisfied that value for money will be achieved; or
- (f) the purchase of Supplies, Works, Services or Social and Other Specific Services which are of such a specialised nature as to be obtainable from one Contractor only; or
- (g) repairs to or the supply of parts for existing proprietary machinery or plant where to obtain such supplies from an alternative supplier would invalidate the warranty or contractual provisions with the existing supplier; or
- (h) Social or Other Specific Services Contracts where:-
 - (i) the service is currently supplied by a Contractor to the satisfaction of the relevant Director, is considered to be offering value for money and where the foreseeable disruption to service users cannot justify the invitation of further bids, or
 - (ii) the service is of a specialist or personal nature and where service users must be involved in the selection of the Contractor and where the Director Health and Adult Services and the Director Children and Young People's Service considers it inappropriate for bids to be invited, or
 - (iii) where the relevant Director is satisfied that the urgency of the need for the service prevents the invitation of bids in which case consideration shall be given to the duration of that service; or

- (i) in relation to Pilot schemes for a proof of contract/trialling a product or area of innovation.
 - (j) Contracts where the Director with the agreement of the HoP agree that for reasons of extreme urgency brought about by unforeseeable events unattributable to the Council, the timescales for obtaining bids cannot be met. A written record shall be signed and dated by the Director, whenever this Rule applies.
- 17.3 Where any of the exceptions set out in **(e) to (j)** above are applied a Directors Recommendation, in consultation with the relevant SCMs, shall be signed, dated and kept. The Procurement and Contract Management Service shall maintain a register of all recommendations made under this Rule.
- 17.4 A Director does not need to invite Above Threshold Tenders in accordance with **Rule 11 and 12**, in the following circumstances however the gateway process at **Rule 19** shall still apply:
- (a) purchases via Framework Agreements which have been established either by the Council or by other public sector bodies or consortia (including, but not limited to PSBO's) and where such Framework Agreements are lawfully accessible to the Council. Contracts awarded from such Framework Agreements shall be awarded in accordance with the provisions of that Framework Agreement. Where appropriate Officers should apply a minimum 10 day standstill period for all call-off Contracts awarded under an existing Framework Agreement. This is not mandatory but is deemed best practice; or
 - (b) where:
 - (i) Regulations 12 or 72 of the PCRs apply; or
 - (ii) any other specific exclusions as set out in the PCRs apply.

Waivers

- 17.5 Specific exceptions to these Rules are permitted in such other circumstances as the S151 Officer and the Monitoring Officer may agree.
- 17.6 Requests for waivers shall be made using the Waiver Request Form prescribed by the S151 Officer which shall specify the reasons for the request.
- 17.7 Any requests for waivers shall be made in consultation with the relevant SCM's, and be signed, dated and kept. The Procurement and Contract Management Service shall maintain a register of all waivers made under this Rule.

18. COMPLIANCE, CONTRACT REGISTER AND FORWARD PROCUREMENT PLANS

- 18.1 Every Officer shall comply with these Rules and any unauthorised failure to do so may lead to disciplinary action.
- 18.2 The S151 Officer shall be responsible for monitoring adherence to these Rules.
- 18.3 The HoP shall nominate a representative to act as a key contact point in relation to procurement matters for spend categories; such representatives shall be termed SCMs.
- 18.4 Each Director, in conjunction with the HoP, shall take all such steps as are reasonably necessary to ensure that Officers within their Directorate are aware of and comply with these Rules, the Procurement Manual and the Finance Manual referred to in **Rule 2.5**.
- 18.5 An annual report on procurement matters, such report to include an annual procurement plan and actions arising from the annual procurement plan, will be presented to a meeting of the Audit Committee.
- 18.6 The Council maintains a Contract Register the purpose of which is to record key details of:
- 18.6.1 all Contracts with an aggregate value of £5,000 (exclusive of VAT) or more; and
- 18.6.2 all Health Care Services contracts irrespective of value.
- 18.7 All Responsible Officers will notify the Procurement and Contract Management Service of any Contract awarded:
- 18.7.1 above £5,000; or
- 18.7.2 any contract for Health Care Services irrespective of value.

The Responsible Officer will use the format prescribed by the Procurement and Contract Management Service and report this information quarterly.

- 18.8 The HoP shall ensure that:-
- (a) all relevant Contracts (including those Contracts to which **Rule 16** applies) are entered onto the Contract Register; and
- (b) the Contract Register is maintained by entering new Contracts onto it and removing expired Contracts from it in line with the Council's Records Retention and Destruction Schedule.

Contracts Finder

- 18.9 When a Procurement leading to a Contract in excess of £30,000 inclusive of VAT is awarded the Procurement and Contract Management Service shall ensure that such information as is prescribed in the PCRs is published on Contracts Finder via the ESourcing system.
- 18.10 When a Procurement leading to a Health Care Services Contract of any value is awarded, the Procurement and Contract Management Service shall ensure that such

information as is detailed in the PSRs is published on Contracts Finder via the E-Sourcing.

19. GATEWAY PROCESS AND PSR GOVERNANCE PROCESS REPORTS INCLUDING NOTIFICATION OF SECTION 151 OFFICER AND MONITORING OFFICER

19.1 When a procurement or Grant is being considered which is expected to exceed the financial value thresholds specified in **Rule 19.2** the Gateway Process must be completed and signed off by the relevant Officers, as detailed in **Table 5** below.

Table 6: Gateway Process - Authorisation to Approve

Gateway Process gate	Approval process
Gate 1 – Commissioning and Procurement Options Appraisal (includes Grants)	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND The Monitoring Officer or delegated officer
Gate 2 – Authorisation of Documents	An Officer from the Procurement and Contract Management Service AND SCM or delegated Officer
Gate 3 – Contract/ Grant Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director
Gate 4(a) – Contract / Grant Extension/Variation/Novation	PAB or HoP or delegated SCM AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND, where appropriate Monitoring Officer or delegated officer – <i>only in cases where the extension is not part of the original Contract.</i>
Gate 4(b) – Contract/ Grant Termination (during the contract period)	PAB or HoP or delegated senior officer AND The relevant Director or delegated Assistant Director AND Finance - S151 Officer or delegated Assistant Director AND Monitoring Officer or delegated officer

19.2 The whole contract financial value thresholds for the purposes of **Rule 19.1** are:

- (a) Works and Concession Contracts - £1,000,000 inclusive of VAT
- (b) Social and Other Specific Services Contracts - £663,540 inclusive of VAT
- (c) Goods and Services Contracts - £214,904 inclusive of VAT.

The above values are used to determine the Gateway Process threshold for Grants.

19.3 In relation to Health Care Services contracts the PSR Governance Process must be completed and signed off by the relevant Officers, as detailed in **Table 7** below.

Table 7: PSR Governance Process - Authorisation to Approve

PSR Governance Process	Approval process
PSR Direct Award Process A, B or C – Contract Appraisal and Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer
PSR Most Suitable Provider Process or Competitive Process - Options Appraisal / Project Initiation	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer
PSR review – Authorisation of Documents	An Officer from the Procurement and Contract Management Service AND SCM or delegated Officer
PSR Most Suitable Provider Process or Competitive Process – Contract/ Grant Award	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer
PSR Contract Modification – Contract / Grant Extension/Variation/Novation	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND, where appropriate Monitoring Officer or delegated officer – <i>only in cases where the extension is not part of the original Contract.</i>
PSR Contract Termination – Contract / Grant Termination (during the contract period)	PAB or HoP or delegated SCM AND The relevant Director or delegated Officer AND Monitoring Officer or delegated officer

19.4 The whole contract financial value thresholds for the purposes of **Rule 19.3** are:

- (a) Health Care Services Contracts – any value

20. CONTRACT MANAGEMENT

20.1 The Responsible Officer shall take all such steps as are appropriate to monitor and review the performance of the Contract, having regard to its value, nature, duration and subject matter. As part of the monitoring and review process the Responsible Officer shall maintain adequate records of Contract performance and details of review meetings with the Contractor. Such relevant records and details shall be made

available to Internal Audit whenever required and shall be recorded in any relevant Gateway Process report (Gate 4).

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

Contract Variation/Novation

- 20.3 Contracts with a value below the relevant WTO GPA Threshold may be varied or extended or novated in accordance with the terms of that Contract. Any proposed variations which have the effect of materially changing the Contract must be approved by the Monitoring Officer, whether or not they are affected by amending the Contract itself or by correspondence.
- 20.4 Contracts with a value in excess of the relevant WTO GPA Threshold may be varied or extended in accordance with the terms of that Contract and/or as outlined in Regulation 72 of the PCRs. Approval must be sought in accordance with **Rule 19.1**, (Table 5 - Gateway Process - Authorisation to Approve Gate 4a).
- 20.5 Health Care Services Contract variations must be done in accordance with Regulation 13 of the PSRs. Approval must be sought in accordance with **Rule 19.3**.

Contract Termination

- 20.6 If an Officer requires a Contract which exceeds the financial values stated in **Rule 19.2** or any Health Care Service Contract to be terminated then this must be done in accordance with the terms of the Contract and in accordance with the PCRs or PSRs, where applicable. Approval must be sought in accordance with **Rule 19.1** or **Rule 19.3** (as applicable).

21. TRAINING FOR PROCUREMENT AND CONTRACT MANAGEMENT

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

22. DECLARATION OF INTERESTS

- 22.1 A Conflict of Interest declaration must be completed by all members of the evaluation panel. A Confidentiality Agreement or Declaration form must also be completed by any members of the evaluation panel who are not directly employed by the Council, unless there are alternative appropriate confidentiality provisions within the persons appointment documents (such as a consultancy agreement).
- 22.2 If it comes to the knowledge of a Member, Responsible Officer or other Officer that a Contract or Grant in which they have an interest (determined in accordance with the Members' and/or Officers' Code of Conduct as appropriate) has been or is proposed to be entered into by the Council, they shall immediately give written notice to the Monitoring Officer.
- 22.3 In relation to Health Care Services Contracts, conflicts of interest must be managed in line with Regulation 21 of the PSRs.

23. GRANTS

- 23.1 A grant is a sum of funds for a specific purpose. Under a grant agreement, the funder makes a payment to the recipient for a specific purpose. The recipient is not obliged to deliver any goods or services to the funder. The Council may grant-fund third party organisations for example to help deliver community cohesion or to provide complementary activities. Responsible Officers should in consultation with Procurement and Contract Management Service and Monitoring Officer understand if the Grant is subject to the PCRs or PSRs.
- 23.2 Grants up to a value of £100,000 may be directly awarded where a Best Value Form is completed, and subsidy control law must be complied with. It is the Officer's responsibility to complete the Best Value Form.
- 23.3 For any Grant over £100,000, a competitive grants process must be completed and subsidy control law complied with. Where a competitive grants process is undertaken, a Competitive Grants Form must be completed. Where appropriate, the opportunity should be advertised on the Council's ESourcing system.
- 23.4 Where the value of a grant exceeds the relevant WTO GPA Threshold, any value for Health Care Service Contracts, or £1,000,000 for works, the Gateway Process shall be completed in accordance with **Rule 19**.
- 23.5 Specific exceptions to **Rule 23** are permitted in circumstances as the Monitoring Officer and S151 Officer may agree.
- 23.6 The Responsible Officer shall take all such steps as are appropriate to monitor and review the delivery of the grant agreement, having regard to its value, nature, duration and subject matter. As part of the Grant monitoring and review process the Responsible Officer shall maintain adequate records of delivery and details of review meetings with the grant recipient.

24. HIRING AND ENGAGING STAFF

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

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Development Plan Committee

Membership

	Councillors Names		Political Group
1	BAKER, Alyson		Conservatives and Independents
2	BASTIMAN, Derek		Conservatives and Independents
3	GOODRICK, Caroline		Conservatives and Independents
4	HESELTINE, Robert		Conservatives and Independents
5	HUGILL, David		Conservatives and Independents
6	HULL, Nathan		Conservatives and Independents
7	JONES, Tom		Conservatives and Independents
8	LEE, Andrew		Conservatives and Independents
9	PARASKOS, Andy		Conservatives and Independents
10	PEACOCK, Yvonne		Conservatives and Independents
11	MANN, John		Conservatives and Independents
12	TRUMPER, Phil		Conservatives and Independents
13	WINDASS, Robert		Conservatives and Independents
14	ANDREWS, Joy		Liberal Democrats and Liberals
15	CUNLIFFE-LISTER, Felicity		Liberal Democrats and Liberals
16	GOSTLOW, Hannah		Liberal Democrats and Liberals
17	MARSH, Pat		Liberal Democrats and Liberals
18	COLLING, Liz		Labour
19	PACKHAM, Bob		Labour
20	SHARMA, Subash		Labour
21	BROWN, Andy		Green
22	FOSTER, Kevin		Green
23	CATTANACH, John		North Yorkshire Independents
24	VACANCY (Thirsk and Malton ACC)		North Yorkshire Independents

Total Membership – (24) Quorum – (6)
Con+Ind – 13 Lib Dem and Lib - 4 Labour - 3 Green Party – 2 NY Ind - 2 Total - 24

Terms of Reference

1. To support and be consulted on the preparation of any Development Plan Documents (DPDs), excluding Neighbourhood Plans (for which the relevant Area Constituency Committee is the primary consultative committee).
2. To provide strategic oversight and develop a collective understanding of the key issues and opportunities in bringing together the Local Plan for North Yorkshire.
3. To facilitate a collaborative working relationship between officers and Members throughout the evolution of DPDs (excluding Neighbourhood Plans), meeting both informally (as required) as well as formally at key decision making stages,
4. To exercise the specific functions and powers as set out below.

Delegated Powers

The Development Plan Committee has the following functions and responsibilities:

- *(a) To support and be consulted on the preparation of any Development Plan Documents excluding Neighbourhood Plans, at all stages of the plan-making process.
- *(b) To make comments and recommendations to the Area Constituency Committees and to the Executive at formal stages of the plan making process in respect of any Development Plan Documents excluding Neighbourhood Plans.

APPENDIX 4

Extracts from Council Procedure Rules

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2. ORDINARY MEETINGS

2.1 Timing of Meetings

Ordinary meetings of the full Council shall be held in every year as follows:

- (a) on the third Wednesday in February; ~~this meeting is dedicated to the consideration of the Council's Budget and the Council Plan ("the Budget and Council Plan meeting");~~
- (b) on a Wednesday in March or April;
- (c) the penultimate Wednesday in July;
- (d) the second Wednesday in November;
- (e) or on such other dates as the Council shall determine.

The third Friday in February shall be reserved in the diary, each year, for a further Budget and Council Plan meeting, if necessary, to deal with business left outstanding from the meeting held the previous week.

Provisions regarding the Annual meeting of full Council are set out in Council Procedure Rule 1 and provisions regarding Extraordinary meetings are set out in Council Procedure Rule 3.

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2.2 Notice of Meetings

Five clear days* at least before a meeting of the Council notice of the time and place will be published at the Council's offices. Where the meeting is called by Members of the Council, the notice will be signed by those Members and will specify the business to be transacted. A summons to attend a meeting of the Council, specifying the business proposed to be transacted and signed by the Chief Executive Officer and Assistant Chief Executive Legal and Democratic Services, will be sent by post to the usual place of residence of every Member of the Council, or to such other place specified in writing by the Member to the Assistant Chief Executive Legal and Democratic Services.

2.3 Order of Business

- (a) Save as expressly provided otherwise elsewhere in these Council Procedure Rules, the order of business at Council meetings shall be:
 - (i) if both the Chair and the Vice-Chair are absent to choose a person to preside at the meeting;
 - (ii) any business given priority by or required to be done by statute;
 - (iii) approval, as a correct record, of the Minutes of the previous meeting, including minutes of any special or extraordinary meeting;

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* "Five clear days" – as defined in Access to Information Procedure Rule 4.

- (iv) to receive any communication from the Chair;
- (v) to elect the Leader at the annual meeting in an election year;
- (vi) the statement by the Leader and any questions from Members to the Leader;

(vii) Notices of motion in the order in which they have been received, unless the Chair directs that, for the efficient conduct of business, they should be considered earlier on the agenda. At each meeting of the Council, the Chair may, at their discretion, bring forward to noon, or as soon as convenient thereafter, debate on one motion of which notice has been given under Council Procedure Rule 11 and for which adequate reason has been given why it should be debated on the day.

- (viii) any questions or statements from members of the public who are residents of North Yorkshire relating to Council business, subject to:
 - ♦ notice having been given of the question or statement and the Member to whom it is addressed at least three working days before the meeting; and
 - ♦ no member of the public being entitled to speak for more than three minutes.

(ix) at the annual meeting in an election year, to appoint Members to serve on committees of the Council and/or as representatives of the Council on other bodies unless power to make those appointments has been delegated to other bodies or persons;

(x) any business remaining from the previous meeting;

- (xi) any matter referred to the Council for decision by:
 - (a) the Executive;
 - (b) the Standards and Governance Committee;
 - (c) the Head of Paid Service, Monitoring Officer or Chief Finance Officer;
 - (d) a committee of the Council, other than an overview and scrutiny committee;
 - (e) the Corporate Parenting Members' Group;

(xii) any statement by an Executive portfolio holder, each of which may be followed by any questions or statements.

Each Scrutiny Chair shall present a report on the work of their Committee.

A summary of the key points of any statement made under this Procedure Rule shall be printed and be made available to all Members as part of the agenda for the meeting.

Members putting questions or statements to a portfolio holder or Chair of the Scrutiny Board or of an Overview and Scrutiny Committee are limited to speaking for a maximum of two minutes.

(xiii) any matter referred to the Council by the following Committees:

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- (a) Care and Independence and Housing Overview and Scrutiny Committee;
- (b) Corporate and Partnerships Overview and Scrutiny Committee;
- (c) Scrutiny of Health Committee;
- (d) Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee;
- (e) Children and Families Overview and Scrutiny Committee;
- (f) Transition (LGR) Overview and Scrutiny Committee.

(xiv) Council Procedure Rule 10 questions;

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(xv) other business, if any, specified in the summons for the meeting.

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- (b) The order of business of any meeting of the Council, other than business falling under items (a) (i), (ii) and (iii), may be varied either at the discretion of the Chair or by a resolution passed on a motion duly moved, seconded and put without discussion.

2.4 Reports, Statements and Questions

- (a) Any reports of the Executive or committees shall, whenever possible, be printed and circulated to Members of the Council before the meetings at which they are to be considered.
- (b) The Leader of the Council may make a statement to the Council on any matters relevant to the Council and any portfolio holder (including the Leader if they hold a portfolio) or Chair of any overview and scrutiny committee may make a statement to the Council on any matters relevant to that portfolio or the work of that overview and scrutiny committee. The provisions of Council Procedure Rule 10 shall apply to questions under this Council Procedure Rule.

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9. QUESTIONS AND STATEMENTS BY THE PUBLIC

9.1 General

With the exception of the Budget and Council Plan meeting, members of the public may ask questions or make statements at ordinary meetings of the Council, and meetings of the Executive and of committees.

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9.1.1 This Council Procedure Rule 9 does not apply to:

- the Council's Planning Committees, Statutory Licensing Sub-Committees and General Licensing and Registration Sub-Committees or any other committee of a quasi-judicial nature), where there are other procedures in place to permit public questions/statements. Public questions/statements at planning committees are governed by the Code of Practice for Councillors and Officers dealing with planning matters in Part 5 of the Constitution;
- full Council Budget and Council Plan meetings.

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9.2 Order of Questions/Statements

OFFICIAL - SENSITIVE

9.2.1 Subject to the other provisions of Council Procedure Rule 9 regarding public questions and statements, the Chair, in consultation with the Assistant Chief Executive Legal and Democratic Services, will decide which questions are asked, or statements made, and in which order. The Chair may refuse to accept questions or statements submitted for full Council or may refer them for consideration to another committee.

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9.2.2 The Chair may group together similar questions or statements. Where there are multiple questions/statements on the same theme, there should be one spokesperson. The Chair has discretion when grouping together similar questions to limit the time for asking such questions and may also, in their discretion, accept one question or statement only per theme or topic and has discretion as to the handling and management of multiple questions/statements on one topic.

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9.2.3 The Chair may refuse to accept a question or statement for a full Council meeting if it is the same as asked/made at a meeting of full Council or the Executive in the previous six months.

9.3 Notice of Questions/Statements

- (a) A question may only be asked (or statement made) if notice including the full text of the question or statement has been given by delivering it in writing or by electronic mail to the Assistant Chief Executive Legal and Democratic Services no later than midday three working days before the day of the meeting. Each question must give the name of the questioner. The question will be put to the relevant executive portfolio holder or committee Chair. Each statement must give the name of the person by whom it is to be made.
- (b) Copies of all public questions received for a meeting of Council will be circulated to all Members in the Council Chamber.

9.4 Number of Questions/Statements

No individual, organisation or group may submit more than one question or statement to full Council or Executive in a six month period (from when an initial question was asked or statement made by that individual, organisation or group).

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9.5 Scope of Questions/Statements

The Assistant Chief Executive Legal and Democratic Services may reject a question or statement if it:

- ♦ is not submitted by a person who can demonstrate a connection to North Yorkshire through living, working or studying in the county;
- ♦ is not about a matter for which the local authority has a responsibility or which affects the county;
- ♦ in relation to full Council meetings, the question or statement does not relate to an item for decision on the Council agenda;
- ♦ is defamatory, frivolous or offensive;
- ♦ is essentially a complaint about and/or appeal against a committee decision;
- ♦ it is directed to full Council and relates to a planning matter (unless the matter is specifically on the agenda for that full Council meeting);
- ♦ is not within the purview of that particular committee;
- ♦ is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- ♦ is submitted by an individual, organisation or group who has submitted a question or statement to full Council or the Executive in the previous six

[months; \[in respect of a purported question/statement for a full Council meeting\];](#)

- ♦ [is submitted by a publicly declared candidate for election during the pre-election period;](#) or
- ♦ requires the disclosure of confidential or exempt information.

9.6 Record of Questions/Statements

The Assistant Chief Executive Legal and Democratic Services will enter each question and statement in a book open to public inspection and will immediately send a copy of any question to the Member to whom it is to be put. Rejected questions or statements will include reasons for rejection. Copies of all questions and statements will be circulated to all Members and will be made available to the public attending the meeting.

9.7 Asking the Question or Making the Statement at the Meeting

- (a) The Chair will invite the questioner to put the question to the relevant portfolio holder or committee Chair. If a questioner who has submitted a written question is unable to be present, they may ask a representative to attend to put the question/make the statement on their behalf. Except in exceptional circumstances (as the Assistant Chief Executive Legal and Democratic Services may agree), the questioner must attend the meeting or send a representative to read out the question or statement, otherwise the question/statement will not be dealt with at the meeting and a written response will be provided.
- (b) The Chair will invite the person to ask their question/make their statement. If they are unable to be present they may ask a representative to ask the question or make the statement on their behalf.
- (c) No person asking a question or making a statement may speak for more than three minutes, and the total time allowed at any meeting for questions and statements by the public shall be half an hour. [Members answering a public question or statement may speak for up to three minutes. This therefore allows for a maximum of 5 public questions/statements during the thirty minute time period.](#) In accordance with Council Procedure Rule 9.2, the Chair has discretion as to the handling of questions/statements to be taken during that thirty minute time period.

9.8 Supplemental Question

[9.8.1 Subject to Council Procedure Rule 9.8.2, a](#) questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to their original question. A supplementary question must arise directly out of the original question or the reply and is permitted solely for the purpose of clarifying the information provided in response to the original question. In these circumstances the speaking time for the questioner asking a supplemental question will be limited to thirty seconds or such longer time as the Chair might agree. The Member responding to the supplemental question has unlimited time to respond. The Chair may reject a supplementary question on any of the grounds in Rule 9.5 above.

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[9.8.2 Council Procedure Rule 9.8 regarding supplemental questions does not apply to meetings of full Council.](#)

9.9 Written Answers

OFFICIAL - SENSITIVE

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put or because notice required by this Rule was not given, will be dealt with by a written answer within two weeks.

9.10 Reference of Question to the Executive or a Committee

Unless the Chair decides otherwise, no discussion will take place on any question or statement, but any Member may move that a matter raised by a question or statement be deferred to the next meeting or referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion. No other decision may be taken in relation to any question or statement.

10. QUESTIONS BY MEMBERS

10.1 Written Questions and Written Responses Addressed Outside of Meetings

- (a) Members may at any time ask a question of the Leader, Executive Member or the Chair of any Committee or sub-committee by providing written notice of the question to the Assistant Chief Executive Legal and Democratic Services.
- (b) The Leader, Executive Member, Committee or sub-committee Chair concerned must provide a written response within 10 working days.
- (c) The question and response will be published on the Council's website.
- (d) The Assistant Chief Executive Legal and Democratic Services may reject a question or statement if it:
 - i. is not about a matter for which the local authority has a responsibility or which affects the County;
 - ii. is defamatory, frivolous or offensive;
 - iii. is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - iv. requires the disclosure of confidential or exempt information.

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10.2 Statement by the Leader and Questions and Statements by Members to the Leader

- (a) At each Ordinary meeting of the Council the Leader may make a statement to the Council on any matters relevant to the Council and any portfolio holder (including the Leader if they hold a portfolio.)
- (b) A Member may ask the Leader a question or make a statement in relation to the presentation of the Leader's report and statement to Council during the time allocated for such questions and statements.
- (c) A maximum of 10 minutes will be permitted for questions and statements to the Leader under this agenda item.

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10.3 Statement by an Executive Member and Questions and Statements by Members to the Executive Member

- (a) At each Ordinary meeting of the Council statements made by portfolio holders will be made in rotation but follow the order set out below, subject to the first statement at any Council meeting being made last at the subsequent meeting:

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- Communications, safer communities and emergency planning;
- Finance, Assets including Pension Fund, Property, Procurement and Commercial, Technology, Transformation, Revenue and Benefits and HR;
- Open to Business, including Planning, economic development and regeneration, Visitor Economy, Broadband and Harbours;
- Corporate Services, locality working and structures, including Stronger Communities, Policy and Performance, Refugee and Asylum issues, Community Safety including CCTV, Legal and Democratic Services, Members support, Elections and Customer Contact;
- Highways and Transportation including Parking Services, Street Scene, Parks and Grounds, Integrated Passenger Transport, Public Rights of Way and Coastal Protection and Flooding;
- Health and Adult Services including Public Health and Prevention and Service Development;
- Culture, Arts and Housing including Culture, Arts, Libraries, Museums, Archives, Key venues, Leisure and Housing;
- Children and Families including Inclusion;
- Managing our Environment including Environment services including Low Carbon, Bio-diversity, Natural capital, Waste Services, Regulatory Services, Registration, Bereavement, Coroners Service and Licensing;
- Education, Learning and Skills, including Outdoor Education and Skills.

- (b) The Leader of the Council may make a statement to the Council on any matters relevant to the Council and any portfolio holder (including the Leader if they hold a portfolio).
- (c) A Member may ask the Executive Member a question or make a statement in relation to the Executive Member's statement to Council during the time allocated for such questions.
- (d) A maximum of 5 minutes will be permitted for questions and comments to the Executive Member under this agenda item.
- (e) A summary of the key points of any statement made under this Procedure Rule shall be printed and be made available to all Members as part of the agenda for the meeting.

10.4 Statement by the Chair of the Scrutiny Board or of an Overview and Scrutiny Committee and Questions and Statements by Members to that Chair

- (a) At each Ordinary meeting of the Council the Chair of the Scrutiny Board and/or any Chair of an Overview and Scrutiny Committee may make a statement to the Council on any matters relevant to the work of that committee.
- (b) A Member may ask the Chair of the Scrutiny Board and/or any Chair of an Overview and Scrutiny Committee a question or make a statement in relation to their statement to Council during the time allocated for such questions.
- (c) A maximum of 5 minutes will be permitted for questions and statements under this agenda item.

10.5 Questions by Members to the Chairs of any Committee or Sub-committee, the Leader and Executive Members

- (a) A Member may during the time allowed for this agenda item ask the Chair of any Committee or Sub-committee (other than an Overview and Scrutiny Committee),

the Leader and Executive Members any question on a matter within the purview of their committee or portfolio.

(b) Every question shall be put and answered, without discussion but the Member to whom a question has been put may decline to answer.

(c) A maximum of 10 minutes will be permitted for this agenda item.

10.6 Notice and Order of Questions and Supplementary Questions

- This Rule applies to questions and statements under 10.2-10.5 above.
- Questions for which 2 clear working days' written notice have been given to the Assistant Chief Executive Legal and Democratic Services will be dealt with under the relevant agenda item first. Thereafter, the Chair will determine the order of questioning and statements and at their discretion will, as far as possible, invite the questions and/or statements in the order indicated by Members raising their hand but subject to the need to ensure a reasonable balance across the political groups and independent Members of the Council.
- Copies of all written Member questions received for a meeting of full Council will be circulated to all Members in the Council Chamber.
- With the consent of the Chair, Members may be allowed a short supplementary question which must arise from the response. The Member has 30 seconds to ask their supplementary question.

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10.7 Discretion of the Chair in relation to Member Questions and Statements

(a) This Rule applies to questions and statements under 10.2-10.5 above.

(b) The Chair may reject any Member question or statement if it does not pertain to a matter for which the Council has a responsibility or which directly affects the County.

(c) The Chair may reject a Member question or statement if it relates to a matter which is purely of personal concern to an individual Member's division. In such instances the Chair will ask that the relevant Executive Member, committee Chair or Officer respond to the question in writing within 10 working days of the meeting.

10.8 Response

(a) This Rule applies to questions and statements under 10.2-10.5 above.

(b) An answer may take the form of a direct oral answer or where the desired information is in a publication of the Council or other published work, a reference to that publication.

(c) Where the reply to any question or statement cannot conveniently be given orally, or where there has been insufficient time for any question/statement for which written notice has been provided in accordance with CPR 10.6 above, it shall be deemed a sufficient reply if the answer is supplied to the Member asking the question or making the statement as soon as reasonably possible and copies shall at the same time be placed in the Members' Group Rooms.

11. MOTIONS ON NOTICE

11.1 Council Meetings

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- (a) Except in the cases specified in Council Procedure Rule 12, a motion may not be moved unless notice of it has been given in accordance with the following provisions.
- (b) Every notice of motion, shall relate to a matter for which the Council has duties or powers or which affects North Yorkshire or to the performance of the Chair, the Leader, the Executive or any member of it, or any committee. All such notices shall be in writing signed by the Member giving the notice and any proposed seconder and other supporter; and shall be given or sent by post or fax, or by e-mail from a North Yorkshire Councillor email address) in which case signatures are not required, to the Assistant Chief Executive Legal and Democratic Services, who shall enter it in a book, to be open to inspection by Members, at their office. A notice of motion received after midnight on the ninth day before a meeting of the Council shall not be specified in the summons for that meeting.
- (c) The Assistant Chief Executive Legal and Democratic Services shall insert in the summons for any meeting of the Council all notices of motion duly given in the order in which they have been received, unless the Member giving a notice has stated in writing prior to the ninth day before the meeting that they propose to move the motion at some later meeting or has withdrawn the notice.
- (d) If a Member who gives notice of a motion under this Council Procedure Rule considers that the Chair should allow the motion to be debated by the Council without being referred to the Executive or a relevant committee for prior consideration, they shall give or send by post/fax or email to the Assistant Chief Executive Legal and Democratic Services a written statement of their reasons. Provided that the statement of reasons is received not later than the ninth day before a meeting of the Council the Assistant Chief Executive Legal and Democratic Services shall arrange for the statement to accompany the summons for that meeting.
- (e) A motion which appears on the summons for a meeting shall be dealt with at that meeting if either:-
 - (i) the Chair considers that to do so would be convenient or conducive to the despatch of business; or
 - (ii) a motion 'That the motion be considered now' is put to the vote and passed. The proposer of the motion "That the motion be considered now" shall not speak for more than five minutes; and the seconder shall second it without comment. One Member may speak in opposition to the motion 'That the motion be considered now' and that Member shall not speak for more than five minutes.
- (f) If the motion is not dealt with at the meeting at which it is brought forward it shall be moved and seconded without comment and, without discussion, shall stand referred to the Executive or to those committees within whose responsibilities or terms of reference it comes, in the view of the Chair, or as the Council may determine. [Where the matter stands referred to an overview and scrutiny committee, the Scrutiny Board shall determine which particular overview and scrutiny committee is the most appropriate to consider the matter.](#)
- (g) A member who has proposed or seconded a motion which has been referred to the Executive or a committee shall receive notice of the meeting of the Executive or committee at which it is proposed to consider the motion and shall have the right to attend the meeting and to explain the motion.

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(h) If a motion is referred to the Executive or one committee only, the Executive or that committee shall report to the [relevant decision-making body](#) upon that motion together with its recommendation. If a motion is referred to more than one committee, the Executive shall report to the [relevant decision-making body](#) upon that motion together with its recommendations. The report of the Executive or any committee to which a motion has been referred shall contain a statement of that motion.

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(i) When the Executive or a committee reports back on a motion, the motion, as originally moved and seconded at the earlier meeting, will be the matter before the [relevant decision-making body](#). Any recommendation of the Executive or committee to amend the motion will therefore be an amendment to the motion and any recommendation to support or oppose the motion will be only an expression of views.

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11.2 Other Meetings

(a) The Assistant Chief Executive Legal and Democratic Services shall insert in the summons for a meeting of a committee of the Council every notice of motion which is specified by a Member giving the notice as being for consideration by that committee, provided that:-

(i) the notice of motion is in writing signed by the Member giving the notice and the proposed seconder and other supporter;

(ii) the notice of motion is given or sent by post (or by e-mail from a North Yorkshire Councillor email address in which case signatures are not required), to the Assistant Chief Executive Legal and Democratic Services and received by them not later than the twenty-first day before the meeting of the committee.*

* This is to allow sufficient time for an Officers' report to be prepared on the subject matter of the notice of motion as an aid to enabling a decision to be taken on it at that meeting.

(b) A Member shall wherever possible give notice of a motion to committee rather than to Council.

(c) A Member who has proposed a notice of motion to committee in accordance with the provisions of this Council Procedure Rule may speak for not more than 5 minutes when the Council considers a report on that notice of motion.

11.3 Motions Affecting Council Staff

If the appointment, promotion, dismissal, salary, superannuation, conditions of service, or conduct of any person employed by the Council arises at a meeting of the Council, the Executive, a committee or sub-committee the matter shall not be discussed until the Council, Executive, committee or sub-committee has decided whether or not to exclude the public under Section 100A of the Local Government Act 1972.

12. MOTIONS WITHOUT NOTICE

The following motions and amendments may be moved without notice:-

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- (a) Appointment of a Chair of the meeting at which the motion is made.
- (b) Motions relating to the accuracy of the minutes, closure, adjournment, order of business, or next business.
- (c) Reference to the Executive or to a committee.
- (d) Motion to exclude the public and press under Section 100A of the Local Government Act 1972.
- (e) Appointment of members of a committee or outside body, so far as arising from an item mentioned in the summons for the meeting.
- (f) Adoption of reports and recommendations of the Executive, committees or Officers and any consequent motions.
- (g) Amendment to motions.
- (h) Extending the time limit for speeches.
- (i) That an item of business specified in the summons shall have precedence, or other variation of order of business.
- (j) Suspending Council Procedure Rules in a case of emergency.
- (k) That a Member named under Council Procedure Rules be not further heard or do leave the meeting.
- (l) Giving any consent of the Council required by Council Procedure Rules.
- (m) A motion "That the motion be considered now".
- (n) A motion "That the Council debate this matter in committee."

13. RULES OF DEBATE

- (a) A Member shall stand when speaking and shall address the Chair. If two or more Members rise, the Chair shall call on one of them to speak. (This Standing Order will be deemed to have been complied with if any Member who, as a result of a disability, would find it difficult to stand, indicates their wish to speak by raising their hand.)
- (b) Except with the consent of the Council, and subject to the provisions of Council Procedure Rules, a Member shall not speak for more than three minutes on any motion or amendment, excluding the mover and the Executive Member or Chair of any Committee directly involved, who may speak for not more than five minutes.
 - (i) [At Budget and Council Plan full Council meetings, the mover, seconder and each spokesperson of a political group shall each be able to speak for 6 minutes in relation to the budget item.](#)
- (c) Whenever the Chair rises during a debate, any Member who is speaking or standing shall resume his seat and all Members shall be silent.

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- (d) The ruling of the Chair on points of procedure or order and their interpretation of Council Procedure Rules shall be conclusive and no debate upon their ruling shall be allowed.
- (e) Every motion or amendment shall be moved and seconded and, unless the Chair agrees otherwise shall be handed in writing to the Chair, or to the Assistant Chief Executive Legal and Democratic Services, and shall be read before it is discussed or to put to the meeting.
- (f) When seconding a motion or amendment a Member may reserve their speech until a later period of the debate.
- (g) A Member shall direct their speech to
 - ♦ the motion or question under discussion, or
 - ♦ an amendment, or
 - ♦ a point of order or
 - ♦ a personal explanation.

A Member rising to a point of order or in personal explanation is entitled to be heard forthwith, but a point of order must specify the Council Procedure Rule to which it relates and a personal explanation must be confined to some material part of a speech by them which may have been misunderstood.

- (h) An amendment shall be either:-
 - (i) to refer the matter to an appropriate body or individual for consideration or recommendation;
 - (ii) to delete words;
 - (iii) to delete words and add others; or
 - (iv) to add words;

but such deletion or addition of words shall not have the effect of introducing a new proposal into, or of negating the motion before the Council and every amendment must be relevant to the motion to which it is moved. Where an amendment does not directly seek to negate or nullify a motion, the Chair has the discretion to reject any amendment that seeks to substantially alter the proposal of the original motion so as to lose the intention of the original motion.

- (i) Any number of amendments may be moved but once an amendment to a motion has been moved and seconded no other amendment may be moved until the first amendment has been dealt with.
- (j) If an amendment is rejected, other amendments may be moved to the motion. If an amendment is carried, the motion as amended will then be the motion to which any further amendment may be moved.
- (k) An amendment may be withdrawn by the proposer with the agreement of the seconder and the consent of the Council (to be signified without discussion), and after the proposer has asked for consent to withdraw an amendment, no Member shall speak upon it unless such consent is refused.
- (l) A Member shall not speak more than once on any motion or amendment, except in

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- ♦ the exercise of the right of reply, given by paragraph (p) of this Council Procedure Rule, or
 - ♦ on a point of order, or
 - ♦ by way of personal explanation, or
 - ♦ to move any of the motions specified in paragraph (m) of this Council Procedure Rule.
- (m) At the conclusion of a speech of another Member, a Member may move without comment one of the following and, if seconded, the Chair shall proceed as follows:-
- (i) “That the Council proceed to the next business”
- Unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
- (ii) “That the question be now put;”
- Unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first put to the vote the motion that the question be now put, and, if it is passed, then give the mover of the original motion their right of reply under paragraph (p) of this Council Procedure Rule before putting the motion to the vote;
- (iii) “That the debate be now adjourned” or “that the Council do now adjourn”:
- If in their opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion they shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply.
- (n) A second motion “That the Council do now proceed to the next business”, “That the debate be now adjourned” or “That the Council do now adjourn” may not be made during the same debate within a period of one hour unless, in the opinion of the Chair, the circumstances of the debate are materially altered.
- (o) During the same debate, no Member shall propose or second more than one motion for adjournment of the debate or for the adjournment of the Council, or that the Council do proceed to the next business, or that the question be put.
- (p) The mover of an amendment has no right of reply, but the proposer of a motion (other than a motion proposed under paragraph (m) of this Council Procedure Rule) shall have the right of reply and may speak for up to 5 minutes:-
- (i) at the close of the debate on the motion and immediately before it is put to the vote (except where paragraph (m) of this Council Procedure Rule requires it to be put to the vote forthwith);
- (ii) immediately before any motion to proceed to next business is put to the vote.

If any amendment to a motion is proposed, the mover of the motion shall have a right of reply at the close of the debate on each amendment and, whether the motion is amended or not, at the close of the debate on the motion, but, in

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exercising a right of reply, the mover of the motion may not introduce any new matter.

Once the right of reply has been exercised a decision must be taken without further discussion.

- (q) When a motion is under debate only the following may be moved:-
- (i) that the motion be amended;
 - (ii) that consideration of the motion be postponed;
 - (iii) that the meeting be adjourned;
 - (iv) that the debate be adjourned;
 - (v) that the Council proceed to the next business;
 - (vi) that the question be now put;
 - (vii) that a Member be not further heard;
 - (viii) that a Member leave the meeting;
 - (ix) that the public be excluded under Section 100A of the Local Government Act 1972;
 - (x) that the Council debate this matter in committee.
- (r) The rules of debate set out in this Council Procedure Rule shall be suspended for any debate for which the Council has resolved, either on a motion for which notice has been given in the printed agenda or on a motion moved without notice under the relevant Council Procedure Rule "that the Council debate this matter in committee".

14. PREVIOUS DECISIONS AND MOTIONS

14.1 Subject to Council Procedure Rule 14.2, no motion to rescind a resolution which has been passed within the preceding 12 months or which would have the effect of rescinding such resolution or a material part thereof, and no motion to the same effect as a motion which has been negatived within the preceding 12 months, shall be in order unless the notice of it in the summons bears, in addition to the name of the Member proposing the motion, the names of 15 other Members; and, when any such motion has been disposed of by the Council, it shall not be competent for any Member to propose a similar motion within a further period of 12 months.

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14.2 No matter can be recalled for review or re-debate under Council Procedure Rule 14.1 within 6 months of its original consideration unless there has been a substantial material change in circumstances as determined by the Chair in consultation with the Assistant Chief Executive Legal and Democratic Services.

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14.3 This Council Procedure Rule shall not apply to motions which are moved on the recommendation of the Executive or a committee.

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22. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

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These Council Procedure Rules, in so far as they are applicable [and are not expressly excluded in the Rules](#), shall with any necessary modification apply to committee and sub-committee meetings, except Council Procedure Rules 11.1 and 17 and those parts of Council Procedure Rule 13 which relate to standing, to speaking more than once and to reducing amendments to writing, and those parts of Council Procedure Rule 15 which relate to a division by name.

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HRA Governance Arrangements

Summary of the responsibilities of North Yorkshire Council as a Registered Provider of social housing, in terms of existing regulation and policy currently being developed, to inform the development of a 'Housing Overview and Scrutiny Committee'.

Existing Overview and Scrutiny Arrangements for Housing Services

The Care and Independence and Housing Overview and Scrutiny Committee is the existing Overview and Scrutiny Committee at North Yorkshire Council tasked with considering matters relating to Housing. Separately, elements of Housing Services may be considered on an ad-hoc basis by O&S Committees with other remits (Children and Families, Corporate, Health, Transport and Economy). Given the scale of the Care and Independence and Housing Committee's existing workload and the anticipated level of regulatory oversight required by the Social Housing Regulation Act 2023, thought is needed to how existing overview and scrutiny arrangements might be altered to provide dedicated capacity to cover North Yorkshire Council's Social Housing Landlord functions.

Social Housing Regulation Act 2023

The Act received Royal Assent on 20th July 2023 and provides the legal basis for the measures set out in the 2020 social housing white paper. The intention is to deliver "transformational change" for social housing residents to empower residents, provide greater redress, better regulation, and improve the quality of social housing.

Through the Act the Government intends to strengthen the regulatory regime to change the behaviour of social housing landlords to focus on the tenants' needs and hold landlords to account for their performance.

Consumer Standards

Government is currently consulting on the revised consumer standards, to be enforced by the Regulator for Social Housing and subject to inspection, which cover:

- The Safety and Quality Standard
- The Transparency, Influence and Accountability Standard
- The Neighbourhood and Community Standard
- The Tenancy Standard.

HRA Governance Arrangements

In order to satisfy and provide oversight of the regulatory requirements on consumer standards any Overview and Scrutiny Committee for Housing would need to cover the following:

Safety and Quality Standard	Transparency, Influence and Accountability Standard	Neighbourhood and Community Standard	Tenancy Standards
Stock Condition Data	Tenant Involvement	Maintenance of Shared Spaces	Allocations
Health and Safety	Tenancy Policy Development	Safer Neighbourhoods	Tenancy Fraud
Compliance with the Decent Homes Standard	Complaints Handling and Compliance	Domestic Abuse Policy	Tenancy Sustainment
Delivery of repairs, maintenance and planned improvements to stock	Tenant Satisfaction Measures (TSMs)		Tenancy Policy
Adaptations			Mutual Exchange

And, to provide additional assurance the Committee should have oversight of the following items:

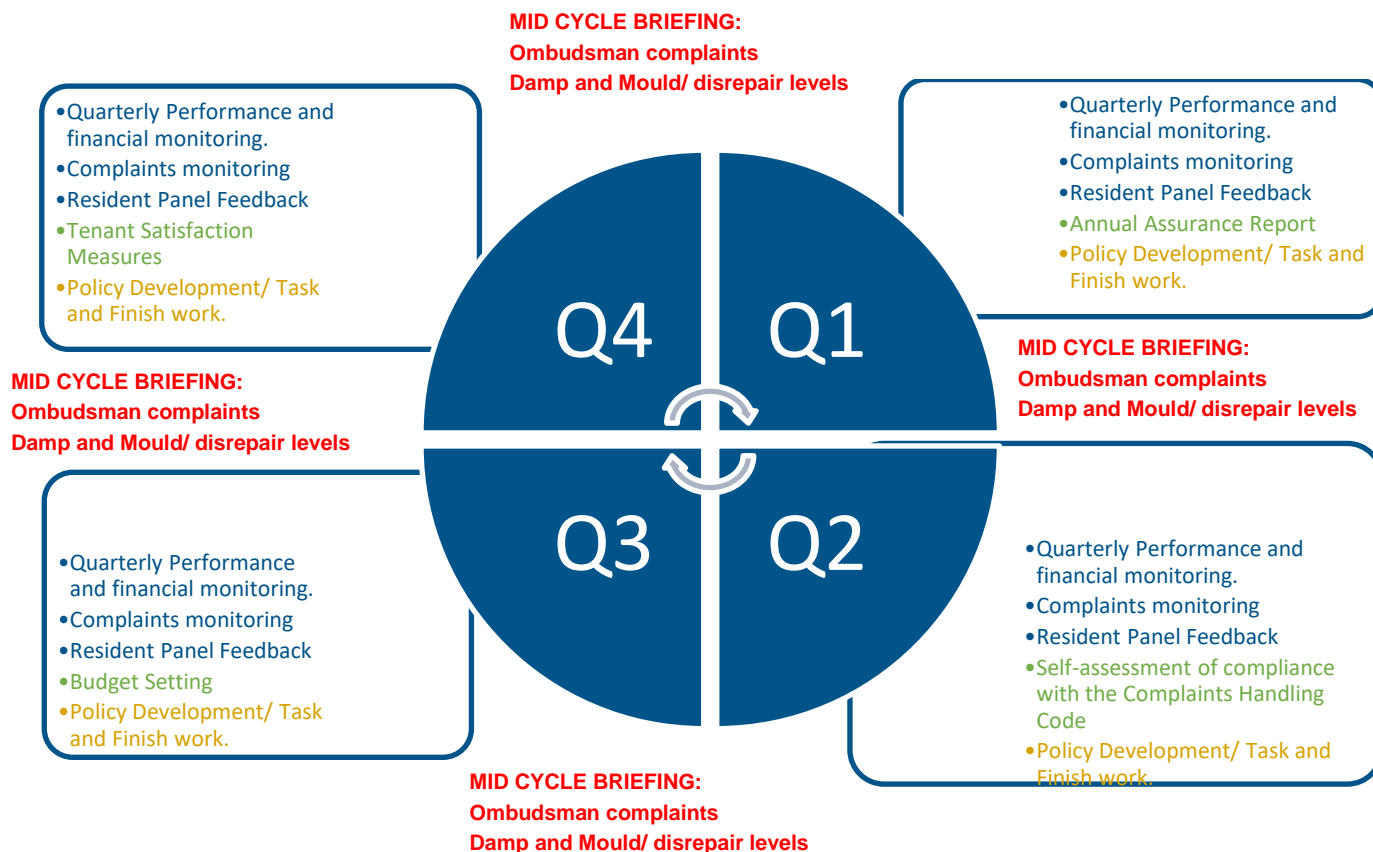
- HRA Business/ Development Plans
- Housing Investment/ Improvement Programme
- HRA Budget
- Value for Money
- Service Transformation
- Preparation for Regulatory Inspection

There is also the question of scrutiny of North Yorkshire's wider role as the strategic housing authority, encompassing Housing Strategy, Homelessness and Housing Needs, Affordable Housing Delivery and Private Sector Housing Renewal on a regular or task and finish basis. It is suggested that the consumer regulation requirements alone could fill the quarterly agendas of a Committee, particularly in the short term. This could be further reviewed once the new arrangements have been established and progress has been made on the initial work load.

There is a raft of strategic social housing plans and policies which are due to go through the decision making process, these will require scrutiny and monitoring, as well as the regular performance and financial monitoring the committee would receive:

- North Yorkshire Housing Strategy 2024-29
- North Yorkshire Allocations Policy
- North Yorkshire Tenancy Strategy and Policies
- North Yorkshire Tenant Participation Strategy and policies
- Housing Investment/Improvement Plan

Proposed/ Example Cyclical Work Plan



Links to Tenant Led Performance Panel(s)

Providing a link between Elected Member Overview and Scrutiny and the Tenant Performance Panels is key to effective scrutiny of housing services. The Tenant Performance Panel(s) should regularly be invited to provide their feedback and supported by Elected Members in their work. Expertise from Scrutiny Officers should be shared with those Officers supporting the Tenant Performance Panel(s).

Technical Expertise and Commissioning

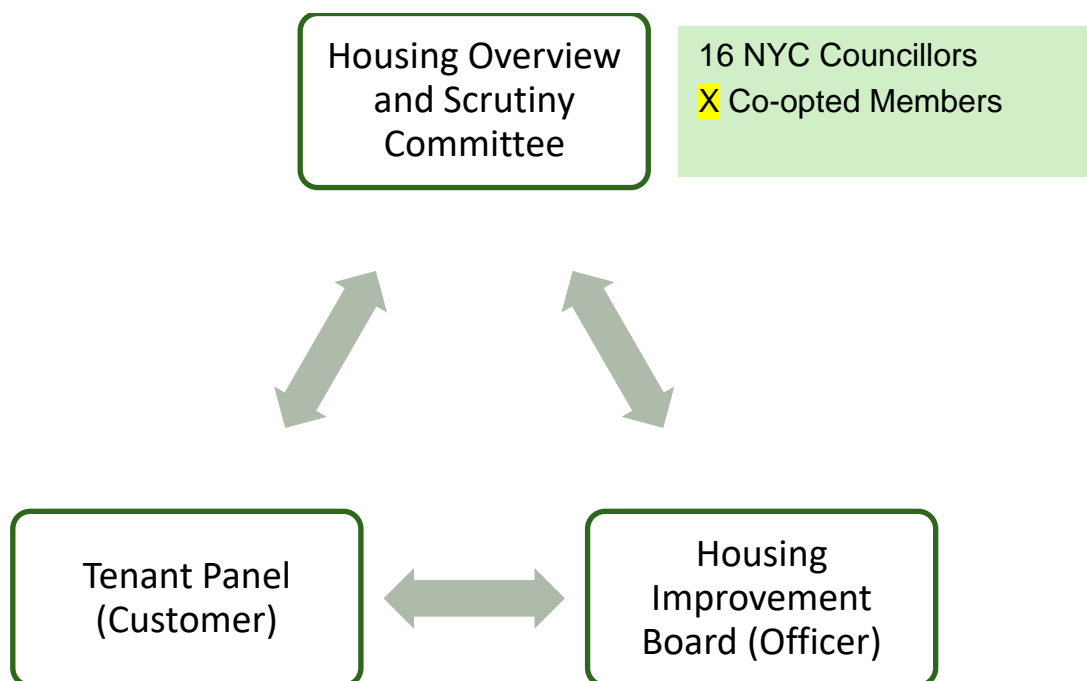
Aside from the significant local understanding of Elected Members and Officers the provision of external expertise can be invaluable. It could be advantageous to co-opt tenant representatives (ie Chair of Tenant Scrutiny Panel) and subject experts or to have a pool of technical advisors from various backgrounds (For example, Registered Providers, Construction Industry, Tenant Participation) to attend and advise as appropriate.

Committee Constitution and Co-optees

Existing North Yorkshire O&S Committees are constructed of 16 participants and politically proportionate. It would be important that any O&S Committee considering these issues has external co-optees. Independence in these posts is key for to learn and challenge how we view good governance in housing. We could seek executive experience from a registered provider as well as non-executive experience from a Housing Organisation - it is the breadth of experience that will give

us assurance that we are performing well for our residents. Co-optees should be appointed for a minimum term of 3 years in order to provide consistency and retain the acquired knowledge base.

Proposed Structure



Training for Committee Members

Committee members will require a training package, focussed on the Social Housing Regulations Act 2023 the legislative impacts for the Council and the new regulatory and inspection regime. Co-optees and Members will also require training regarding aims and expectations of co-opted members.

A skills matrix would be a useful tool to employ, ensuring that the knowledge and experience of the Committee meets requirements.

CASE STUDIES: What does 'Good Scrutiny' look like?

Cambridge City Council's Housing Scrutiny Committee has included co-opted council tenant members since 2014. These co-optees are elected by council tenants once every four years and have full voting rights for items relating to the Council's housing. As well as bringing valuable insights to committee debates, the tenant co-optees also provide a link to the City's tenant organisations and will often be asked to help with consultation and engagement activities outside of scrutiny. The committee keeps tenants updated about their work through regular updates in 'Open House'; the tenant newsletter produced by the Council.

Rotherham Metropolitan Borough Council's Improving Places Scrutiny Committee has also co-opted two tenants. These non-voting co-opted members are selected by Rotherfed – the Tenants Federation for Rotherham. They play an important role on the committee and ask questions that the other 2 PRIORITISE 15 members might not have asked. More than this, their presence on the committee shows tenants that they are being taken seriously and that councillors are listening to tenant views. The two tenant members also provide a valuable link between scrutiny and Rotherfed.

Rotherham Metropolitan Borough Council have funded and supported tenant led scrutiny work. A housing department contract to provide scrutiny inquiries was won by Rotherfed – Rotherham's tenants federation. The young tenants involved in their review were able to present their report to the Improving Places Scrutiny Committee who have endorsed the action plan and asked for further reports in future. The discussion of the completed reports at the scrutiny committee has helped publicise the work and improve councillor awareness of tenant issues.

Lambeth Council co-opted three tenants onto their inquiry into Resident Involvement. Once a role description had been agreed, three tenants who were already active in the Council's resident engagement arrangements and area forums were invited to take part in the informal task and finish group that undertook the inquiry. The co-opted tenants were 'involved, engaged, knowledgeable, open-minded and constructive' and able to make an important contribution to the work. The councillors really found the involvement of the three tenants to be helpful as it gave them the view from the ground. The closed sessions of the task and finish group were also helpful in allowing free and open dialogue.

Dudley Metropolitan Borough Council have established a Housing Assurance Board, to guide, challenge, and assure Dudley Council that they are upholding all responsibilities to customers, the regulator, and staff. This board is responsible for shaping future asset management and investment strategy for homes and communities. The recovery programme that has been developed following engagement with the regulator will also report into this. The remit of this board will be far wider than asset management, this board will need to be able to cultivate putting customers back at the forefront of all conversations around housing. The board will be made up of the executive team of housing and communities, cabinet members, the chair of the newly forming Customer Assurance Board, and the two independent members.

EXAMPLE TERMS OF REFERENCE

The websites of five councils of a similar size to North Yorkshire Council and 15 large councils were reviewed including the scrutiny and overview arrangements set out in the constitutions of those councils. The amount of information available on the websites of the smaller councils was in general less than for the larger councils.

Purpose and Scope

A range of approaches is taken to how the overview and scrutiny of housing operates at committee level.

Some councils have a housing specific overview and scrutiny committee. The Terms of Reference for those committees can be set out at quite a high level:

“To scrutinise the Council’s policies and the provision, planning, financing, management and performance of services relating to housing provided by the Supporting Communities and Supporting People Directorates and other service providers” (**Camden Council Housing Scrutiny Committee**).

However for some councils the Terms of Reference for the committee with responsibility for the overview and scrutiny of housing are set out in more detail:

“To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning:

- Council Housing management services, repairs and maintenance programmes
- Best use of housing stock across all housing providers
- Neighbourhood management initiatives and the housing growth agenda (Birmingham Social Housing Partnership)
- Private rented sector, licensing and regulation
- Tenancy engagement in the management and development of social housing and Housing Liaison Boards
- Exempt accommodation
- Housing Options for vulnerable adults, children, young people and offenders
- Temporary accommodation provision
- Homelessness and rough sleeping
- Supply of homes to meet housing need”.

(Birmingham City Council Homes Overview and Scrutiny Committee)

“The Housing Scrutiny Committee is one of the Council’s 5 scrutiny committees. This Committee carries out the functions of an overview and scrutiny committee in respect of matters relating to Housing Services. They can consider matters relating to the performance of the Council’s partners, including RSLs, in respect of housing and housing related matters, as appropriate. They can also consider residents’ experience of the borough’s privately rented housing and seek and

receive the views of residents concerning housing matters through the council's resident engagement arrangements.

1. To carry out the functions of an overview and scrutiny committee in respect of matters relating to Housing Services
2. To consider and make recommendations to the Executive, the Executive member for Housing and to Corporate Directors or other council officers with relevant delegated authority in relation to any aspect of the council's housing landlord functions and services
3. To consider and make recommendations to the Executive, the Executive member for Housing and to Corporate Directors or other council officers with relevant delegated authority in relation to other functions and services directly affecting any aspect of the council's housing landlord functions and services
4. To review the operation and effectiveness of the council's resident engagement arrangements from time to time
5. To consider matters relating to the performance of the Council's partners, including RSLs, in respect of housing and housing related matters as appropriate
6. To consider residents' experience of the borough's privately rented housing
7. To seek and receive the views of residents concerning housing matters through the council's resident engagement arrangements
8. To undertake a scrutiny review of its own choosing and any further reviews as directed by the Policy and Performance Scrutiny Committee and, consulting all relevant sections of the community, to make recommendations to the Executive thereon
9. To carry out any review referred to it by the Policy and Performance Scrutiny Committee following consideration of a Councillor Call for Action referral".

(Islington Council Housing Scrutiny Committee)

"To scrutinise private sector housing enforcement and regulation and the work of the Housing Department in supporting the borough's goal to improve housing quality in its social homes and neighbourhoods, and managing the Lambeth Housing Partnership with other Registered Providers.

This includes:

- housing needs
- homelessness
- home ownership
- leaseholders and rents
- tenancy and estate management
- housing repairs
- compliance and major works; and,
- the Direct Labour Organisation (DLO).
- private rented sector and HMO licensed properties/policy
- building safety and stock condition in Lambeth managed properties
- climate change and sustainability policies with regards to Lambeth run properties and housing land estates
- management of Lambeth housing land".

(Lambeth Council Housing Scrutiny Sub-Committee)

Sheffield City Council also has a housing-specific which is named the Housing Policy Committee.

A number of the councils have committees with a wider remit:

“Focusing on services affecting the lives of citizens living and working in the council’s neighbourhoods to monitor progress as a citizen focused city and prioritising environmental sustainability” **(Leeds City Council Scrutiny Board (Environment, Housing and Communities))**.

“The role of the Communities Scrutiny Commission is the overview and scrutiny of matters that affect Bristol communities, including:

- Housing
- citizens' services
- crime and disorder including the statutory scrutiny function
- recycling
- waste and environmental issues
- parks
- libraries
- sport and leisure
- neighbourhoods”

(Bristol City Council Communities Scrutiny Commission)

“The Housing and City Development Scrutiny Committee has been established to discharge the functions conferred by the Localism Act 2011 and other relevant legislation for matters relating to housing and city development, including economic development, employment and skills, business growth and inward investment, property and asset management, housing, transport, traffic and parking”

(Nottingham City Council Housing and City Development Scrutiny Committee)

Membership

A number of the councils reviewed have arrangements in place which permit individuals who are not councillors to be co-opted to scrutiny panels, with examples set out below.

“All overview and scrutiny committees shall be entitled to appoint a reasonable number of non-voting co-optees. Co-optees shall be drawn from groups or organisations or represent service users who have an interest in services whose overview and scrutiny falls within a committee’s specific remit” **(Bristol City Council)**.

“The Council may appoint up to three resident observers to the [Housing Scrutiny] Committee to represent the views and experiences of local people” **(Islington Council)**.

“Overview and Scrutiny committees can choose to appoint additional non-statutory co-opted members to be members of committees and can choose to give them voting rights. These co-opted members should bring relevant skills and experience in the area covered by the remit of the committee and, in-keeping with the politically impartial role of the committees, should not represent a political or lobbying organisation” (**Nottingham City Council**).

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Article 6 – Overview and Scrutiny Committees

Overview and Scrutiny – General Comments

6.01 Terms of reference

The Council will appoint the Overview and Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by section 9F of the Local Government Act 2000 as amended in relation to the matters set out in the right hand column of the table.

COMMITTEE	SCOPE
Care and Independence	The needs of vulnerable adults and older people and people whose independence needs to be supported by intervention from the public or voluntary sector.
Corporate and Partnerships	The Council's corporate organisation and structure, resource allocation, asset management, procurement policy, people strategy, equality and diversity, performance managements, communications and access to services. Partnership working, community development, community engagement, community strategies and community safety. This Committee shall be the Crime and Disorder Committee for the purposes of Part 3 of the Police and Justice Act 2006.
Transport, Economy, Environment and Enterprise	Transport and communications infrastructure of all kinds, however owned or provided, and how the transport needs of the community are met. Supporting business, economic development and regeneration, the work of the Local Enterprise Partnership and helping people develop their skills, including lifelong learning. Sustainable development, climate change strategy, countryside management, waste management, environmental conservation and enhancement flooding and cultural issues.
Children and Families	The interests of young people, including education, care and protection and family support.
Scrutiny of Health	To review any matter relating to the planning, provision and operation of health services in the

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COMMITTEE	SCOPE
	<p>County, including Ambulance Trusts and the policies of the Health and Care Partnerships.</p> <p>The aim is to act as a lever to improve the health of local people, ensuring that the needs of the local people are considered as an integral part of the delivery and development of health services and will look:</p> <ul style="list-style-type: none"> • To focus on action to achieve health improvement; • To examine health care in the context of the wider determinants of health; • To examine how health services address the needs of local communities; • To especially address health inequalities; • To ensure that local health and health related issues are being tackled jointly and in a co-ordinated way across agencies; • To contribute to the annual health checks by providing feedback to the Integrated Care Boards and NHS Trusts serving North Yorkshire on their performance and the experiences that the Committee has had with them.
<p>Housing and Leisure</p>	<p>The Council's role and remit as a social landlord, including: policy review; service improvement; governance arrangements to help ensure compliance with provision and regulation of social housing.</p> <p>In addition, those housing services for which the Council is responsible, including: housing strategy; homelessness and housing needs; the delivery of affordable housing as well as private sector housing renewal.</p> <p>The Council's role as a provider of leisure services.</p> <p>Members other than councillors can be co-opted onto the Committee, without voting rights, to provide expert input for some or all of the following areas of work: Tenant engagement/involvement; Landlord health and safety; Asset management and Local authority finance; Tenant representatives.</p> <p>A separate tenant involvement group will be established which will link in with the Housing and Leisure Overview and Scrutiny Committee on</p>

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COMMITTEE	SCOPE
	matters relating to policy review and service improvement.

6.02 General Role

Within their terms of reference, Overview and Scrutiny Committees:

- (a) will review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) will make reports and/or recommendations to the full Council and/or the Executive and/or any joint or Area Constituency Committee in connection with the discharge of any functions;
- (c) will consider any matter affecting the county or its inhabitants;
- (d) will consider decisions which have been called in, under the Overview and Scrutiny Procedure Rules, and decide whether to refer such decisions to full Council, or refer them back to the decision maker;
- (e) may monitor the performance and effectiveness of the services they overview; and
- (f) will seek to resolve issues raised by Members under Councillor Call for Action in accordance with the Overview and Scrutiny Procedure Rules of this Constitution.

6.03 Specific Functions

To undertake the following specific functions within their terms of reference:

- (a) **Policy development and review.** Overview and Scrutiny Committees may:
 - (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (i) question members of the Executive and/or committees and senior Officers about their views on issues and proposals affecting the area; and
 - (ii) liaise with other external organisations, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** Overview and Scrutiny Committees may:

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- (i) review and scrutinise the performance of, and decisions made by the Executive and/or committees and council Officers both in relation to individual decisions and generally;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (iii) require reconsideration of executive decisions which have been called in (see Overview and Scrutiny Procedure Rule 16);
 - (iv) question members of the Executive and/or committees and senior Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (v) make recommendations to the Executive and/or appropriate committees and/or Council arising from the outcome of the scrutiny process;
 - (vi) review and scrutinise the performance of bodies providing public services in North Yorkshire by inviting reports from them and/or requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
 - (vii) question and gather evidence from any person (with their consent).
- (c) **Scrutiny Reviews.** Overview and Scrutiny Committees will receive reports from scrutiny reviews, and may offer recommendations for improvement to the Executive.
- (a) **Finance.** Overview and Scrutiny Committees will exercise overall responsibility for the finances made available to them.
- (b) **Quarterly report.** Overview and Scrutiny Committees must report quarterly to full Council on their workings and may make recommendations for future work programmes and amendments to the Overview and Scrutiny Procedures Rules, if appropriate.
- (f) **Officers.** Overview and Scrutiny Committees may exercise overall responsibility for the work programme of the Officers employed to support their work.

6.04 Proceedings of Overview and Scrutiny Committees

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution, and such of the Council Procedure Rules as apply to meetings of committees.

6.05 Membership of Overview and Scrutiny Committees

Membership of the Overview and Scrutiny Committees listed at 6.01 above is set out in Part 3 of this Constitution.

6.06 Sub-Committees and Task Groups

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- (a) Any Overview and Scrutiny Committee may appoint one or more sub-committees or task groups either on a standing basis or for a particular purpose or time.
- (b) Any two or more Overview and Scrutiny Committees may jointly establish a task group to undertake a study of policy development and review, and/or scrutiny, in relation to any particular matter(s) or issue(s) which relate to services falling within the scope of the committees which establish the task group. Any such task group will:
 - ♦ report back to the committees which established it;
 - ♦ not itself have the powers of an Overview and Scrutiny Committee, except in the regulation of its own proceedings;
 - ♦ although not a formal committee or sub-committee, operate in accordance with the Access to Information Procedure Rules.
- (c) Any two or more Overview and Scrutiny Committees may establish a joint sub-committee, the membership of the sub-committee being determined by the appointing Committees. Such a joint sub-committee will appoint its own Chair. Such a joint sub-committee will have the powers of an Overview and Scrutiny Committee, and is empowered to express a view on a particular matter on behalf of the Overview and Scrutiny Committees which appointed it, and Overview and Scrutiny Procedure Rule 11 shall apply to any reports from a joint sub-committee.

6.07 Joint Scrutiny of Health Overview and Scrutiny Committees

- (a) The Council may appoint a joint Scrutiny of Health Committee with one or more other authorities and arrange for relevant scrutiny of health functions (eg health scrutiny reviews, consideration of cross boundary health issues) in relation to any (or all) of those authorities to be exercisable by the joint committee, subject to such terms and conditions as the authorities may consider appropriate.
- (b) Such a joint Scrutiny of Health Committee may be appointed either on a standing basis or for a particular purpose or period of time and on either a discretionary basis or as a result of statutory requirement.

6.08 Statutory Scrutiny Officer

- (a) The Council must appoint a designated Scrutiny Officer to:
 - promote the role of Overview and Scrutiny Committees;
 - provide support for them and Members of them; and
 - provide support and guidance to Members and Officers in relation to the functions of Overview and Scrutiny Committees.
- (b) The Monitoring Officer, Chief Finance Officer and Head of Paid Service cannot act as Scrutiny Officer.

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- (c) The Council's Head of Democratic Services and Scrutiny is currently designated as Scrutiny Officer.

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Schedule 3

Membership of Overview and Scrutiny Committees

The following pages set out the membership of the Council's Overview and Scrutiny Committees.

The terms of reference, role, and specific functions of these committees are set out in Article 6 of the Constitution.

Care and Independence Overview and Scrutiny Committee

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1. Membership

Councillors (16)						
	<i>Councillors Name</i>	<i>Chair/Vice Chair</i>	<i>Political Group</i>	<i>Electoral Division</i>		
1	ARTHUR, Karl		Conservative	Cliffe & North Duffield		
2	DICKINSON, Caroline		Conservative	Northallerton South		
3	Vacancy		Conservative			
4	KNAPTON, Nigel		Conservative	Easingwold		
5	MOORHOUSE, Heather		Conservative	Great Ayton		
6	PARASKOS, Andy		Conservative	Spofforth with Lower Wharfedale & Tockwith		
7	SEDGWICK, Karin	Chair	Conservative	Leyburn & Middleham		
8	SWIERS, Roberta		Conservative	Cayton		
9	HESELTINE, Robert		Conservatives and Independents	Skipton East & South		
10	BROWN, Andy		Green Party	Aire Valley		
11	VACANCY		North Yorkshire Independent			
12	BROADBENT, Eric	Vice Chair	Labour	Northstead		
13	PROUD, Jack		Labour	Selby East		
14	LACEY, Peter		Liberal Democrats and Liberal	Coppice Valley & Duchy		
15	Vacancy			Stray, Woodlands & Hookstone		
16	BARRETT, Philip		North Yorkshire Independent	Glusburn, Cross Hills & Sutton-in Craven		
Members other than Councillors – (3)						
Non Voting						
	<i>Name of Member</i>	<i>Representative</i>	<i>Substitute Member</i>			
1	QUINN, Jill	Dementia Forward				
2	PADGHAM, Mike	Independent Care Group				
3	VACANCY					
Total Membership – (19)			Quorum – (4)			
Con	Lib Dem and Lib	NY Ind	Labour	Ind	Green Party	Total
9	2	1	2	1	1	16

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Corporate and Partnerships Overview and Scrutiny Committee

1. Membership

Councillors (16)						
	<i>Councillors Name</i>	<i>Chair/Vice Chair</i>	<i>Political Group</i>	<i>Electoral Division</i>		
1	ARTHUR, Karl		Conservative	Cliffe & North Duffield		
2	BROWN, Nick		Conservative	Wathvale & Bishop Monkton		
3	FOSTER, Richard		Conservative	Wharfedale		
4	GROGAN, Tim		Conservative	Monk Fryston & South Milford		
5	IRETON, David		Conservative	Bentham & Ingleton		
6	TAYLOR, Malcolm		Conservative	Huby & Tollerton		
7	TRUMPER, Phil		Conservative	Whitby West		
8	HESELTINE, Robert		Conservatives and Independents	Skipton East & South		
9	WILLIAMS, Andrew	Chair	Conservatives and Independents	Ripon Minster & Moorside		
10	FOSTER, Kevin		Green Party	Hipswell & Colburn		
11	SHARMA, Subash		Labour	Newby		
12	SHAW-WRIGHT, Steve		Labour	Selby West		
13	ALDRED, Chris		Liberal Democrats and Liberal	High Harrogate		
14	GRIFFITHS, Bryn	Vice Chair	Liberal Democrats and Liberal	Stokesley		
15	DONOHUE-MONCRIEFF, Michelle		Independent (Unaffiliated)	Hunmanby & Sherburn		
16	SCHOFIELD, Mike		North Yorkshire Independent	Harlow and St Georges		
Total Membership – (16)			Quorum – (4)			
Con	Lib Dem and Lib	NY Ind	Labour	Ind	Green Party	Total
9	2	2	2	0	1	16

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Scrutiny of Health Committee

1. Membership

Councillors (16)						
	<i>Councillors Name</i>	<i>Chair/Vice Chair</i>	<i>Political Group</i>	<i>Electoral Division</i>		
1	BROWN, Nick		Conservative	Aire Valley		
2	DICKINSON, Caroline		Conservative	Northallerton South		
3	FOSTER, Richard		Conservative	Wharfedale		
4	GIBBS, Sam		Conservative	Valley Gardens & Central Harrogate		
5	PARASKOS, Andy		Conservative	Spofforth with Lower Wharfedale and Tockwith		
6	LEE, Andrew	Chair	Conservative	Appleton Roebuck & Church Fenton		
7	MANN, John		Conservative	Oatlands & Pannal		
8	MOORHOUSE, Heather		Conservative	Great Ayton		
9	PEARSON, Clive		Conservative	Esk Valley & Coast		
10	NOLAND, David		Green Party	Skipton North & Embsay-with-Eastby		
11	SOLLOWAY, Andy		Independent (unaffiliated)	Skipton West & West Craven		
12	COLLING, Liz	Vice Chair	Labour	Falsgrave & Stepney		
13	MAW, Rich		Labour	Weaponness & Ramshill		
14	LACEY, Peter		Liberal Democrats and Liberal	Coppice Valley & Duchy		
15	MURDAY, Andrew		Liberal Democrats and Liberal	Pateley Bridge & Nidderdale		
16	Vacancy		North Yorkshire Independent			
Total Membership – (16)			Quorum – (4)			
Con	Lib Dem and Lib	NY Ind	Labour	Ind	Green Party	Total
9	2	1	2	1	1	16

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Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee

1. Membership

Councillors (16)						
	Councillors Name		Chair/Vice Chair	Political Group	Electoral Division	
1	CRANE, Mark			Conservative	Brayton & Barlow	
2	HASLAM, Paul			Independent (Unaffiliated)	Bilton & Nidd Gorge	
3	IRETON, David			Conservative	Bentham & Ingleton	
4	JEFFELS, David			Conservative	Derwent Valley & Moor	
5	STAVELEY, David		Chair	Conservative	Settle & Penyghent	
6	TRUMPER, Phil			Conservative	Whitby West	
7	WATSON, Steve			Conservative	Northallerton North & Brompton	
8	WINDASS, Robert			Conservative	Boroughbridge & Claro	
9	GOODRICK, Caroline			Conservatives and Independents	Sheriff Hutton & Derwent	
10	WARNEKEN, Arnold			Green Party	Ouseburn	
11	DAVIS, Melanie		Vice-Chair	Labour	Selby West	
12	SHARMA, Subash			Labour	Newby	
13	GOSTLOW, Hannah			Liberal Democrats and Liberal	Knaresborough East	
14	MASON, Steve			Liberal Democrats and Liberal	Amotherby & Ampleforth	
15	BARRETT, Philip			North Yorkshire Independent	Glusburn, Cross Hills and Sutton-in-Craven	
16	CATTANACH, John			North Yorkshire Independent	Cawood & Escrick	
Total Membership – (16)			Quorum – (4)			
Con	Lib Dem and Lib	NY Ind	Labour	Ind	Green Party	Total
9	2	2	2	0	1	16

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Children and Families Overview and Scrutiny Committee

1. Membership

Councillors (16)							
	Councillors Name		Chair/Vice Chair	Political Group	Electoral Division		
1	BAKER, Alyson			Conservative	Hillside & Raskelf		
2	JABBOUR, George			Conservative	Helmsley & Sinnington		
3	HULL, Nathan			Conservative	Washburn & Birstwith		
4	JEFFELS, David			Conservative	Derwent Valley & Moor		
5	JONES, Tom			Conservative	Scotton & Lower Wensleydale		
6	LUNN, Cliff			Conservative	Thorpe Willoughby & Hambleton		
7	MANN, John			Conservative	Oatlands & Pannal		
8	PHILLIPS, Heather		Vice Chair	Conservative	Seamer		
9	PEACOCK, Yvonne			Conservative	Upper Dales		
10	Vacancy						
11	POSKITT, Kirsty			North Yorkshire Independent	Tadcaster		
12	DUCKETT, Stephanie			Labour	Barlby & Riccall		
13	RITCHIE, John			Labour	Woodlands		
14	BRODIGAN, Barbara		Chair	Liberal Democrats and Liberal	Ripon Ure & Spa		
15	SLATER, Monika			Liberal Democrats and Liberal	Harlow and St Georges		
16	JEFFERSON, Janet			North Yorkshire Independent	Castle		
Members other than Councillors – (5) Voting							
	Name of Member			Representation			
1	SMITH, Andrew			Church of England			
2	VACANCY			Non-Conformist Church			
3	HIGGINS, Emma			Roman Catholic Church			
4	CAVELL-TAYLOR, Dr Tom			Parent Governor			
5	KIRKHAM, Anna			Parent Governor			
Non Voting – (4) Non-voting							
1	STRACHAN, Ross			Secondary Teacher Representative			
2	MALTBY, Stephen			Primary Teacher Representative			
3	WATSON, David			Voluntary Sector			
4	SHARP, David			Voluntary Sector			
Total Membership – (25)				Quorum – (4)			
Con	Lib Dem and Lib	NY Ind	Labour	Ind	Green Party	Total	
9	2	1	2	1	0	16	

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Overview and Scrutiny Committee¶
¶
1. Membership¶
¶
Councillors (16) ...

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Housing and Leisure Overview and Scrutiny Committee

1. Membership

<u>Councillors (16)</u>						
	<u>Councillors Name</u>	<u>Chair/Vice Chair</u>	<u>Political Group</u>	<u>Electoral Division</u>		
<u>1</u>						
<u>2</u>						
<u>3</u>						
<u>4</u>						
<u>5</u>						
<u>6</u>						
<u>7</u>						
<u>8</u>						
<u>9</u>						
<u>10</u>						
<u>11</u>						
<u>12</u>						
<u>13</u>						
<u>14</u>						
<u>15</u>						
<u>16</u>						
Total Membership – (16)			Quorum – (4)			
<u>Con and Ind</u>	<u>Lib Dem and Lib</u>	<u>Labour</u>	<u>NY Ind</u>	<u>Green</u>	<u>Ind</u>	<u>Total</u>
<u>9</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>0</u>	<u>16</u>

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West Yorkshire Joint Health Overview and Scrutiny Committee

COATES, A	Bradford Metropolitan District Council	
JAMIL, R	Bradford Metropolitan District Council	
BLAGBROUGH, H	Calderdale Council	
HUTCHINSON, C	Calderdale Council	
ADDY, B	Kirklees Council	
SMAJE, L	Kirklees Council	
ANDERSON, C	Leeds City Council	
SCOPES, A	Leeds City Council	
LEE, A	North Yorkshire Council	
SOLLOWAY, A	North Yorkshire Council	
RHODES, B	Wakefield Metropolitan District Council	
SWIFT, K	Wakefield Metropolitan District Council	

North Yorkshire and West Yorkshire Mandatory Joint Health Overview and Scrutiny Committee

VACANCY	North Yorkshire Council	
SOLLOWAY, Andy	North Yorkshire Council	

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Appendix 6 – Current Terms of Reference for the Independent Remuneration Panel on Member Allowances

NORTH YORKSHIRE COUNTY COUNCIL

INDEPENDENT REMUNERATION PANEL

The Panel is convened under the Local Authorities (Members' Allowances) (England) Regulations 2003. These regulations, which arise out of the relevant provisions in the Local Government Act 2000, require all local authorities to maintain an Independent Remuneration Panel to review and provide advice to their council on Members' allowances. This allows an independent group to review and make recommendations on the appropriate levels of remuneration and expenses to Councillors who, by law, have to make a decision on the levels of remuneration and expenses they collectively receive.

The independent remuneration panel consists of four members. The panel makes recommendations and provides advice to the county council about its members' allowances scheme. Before the council makes or amends its members' allowances scheme it must have regard to, and publicise, the panel's recommendations.

Terms of Reference

- (i) To consider issues relating to Members' remuneration and expenses;
- (ii) To consider representations;
- (iii) To make recommendations and provide advice to the County Council;
- (iv) To carry out a triennial full review of Special Responsibility Allowances;
- (v) To respond to requests to consider issues relating to the remuneration and expenses of independent and community members on relevant bodies; and
- (vi) To consider the remuneration of Councillors serving on other bodies/organisations when requested.

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Appendix 7 - Proposed Terms of Reference for the Independent Remuneration Panel on Member Allowances

NORTH YORKSHIRE COUNCIL INDEPENDENT REMUNERATION PANEL – TERMS OF REFERENCE

The Panel is convened under the Local Authorities (Members' Allowances) (England) Regulations 2003. These Regulations, which arise out of the relevant provisions in the Local Government Act 2000, require all local authorities to maintain an Independent Remuneration Panel to review and provide advice on Members' allowances. Before the Council makes or amends its allowances scheme, it must have regard to the Panel's recommendations.

North Yorkshire's Members Allowances Scheme is set out in its Constitution. The following key principles underpin the Scheme:

- (1) It is important to encourage individuals to be involved in the work of the Council. People of all backgrounds and ages should feel attracted to become Councillors if they so wish, and at the very least the allowance structure should put no barriers in their way.
- (2) The work of a Councillor requires commitment and – if the role is to be carried out well – a significant investment of time. Councillors have a wide ranging role varying from local issues to the national scene. It is the Government's intention that this should be reasonably and properly remunerated.
- (3) That said, we do not wish to see the Public Service ethos lost from our Council. A balance has to be struck between paying 'a rate for the job' and recognising the significant Public Service element that is rightfully a strong feature of our system of local government.
- (4) The cost of any scheme must give value for money.
- (5) Any system must be easily understood, transparent and ensure accountability to the electorate.

The Panel must consist of a minimum of three members and will normally be four in number. It is required to produce a report making recommendations as to the matters set out in Regulation 21. These matters include the amount of allowances, and the responsibilities or duties which attract a special responsibility allowance.

Terms of Reference

- (i) To consider any issues within its remit under the Regulations relating to Members' Allowances
- (ii) In undertaking the above, to require the Council to provide all relevant information, and to request representations from Members and officers as it considers appropriate
- (iii) To consider any other representations made to the Panel
- (iv) To provide an annual report with recommendations as to Members' Allowances in a timely manner
- (v) To carry out a full review of the responsibilities and duties attracting a special responsibility allowance at least once every four years
- (vi) If necessary to carry out ad hoc reviews of allowances
- (vii) Outside the statutory scheme, to consider if requested the allowances to be paid to Members serving on other bodies.

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Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Central Services		
Service area	Legal and Democratic Services		
Proposal being screened	To consider proposed amendments to the Constitution.		
Officer(s) carrying out screening	Barry Khan, Assistant Chief Executive Legal and Democratic Services and Monitoring Officer, North Yorkshire Council		
What are you proposing to do?	Approve amendments to the Constitution.		
Why are you proposing this? What are the desired outcomes?	To enable safe and legal decision making for the Council and to pick up amendments required following the coming into force of the Constitution on Vesting Day (1 April 2023).		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No significant implications.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics As part of this assessment, please consider the following questions: <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		No	
Disability		No	
Sex		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	
NYCC additional characteristics			
People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	The decision relates to the whole area and applies equally.		

<p>Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</p>	<p>No significant implications.</p>			
<p>Decision (Please tick one option)</p>	<p>EIA not relevant or proportionate:</p>	<input checked="" type="checkbox"/>	<p>Continue to full EIA:</p>	
<p>Reason for decision</p>	<p>The approval of amendments to the Constitution will not have an adverse impact on any protected characteristic and therefore a full EIA would be disproportionate in this case.</p>			
<p>Signed (Assistant Director or equivalent)</p>	<p><i>Barry Khan</i></p>			
<p>Date</p>	<p>2 April 2024</p>			

Initial Climate Change Impact Assessment (Form created August 2021)

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

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

Title of proposal	Proposed amendments to the Council's Constitution
Brief description of proposal	To consider proposed amendments to the Constitution.
Directorate	Central Services
Service area	Legal and Democratic Services
Lead officer	Barry Khan, Assistant Chief Executive Legal and Democratic Services and Monitoring Officer, North Yorkshire Council
Names and roles of other people involved in carrying out the impact assessment	Moira Beighton, Senior Governance Lawyer, North Yorkshire Council

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

Remember to think about the following;

- Travel

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

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

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

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	<input type="checkbox"/> Not relevant/proportionate	<input type="checkbox"/> Continue to full CCIA:	
Reason for decision	The issues covered by the report do not of themselves present any significant climate change implications.			
Signed (Assistant Director or equivalent)	BARRY KHAN, Assistant Chief Executive Legal and Democratic Services and Monitoring Officer			
Date	2 April 2024			

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North Yorkshire Council

Executive Committee

16 April 2024

Domestic Abuse Policy for the Housing Service – Approval of the Proposed New Policy Following Consultation

Report of the Corporate Director Community Development

1.0 PURPOSE OF REPORT

- 1.1 To present to the Committee the Domestic Abuse Policy for the Housing Service.
- 1.2 To seek approval from the Committee to adopt the Domestic Abuse Policy for the Housing Service.

2.0 SUMMARY

- 2.1 The Council is a stock holding housing authority and is required to have a domestic abuse policy from 1st April 2024 in order to comply with the Regulator of Social Housing's updated Neighbourhood and Community Standard. This includes having a policy for how to recognise and respond effectively to domestic abuse. The proposed Domestic Abuse Policy for the Housing Service provides housing staff with guidance across all localities and will provide the public with information about how the Housing Service will support victims and survivors of domestic abuse.
- 2.2 Permission is sought to adopt the Domestic Abuse Policy for the Housing Service (**Appendix A**) as soon as possible.

3.0 BACKGROUND

- 3.1 North Yorkshire Council is working towards accreditation through the Domestic Abuse Housing Alliance. This is a nationally agreed standard which housing associations and local authorities can attain to prove best practice. Work commenced in November 2022 to understand and adopt best practice, including developing and delivering bespoke domestic abuse training to the housing team. The accreditation requires that a domestic abuse policy is adopted and embedded within the Housing Service.
- 3.2 The Housing Service includes Landlord Services responsible for the current housing stock primarily located across the Selby, Harrogate, and Richmond localities. It is necessary to adopt a domestic abuse policy to set out how we will respond to tenants within council owned properties who are affected by domestic abuse.
- 3.3 The local authority has a duty to prevent and relieve homelessness. Domestic abuse can affect anyone and can be a cause of homelessness. We have a duty to provide free housing advice to anyone who approaches the council, and this proposed policy will provide guidance to staff who are approached by people affected by domestic abuse.
- 3.4 This policy will contribute towards meeting our Serious Violence Duty as it sets out how we will work with partner agencies to reduce and prevent serious violence.

- 3.5 Actions resulting from this policy will contribute towards the delivery of the Strategy 'Addressing Violence Against Women and Girls in North Yorkshire and City of York 2022-24'.
- 3.6 This policy links to the new North Yorkshire and City of York Domestic Abuse Strategy 2024-2028

4.0 DOMESTIC ABUSE POLICY FOR THE HOUSING SERVICE

- 4.1 This proposed policy is a new policy developed by researching best practice.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 5.1 Consultation on the draft policy has been undertaken by sharing the document with our strategic partners who are part of the Domestic Abuse Local Partnership Board. Feedback was received from several partners including representatives from health, probation, our commissioned domestic abuse specialists, and housing associations.
- 5.2 We have consulted with and taken advice from the specialist national agency the Domestic Abuse Housing Alliance.
- 5.3 We have consulted with key staff within the council, including specialists in safeguarding, public health, and staff with lived experience of domestic abuse.
- 5.4 We have consulted with local agencies who provide specialist support. We received and incorporated feedback from specialists in substance misuse.
- 5.5 We consulted with a local charity which enables peer support for people recovering from domestic abuse and amended the policy to include their valuable input.

6.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 6.1 The policy contributes principally to the following Council priority:

“**People:** People are free from harm and feel safe and protected”

7.0 ALTERNATIVE OPTIONS CONSIDERED

- 7.1 As a provider of social housing it is a legal requirement to adopt a domestic abuse policy as set out in the updated Consumer Standards by the Regulator of Social Housing.
- 7.2 Whilst it is a regulatory requirement for housing providers to have a domestic abuse policy, the Regulator for Social Housing does not go into detail about the requirements of the policy. We therefore propose to adopt the best practice suggested by the Domestic Abuse Housing Alliance which is endorsed in the Domestic Abuse Act 2021 Statutory Guidance.

8.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 8.1 Adoption of the policy could lead to an increased number of referrals to our commissioned domestic abuse services. These service providers, commissioners and other local partner agencies are aware and have been consulted on this policy. Any increased demand for service can be seen as positive because this will help to prevent future harm to victims and demand for other related services including health services.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are no anticipated financial implications associated to the adoption of this new policy. A comprehensive domestic abuse training program for the Housing Service is already in place funded through new burdens funding which was allocated to the authority from DLUCH following introduction of the Domestic Abuse Act 2021. Training to embed this policy will be developed and funded through this fund.
- 9.2 There is work currently underway to develop and deliver a Domestic Abuse Communications Plan, any funding required to deliver this plan will be from the above funding source.

10.0 LEGAL IMPLICATIONS

- 10.1 In order to comply with the Social Housing (Regulation) Act 2023 we have considered the requirements of the Social Housing Regulator and its newly updated Neighbourhood and Community Standard, taken best practice from the existing Domestic Abuse Policies and undertaken consultation.
- 10.2 In adopting a domestic abuse policy for the Housing Service the council will be helping to protect residents and tenants from harm and ensure they are offered support, which is appropriate to their needs, this is in line with the local authority Serious Violence Duty.

11.0 EQUALITIES IMPLICATIONS

- 11.1 A full Equalities Impact Assessment has been completed and reviewed internally.
- 11.2 No detrimental effects were identified by the Equalities Impact Assessment. (Appendix B)
- 11.3 The current domestic abuse training plan being delivered in the Housing Service will raise issues around equality, intersectionality, and trauma-informed practice and this is designed to improve the services we offer to people with protected characteristics including people who have more than one characteristic which can present a challenge to accessing services.

12.0 CLIMATE CHANGE IMPLICATIONS

- 12.1 A climate change impact assessment screening form has been completed acknowledging that there are no significant impacts. (Appendix C)

13.0 PERFORMANCE IMPLICATIONS

- 13.1 Adopting the proposed policy and embedding it will result in increased staff awareness of the signs of domestic abuse; As a result, it is likely that there will be some increased casework. Work is ongoing to produce procedures and to provide further guidance to operational staff and managers.
- 13.2 The Housing Service is currently going through a restructure and performance monitoring will be undertaken including domestic abuse case file reviews.

14.0 POLICY IMPLICATIONS

- 14.1 The draft domestic abuse policy will be a new policy.
- 14.2 All localities would adopt the new policy following approval.

15.0 RISK MANAGEMENT IMPLICATIONS

15.1 The Council (in its role as Social Housing Landlord) risks not being legally compliant if it has not adopted a domestic abuse policy by 1 April 2025.

15.2 There are risks to be monitored during the adoption of the policy for example, having sufficient resources to train staff and embed the new ways of working.

16.0 ICT IMPLICATIONS

16.1 The policy does not have ICT implications.

17.0 CONCLUSIONS

17.1 The Council is required by law to have a domestic abuse policy which has been drafted, considering best practice and feedback from partners.

18.0 REASONS FOR RECOMMENDATIONS

18.1 The following recommendations are therefore proposed to ensure that the council meets its requirement in law to adopt a domestic abuse policy

19.0 RECOMMENDATION(S)

- i) That Executive notes the contents of the report, the proposed Domestic Abuse Policy for the Housing Service, consultation responses and the Equality Impact Assessment.
- ii) That Executive approves the Domestic Abuse Policy for the Housing Service.

APPENDICES:

- Appendix A – proposed Domestic Abuse Policy
- Appendix B – Equality Impact Assessment
- Appendix C – Climate Change Impact Assessment Screening

Nic Harne
Corporate Director – *Community Development*
County Hall
Northallerton
16 April 2024

Report Authors – *Jo Marriott, Domestic Abuse Housing Alliance Officer*
Presenter of Report – *Jo Marriott, Domestic Abuse Housing Alliance Officer*

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

Domestic Abuse Policy for the Housing Service

1.0 Introduction and policy purpose

1.1 We believe that everyone has the right to live free from fear of abuse or violence. We know that domestic abuse can be experienced by anyone, regardless of gender, age, disability, gender reassignment, race, religion or belief, sexual orientation, marriage or civil partnership and pregnancy or maternity differences. Although it can happen to anyone, we acknowledge the gendered nature of domestic abuse and that it disproportionately affects women and girls.

1.2 Between July 2022 and June 2023, 202 households affected by domestic abuse applied as homeless in North Yorkshire. Office for National Statistics figures show 8,652 domestic abuse-related crimes were recorded by North Yorkshire Police in the year ending March 2022. It is likely that many more people are affected, and authorities are unaware of the abuse.

1.3 We believe that as a local authority and housing provider, we are well placed to recognise and respond to domestic abuse. We have a duty to support our tenants in social housing by training our staff to identify domestic abuse and respond appropriately. We recognise that there are many barriers to disclosing domestic abuse, but we want to reassure our residents, tenants, leaseholders, and members that any concerns they raise will be met with an empathetic and appropriate response.

1.4 This policy acts in the intention of reducing the risk of domestic abuse, and outlines how we will respond to domestic abuse when it affects our residents, tenants, leaseholders, and members.

1.5 This policy references the support we will provide to those who are victims of, or have been victims of, domestic abuse. It states that we will not condone or tolerate domestic abuse, and outlines how we will hold perpetrators of domestic abuse accountable for their actions.

2.0 Note on language

2.1 In this policy we use the terms 'victim' and 'perpetrator'. 'Victim' is used to refer to the person/s who has been or is being abused, and 'perpetrator' refers to the person/s who is acting, or has acted, abusively.

2.2 We use these terms as they allow us to describe how the abuse affects those involved, in a context in which individual names are not available or appropriate to use.

2.3 We recognise that a 'victim' may prefer to be referred to as 'survivor', but we have chosen to use 'victim' within this policy as it allows us to clearly acknowledge that a person is or has been subjected to domestic abuse, without making assumptions about where they are within their own personal journey.

2.4 Within our practices, and particularly when engaging directly with those who are, or have been victims of domestic abuse, we will use the terms of address that they prefer where it is possible to do so.

3.0 Policy scope

3.1 This policy applies to residents within the North Yorkshire area, North Yorkshire Council tenants and leaseholders, and North Yorkshire Council members.

3.2 Although this policy is primarily for North Yorkshire Council residents, tenants, leaseholders and members, the guidance included within Appendix 2 can be used by anyone who needs to access support as a victim of domestic abuse or information is available on our website <https://www.northyorks.gov.uk/adult-care/safeguarding/domestic-abuse> .

3.3 This policy links to [North Yorkshire and City of York Domestic Abuse Strategy 2024-2028](#) and the Vision statement in the policy is shown below

'In North Yorkshire and York, we do not tolerate domestic abuse and we will strive to ensure everyone can live free from abuse and harm. We will work to create an environment where healthy relationships are the norm and where victims/survivors and their children have access to the right support at the right time.'

Domestic abuse is everybody's business, where our partnerships will work collaboratively to create lasting change across all our communities and the voice of the victim is at the heart of our response and where perpetrators of abuse are held accountable for their behaviour'.

4.0 Our values

4.1 We are committed to demonstrating our organisational values in all that we do, including how we support those affected by domestic abuse.

We will:

- Be honest about the prevalence of domestic abuse, and act with integrity by doing all we can to support residents, tenants, leaseholders, and members who have been affected.
- Utilise the support of our council services and departments, specialist domestic abuse services and partner agencies, because we recognise that we need to support each other and work together to provide a co-ordinated community response to domestic abuse.
- Be ambitious for our places and our people by continuously seeking opportunities to improve our response to domestic abuse.
- Be accountable to each other and honour the trust that our residents, tenants, leaseholders, and members place in us when sharing their experience/s of domestic abuse by responding respectfully and providing guidance about how and where they can access further support.
- Respect Equality, Diversity, and Inclusion in everything we do, including how we recognise and respond to domestic abuse. We will take an intersectional approach when responding to domestic abuse by considering how a person's experience of domestic abuse may be impacted by their sex, age, gender identity, race, sexuality, disability, ethnicity, pregnancy status, social background, or a combination of these differences.
- Work towards becoming trauma-informed by delivering training and reviewing our services.

5.0 Definition of domestic abuse

5.1 This policy uses an abridged version of the definition of domestic abuse provided by the [Domestic Abuse Act 2021](#).

5.2 Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if "A" and "B" are each aged 16 or over and are "personally connected" to each other:

"Personally connected" means:

- they are, or have been, married to each other
- they are, or have been, civil partners of each other
- they have agreed to marry one another (whether or not the agreement has been terminated)
- they have entered into a civil partnership agreement (whether or not the agreement has been terminated)
- they are, or have been, in an intimate personal relationship with each other

- they each have, or there has been a time when they each have had, a parental relationship in relation to the same child
- they are relatives

And

- the behaviour is abusive

Behaviour is “abusive” if it consists of any of the following:

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour
- Economic abuse
- Psychological, emotional, or other abuse

5.3 It **does not matter** whether the behaviour is a single incident or a course of actions: behaviour of this kind is domestic abuse.

5.4 Domestic abuse includes ‘Honour Based Violence’ which is a collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour. Such violence can occur when perpetrators perceive that a relative has shamed the family and / or community by breaking their honour code.

For young victims it is a form of child abuse and a serious abuse of human rights.

It can be distinguished from other forms of violence, as it is often committed with some degree of approval and/or collusion from family and/or community members. Women, men, and younger members of the family can all be involved in the abuse. (Tackling Violence Against Women and Girls Strategy July 2021).

5.5 More information about “Honour Based Violence” and other forms of abuse (including those that can also be domestic abuse), is included in our joint multi-agency safeguarding adults’ policy and procedure, West Yorkshire North Yorkshire and City of York) available on this link: <https://safeguardingadults.co.uk/working-with-adults/nysab-procedures/>.

5.6 The Domestic Abuse Act 2021 recognises that children can be victims of domestic abuse, even when the abusive behaviours are not directly aimed at them.

They can also be victims if they:

- See, hear, or experience the effects of abuse
- Are related to the victim or perpetrator of the abuse (or both)

5.7 Further information about how domestic abuse affects children is provided in North Yorkshire Safeguarding Children Partnership Procedures Manual

<https://www.proceduresonline.com/northyorkshire/scb/> .

6.0 Our aims and practices

6.1 We will:

- **Support our employees to confidently recognise and appropriately respond to domestic abuse** by providing mandatory level one domestic abuse training for all employees in housing in customer facing and management roles. Additional training will be provided as it is relevant to the employees' roles and their level of engagement with residents, tenants, leaseholders, and members. This policy is supported by internal procedures and guidance that our employees can refer to.
- **Make information on different types of domestic abuse readily available** through regular communications and during our engagement with our community.
- **Set the expectation for all domestic abuse disclosures to be responded to empathetically and appropriately.** We have created a set of standards that victims of domestic abuse can expect us to uphold when they disclose domestic abuse to us. These are available at the end of this document, as Appendix 1.
- **Acknowledge that economic or financial abuse can have long-lasting effects and must be considered as part of an assessment.** Victims should be made aware of specialist support and advice options www.survivingeconomicabuse.org . If they are paying off debts their ability to afford a tenancy may be affected.
- **Empower victims by providing information about their housing options**, being realistic about options available and time scales, can support people to make informed choices about their next steps, and take their first step towards taking back control of their future.
- **Publicise support pathways for victims of domestic abuse** and make information about how to access domestic abuse support easily accessible, in a format that best suits their needs. We will review these pathways regularly to ensure that the information remains up-to-date, and to identify opportunities to increase provision where necessary. There is easy read information by [IDAS](#), [audiobooks](#) on keeping safe, and further information in various formats including a British Sign Language video on the [GOV.UK website](#). Specialist support is available for children who have been affected by domestic abuse including therapeutic support where appropriate <https://www.northyorkshire-pfcc.gov.uk/womenandgirls/vawg-services/> .
- **Work closely with local specialist domestic abuse services and agencies** (such as the Police and Probation Service) to provide a co-ordinated response to domestic abuse by making referrals where necessary, ensuring a suitable representative attends and contributes to Multi Agency Risk Assessment Conferences (MARAC), being active contributors in the Multi-Agency Tasking and Coordination process of identifying and tackling serial perpetrators of domestic abuse perpetrators (MATAC) and Multi-Agency Public Protection Arrangements (MAPPA) and being active contributors to the North

Yorkshire Community Safety Partnership, the Domestic Abuse Local Partnership Board and the Joint Violence Against Women & Girls Strategy Delivery Group.

- **Create opportunities for cross-working, collaboration, and breaking down barriers** to supporting victims by communicating regularly with local services, attending events and joint working.
- **We will work with specialist services** (known as by and for services) who are experts at supporting individuals with protected characteristics and specific cultural needs.
- **Maintain flexibility and a victim-centred approach** because we know that no two experiences of domestic abuse are the same. Our employees will use this policy, procedures, and guidance documents and/or advice from senior officers and Domestic Abuse Champions, the Police and specialist domestic abuse services to ensure that they respond appropriately to domestic abuse.
- **Consider intersectionality** as people may have more than one protected characteristic, neurodiversity or previous experience of trauma which may affect their experience of domestic abuse and their ability to access services and their trust in statutory services.
- **Create 'safety at home' for victims of domestic abuse who wish to stay within their home** through working with the Police and partner agencies to create a safety plan, consider the use of [legal measures](#) to remove the perpetrator from the property (such as Non-Molestation Orders), and/or providing panic alarms, locks, and additional security measures. Our commissioned service [IDAS](#) can discuss this as part of a holistic needs assessment.
- **Support victims who wish to relocate** because it is not safe, or preferable for them to not remain at their address because of domestic abuse, by providing guidance and assisting their move to alternative accommodation which is legally [suitable](#) if a homeless application is taken.
- **State that perpetrating domestic abuse is unacceptable and take appropriate action to hold perpetrators accountable.** We will communicate this message to our tenants. We reserve the right to take enforcement action against North Yorkshire Council tenants, using the powers available under the Housing Act, up to and including terminating a tenancy, for domestic abuse related offences. When taking any action against perpetrator/s, we will prioritise the safety and wishes of their victim/s and ensure that their wishes and housing needs are considered.
- **Refer perpetrators to specialist support when it is appropriate to do so**, because we recognise that long-term domestic abuse prevention requires behavioural change from those who cause harm. We believe in referring perpetrators, and those concerned about their behaviour or that of someone they know, to specialist services who can help them to change, when it is safe and appropriate to do so without increasing risk to the victim/s, [Foundation](#) are our local experts. Information about how to recognise abusive behaviour, and how to access support if you or someone you know is acting abusively is included at the end of this document, as **Appendix 3**. There are occasions where children

can also be abusive, and we will refer to specialist agencies for appropriate support for those affected.

- **Continually strive to improve our response to domestic abuse and Violence against Women and Girls (VAWG)** by seeking opportunities to receive feedback from victims and survivors and taking note of learnings from the [Domestic Homicide Review](#) (DHR) process. As of 2022, we are working towards accreditation from the [Domestic Abuse Housing Alliance](#) (DAHA) because we want to provide our residents, tenants, leaseholders, and members with an exemplary response to domestic abuse.

7.0 Confidentiality and General Data Protection Regulation (GDPR)

7.1 Any information related to domestic abuse will be treated with sensitivity, and if it is recorded, it will be stored securely on our systems in accordance with [GDPR](#). We will maintain confidentiality and prioritise gaining consent from victims before making referrals or taking further action, as far as it is practicable to do so.

7.2 We may have to share information with agencies such as the [Police](#) or [North Yorkshire Council](#) if an adult, with care and support needs is at risk of, or experiencing abuse or neglect, or a [child is at serious risk of harm](#). An adult [safeguarding concern](#) may be raised without consent, if you are concerned about an adult, (with care and support needs) and there is a vital interest, risk to life or it is in the public interest as others at risk, or if there was a concern that the person lacked mental capacity to consent, their capacity had been assessed and it was in their best interests. For more information, please visit <https://www.northyorks.gov.uk/adult-care/safeguarding/safeguarding-vulnerable-adults>.

7.3 If an instance of domestic abuse meets the Multi Agency Risk Assessment Conference (MARAC) risk threshold or if there are child protection concerns, we have a legal duty to share information with relevant partner agencies in the interest of reducing risk to those concerned. <https://www.northyorkshire.police.uk/police-forces/north-yorkshire-police/areas/about-us/marac/>

8.0 Consultation

8.1 We involved employees from across our organisation, including those with lived experience of domestic abuse, when developing this policy. We also consulted with key staff across the council including specialists in safeguarding and local statutory and non-statutory agencies. We worked with members of our Local Domestic Abuse Partnership and sought feedback from the national specialist agency the Domestic Abuse Housing Alliance (DAHA) and consulted local specialist domestic abuse support services. All of the feedback which we received during consultation was used to improve and adapt the

original draft document and provide clarity on the support the council will provide to victims of domestic abuse.

9.0 Links to other policies and policy review expectations

9.1 We will review this policy, related strategy, and information sources every three years at minimum to ensure that it aligns with changes in research, national legislation, policies and local support and service provision.

9.2 We may also review this policy in response to (but not limited to): employee and resident/tenant/leaseholder feedback; local [Domestic Homicide Review](#); Serious Case Review and Safeguarding Adult Review recommendations and findings.

9.3 This policy can be read in conjunction with the following policies:

- West Yorkshire, North Yorkshire, and City of York, available at North Yorkshire Safeguarding Adults Board Website, via this link:
<https://safeguardingadults.co.uk/working-with-adults/nysab-procedures/>
- North Yorkshire Safeguarding Children Partnership Procedures [NYSCP \(safeguardingchildren.co.uk\)](#)
- [Common Allocations Policy](#)
- [Multi-Agency Information Sharing Protocol](#)
- [North Yorkshire and City of York Domestic Abuse Strategy 2024-2028](#)

9.4 We recognise the need to align this policy with the legislative framework set out by the following:

by the following:

- Social Housing (Regulation) Act 2023
- Domestic Abuse Act 2021
- Homeless Reduction Act 2017
- Serious Crime Act 2015
- Anti-Social Behaviour and Policing Act 2014
- Protection of Freedoms Act 2012
- The Localism Act 2011
- The Equality Act 2010
- Forced Marriage (Civil Protection) Act 2007
- Care Act 2014 and Care and Support Statutory Guidance 2024.
- Civil partnership Act 2004
- Crime and Victims Act 2004
- Children Act 1989 and 2004
- Housing Act 1996, Part 7 (as amended by Homelessness Act 2002)

- Freedom of Information Act 2000
- Protection of Harassment Act 1997
- The Family Law Act 1996
- Housing Act 1985 and 1996
- Violence Against Women and Girls National Statement of Expectations 2022

DRAFT

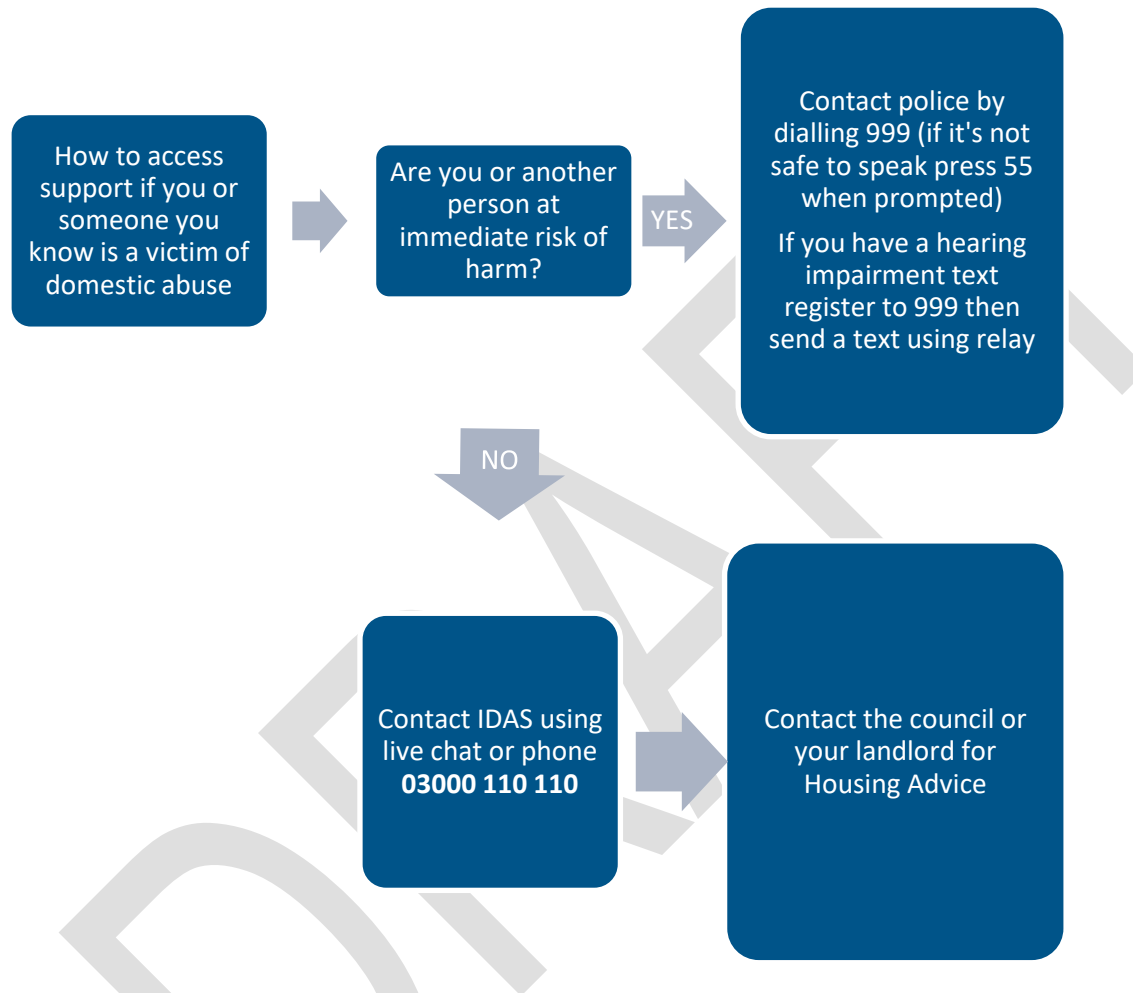
Appendix 1 Our Standards for Responding to Domestic Abuse

We recognise that it can be difficult to share personal experiences of domestic abuse. If you believe that you are a victim of domestic abuse, and you decide to share your experience with us, you can also expect:

- To be listened to, your wishes acknowledged and to be treated in a non-judgemental and empathetic manner.
- We will meet your requests to speak with an employee of the same (or different, according to your preferences) gender and/or sexual orientation, as far as is reasonably practicable.
- To be able to discuss your concerns at the time that you make contact, if it is safe and possible for you to do so. Where there is a need to refer to another service area or employee/s, domestic abuse disclosures will be treated as a priority, and you can expect to speak with a suitable employee within 24 hours at most.
- The North Yorkshire Council staff you speak with, to consider your personal safety before engaging in any discussion of your situation, by asking you whether it is a safe and appropriate time to talk, and to plan to speak with you alone.
- If the employee that you disclose your experience to, is within a service area that will be unable to meet these expectations or limited in the follow up support that they can provide, (such as Customer Services), they will arrange for you to discuss your situation further with an employee from a relevant service area.
- Where appropriate staff will discuss basic safety planning with you.
- If it is not safe or appropriate for you to discuss your situation at the time that you make contact, the employee should make arrangements for further discussion at a time, and in a way, that is safe, appropriate, and in accordance with your wishes, for example by arranging to meet with you in a mutually agreed location, or continuing the discussion at another time or via an alternative contact method.
- For an impartial interpreter to be made available and/or for other accommodations to be made if English is not your first language, and to provide support for any other literacy or support needs that may impact your ability to communicate effectively.
- To receive a relevant and supportive response that prioritises your wishes and your safety
- For the North Yorkshire Council employee/s you speak with to consider any associated safeguarding risks and escalate any concerns through our Safeguarding processes, including to any relevant partner agencies where it is necessary and appropriate to do so.

Appendix 2 How to access domestic abuse support if you are or have been a victim of domestic abuse

The following flowchart outlines the domestic abuse referral pathways that are currently recommended by North Yorkshire Council:



Additional Support is Available from the following organisations: -

- [Childline](http://www.childline.org.uk) – 0800 1111 - support for children - www.childline.org.uk
- [Citizens advice](http://www.citizensadvice.org.uk) - 0800 144 8848 - www.citizensadvice.org.uk
- [National Domestic Abuse Helpline](http://www.nationaldahelpline.org.uk) - 0800 2000247 - free 24 hr helpline - www.nationaldahelpline.org.uk
- [Galop](http://www.galop.org.uk) – 0800 9995428 - support for LGBT+ experiencing domestic abuse – www.galop.org.uk
- [GOV.UK's Forced Marriage Unit](http://www.gov.uk/guidance/forced-marriage#contact) – 0207 0080151- public helpline - www.gov.uk/guidance/forced-marriage#contact

- [GOV.UK website](#) for easy read, information in languages other than English and British Sign Language
- [Halo](#) – 01642 683045 - advice about forced marriage, honour-based violence, female genital mutilation - www.haloproject.org.uk
- [Hourglass](#) – 0808 8088141 - support for older people – www.wearehourglass.org
- [Independent Domestic Abuse Services](#) (IDAS) 03000 110110
- – specialist support agency in Yorkshire - <https://idas.org.uk/>
- [Karma Nirvana](#) – 0800 5999247 - national honour-based abuse helpline – www.karmanirvana.org.uk
- [Loving Me](#) – 07902 478958 - Domestic Abuse Service Support for trans and non-binary victims of domestic abuse and sexual violence www.lovingme.uk
- [Men's Advice Line UK](#) – 0808 8010327 – for male victims of domestic abuse – www.mensadvice.org.uk
- [NSPCC](#) - 0808 8005000 – advice for anyone concerned about child abuse - www.nspcc.org.uk/keeping-children-safe
- [National Stalking Helpline](#) – 0808 8020300 – advice for anyone affected by stalking - www.suzylamplugh.org/refer-someone-to-us
- [North Yorkshire Fire Service](#) – provide fire safety advice - <https://www.northyorksfire.gov.uk/your-safety/book-a-visit/domestic-abuse-arson-threat-referral/>
- [North Yorkshire Council Housing Advice](#) – 0300 1312131 – advice about your housing options – www.northyorks.gov.uk
- [North Yorkshire Police](#) – co-ordination (MARAC) Multi Agency Risk Assessment Conferences where there is a high risk of domestic abuse identified <https://www.northyorkshire.police.uk/police-forces/north-yorkshire-police/areas/about-us/marac/>
- [North Yorkshire Safeguarding Adults Board](#) - one-minute guides are available on various topics including Forced Marriage, Female Genital Mutilation and Stalking Protection orders. [Audiobooks](#) on keeping safe from abuse – www.safeguardingadults.co.uk
- [Refuge](#) - 0800 2000247 - support for women and their children affected by domestic abuse - <https://www.nationaldahelpline.org.uk/en>
- [Relay](#) - enables people with hearing or speech impairment to contact emergency services – www.relayuk.bt.com
- [Respect](#) – 0808 8024040 – confidential support for men to stop violence - www.respect.org.uk
- [Revenge Porn Helpline](#) - 0345 6000 459 – support for adults experiencing intimate image abuse www.revengepornhelpline.org.uk
- [Sexual Assault Referral Centre](#) - Bridge House – 0300 2230099 confidential healthcare and support for people in York or North Yorkshire who have experienced sexual assault or rape www.bridgehousesarc.org
- [Surviving Economic Abuse](#) – support and advice about financial abuse and information about [how financial institutions can provide support](#) www.survivingeconomicabuse.org
- [Vesta](#) – 0754 5075093 - advice about domestic abuse for the Polish community www.vestasfs.org

- [Victim Support – 0808 1689111 – provide specialist advice for victims of domestic abuse - https://www.victimsupport.org.uk/](https://www.victimsupport.org.uk/)
- [Women's Aid](http://www.womensaid.org.uk) – national charity working to end domestic abuse against women and children – website has comprehensive advice and links to specialist support www.womensaid.org.uk

DRAFT

Appendix 3 How to access support if you are concerned about your own behaviour, or that of someone you know

We understand that it may be difficult to recognise and acknowledge that you, or someone you know is acting, or has acted abusively. We have put together the following checklist to help you recognise abusive behaviours:

Mental / emotional abuse

If you are being mentally or emotionally abusive towards someone, you might be:

- Criticising
- Using language designed to humiliate
- Blaming
- Intimidating and threatening
- Destroying their personal belongings
- Telling them that they are mad
- Telling them that you are not being abusive

Threatening behaviours

Using threatening behaviour towards someone includes making threats to:

- Take their children away
- Have their children taken away by Social Care or other people
- Have them deported
- Have them sectioned
- Abuse your victim's children, family, friends, or pets
- Kill them
- Commit suicide
- Hurt your victim and/or their loved ones
- Stalk them (any of which could be in person, via phone call, email, or text message)

Intimidation and isolation

You could be intimidating and/or isolating someone if you:

- Repeatedly criticise them
- Tell them that they are ugly / worthless / useless
- Prevent them from having contact with family and friends
- Humiliate them in front of others
- Give them a curfew or otherwise monitor or limit their activities

- Stop or monitor their phone calls/text messages/emails

Psychological abuse

Psychological abuse could be:

- Acting jealously
- Blaming them for causing the abuse
- Lying to them
- Manipulating them to get them to do what you want
- Ignoring them
- Undermining or confusing them
- Telling them that they are losing their mind

Financial/ Economic abuse

Being financially abusive to someone includes:

- Building up debt in their name
- Withholding money from them
- Stealing money from them
- Limiting or preventing them from having access to money
- Not letting them work
- Using family money for alcohol / drugs
- Claiming and keeping their benefits
- Selling their possessions
- Not paying child support
- Refusing to pay bills
- Forcing them to earn money for you/ another person
- Threatening to report them to the Benefits Agency or other authorities

Sexual abuse

Whether in a relationship or not, if someone does not want to have sex, they do not have to. If you are forcing someone against their will, then you are being abusive.

Sexual abuse includes:

- Rape
- Forcing someone to engage in sexual acts
- Degrading treatment
- Sexual name-calling
- Forcing someone to prostitute themselves
- Making someone wear clothes that they haven't chosen

- Forcing someone to take part in or look at pornographic images
- Forcing someone to have sexual relationships with other people

Violence/Physical abuse

Violence and physical abuse includes:

- Hitting/punching/kicking/biting/shoving/burning someone
- Spitting at someone
- Using Non-fatal strangulation as a means of controlling someone or creating fear
- Pulling their hair
- Making physical threats to harm someone
- Using or threatening to use weapons to harm someone
- Forcing someone to use drugs and/or alcohol
- Depriving someone of sleep
- Hurting someone's pet
- Excessively invading someone's space

If you are concerned about your own behaviour, or that of someone close to you, we would encourage you to contact the [Police](#), [North Yorkshire Council](#) to raise a safeguarding concern, or a suitable support service.

In North Yorkshire, Foundation run the +Choices program telephone 01904 557491 or email foundationdapp@foundationuk.org. For more information visit their website <https://www.foundationuk.org/team/choices-domestic-abuse-perpetrator-programme/>.

Respect is a national charity which runs a helpline 0808 8024040 <https://respectphoneline.org.uk/> and supports people to change their behaviour.

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

(Form updated October 2023)

Domestic Abuse Policy for the Housing Service

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



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।
如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。
اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

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

Name of Directorate and Service Area	Community Development Housing Service
Lead Officer and contact details	Jo Marriott Domestic Abuse Housing Alliance Officer
Names and roles of other people involved in carrying out the EIA	
How will you pay due regard? e.g. working group, individual officer	The Domestic Abuse Housing Alliance Strategic Board will monitor the introduction and embedding of the new policy. We are seeking accreditation through the Domestic Abuse Housing Alliance who will independently review our practice. The Housing Management Team will monitor impact in the long-term.

When did the due regard process start?	We began working towards the accreditation in November 2022 and have been sharing best practice around intersectionality and put a training program into place for all housing staff around domestic abuse awareness. The training has regard to equalities and seeks to increase awareness of the diverse and intersecting needs of our residents and tenants. In November 2023 we started work on the drafting of the new Policy.
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Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

This EIA is in support of the proposed new Domestic Abuse Policy for the council's Housing Service. The Housing Service is newly formed from the seven former district and borough housing teams. There was no common Domestic Abuse Policy in place before local government reorganisation.

The Policy will provide clear guidance to staff and inform tenants of how the council will respond to reports of domestic abuse from council tenants and seek to support people who are affected by it. It will also include guidance for other staff within the Housing Service who may come into contact with the public and residents of North Yorkshire and be likely to identify domestic abuse.

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

This proposal is responding to the Social Housing Regulation Act (2023) and associated Neighbourhood and Community Consumer Standard which requires local authorities with housing stock in England and Wales to provide information about specialist support agencies to victims of domestic abuse, to consider staff training on how to support people affected by domestic abuse and how to make referrals. The policy will clearly show how the team will respond to reports of domestic abuse and consider the unique needs of individuals including their protected characteristics.

The aim is to provide our service in a better way, to help to prevent further harm to those affected by domestic abuse. By seeking accreditation through the Domestic Abuse Housing Alliance, we are adopting best practice referred to in the Domestic Abuse Statutory Guidance published July 2022.

This work is linked to ongoing work undertaken through the North Yorkshire Domestic Abuse Local Partnership Board which sits under the Community Safety Partnership which is a statutory partnership <https://www.nypartnerships.org.uk/nycsp> .

An independent needs assessment and a wider system review was undertaken by the specialist domestic abuse charity SafeLives in 2022 across North Yorkshire and the City of York. The findings from this review informs the new multi-agency Domestic Abuse Strategy which will be published in the next few weeks. Actions from the multi-agency strategy will feed into other council-wide strategies such as those under the Health and Well-being Strategy. Some of the actions relate to the Housing Service and directly link with this new Domestic Abuse Policy and new ways of working which will result from its implementation.

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

The Policy will provide clear guidance for staff within the Housing Service and a clear message that the council will not tolerate domestic abuse.

The Policy will give customers, who are affected by domestic abuse, information about what support they can expect from the council whether they hold a council tenancy or come into contact with Housing staff for any other reason.

The Policy will provide consistency across the county.

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?)

In developing this policy, consultation has been carried out with staff in the Housing Service and other parts of the council.

Consultation has also been carried out with strategic partners in the county through our Domestic Abuse Local Partnership Board which has a wide membership including statutory agencies such as the police and probation, social housing providers, commissioned services, and charities.

Consultation has been carried out with people with lived experience of domestic abuse.

The draft policy was sent to many local specialist agencies for comment including those who support people with protected characteristics, those who provide support for people recovering from trauma and people with substance misuse support needs.

We also shared the draft policy with the specialists at the Domestic Abuse Housing Alliance and they have given valuable input.

We received responses from key staff within the council including specialists in safeguarding, and partner agencies including people with lived experience and have amended the draft policy to include suggestions that they have made. Amendments include improving the clarity of wording, improving information on support agencies and referral pathways.

Specialist agencies who support victims assisted in suggesting modifications which have been made, to direct staff to help empower people affected by domestic abuse, by providing information including timescales and realistic housing options, so that they can make informed choices about their future.

Amendments were also made to explain more about intersectionality and the gendered nature of domestic abuse.

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

Delivery of the policy will not have an impact on council budgets in the short-term as we are currently in receipt of new burdens funding from central government which was awarded with the introduction of new duties under the Domestic Abuse Act 2021.

Part of this funding is being used to provide training for housing staff and a staff resource to work on domestic abuse policy, procedure and sharing good practice within the Housing Service.

DLUCH have not yet announced their plans for future funding around domestic abuse post April 2025, however much of the work to embed this policy will have been completed by April 2025.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age		X		<p>The needs assessment found that the age profile of domestic abuse victims is somewhat diverse, people of any age can be affected by domestic abuse. Training has been designed to inform staff that young people and older people can be affected by domestic abuse.</p> <p>Police incident reports early this year (2024) show an increase in older people reporting domestic abuse to the police. It remains unclear why there is increase in older victim reporting however, studies recognised that older people are at risk of specific</p>

				<p>types of domestic abuse such as coercive and controlling behaviour and financial abuse. Further evidence suggests, older people are more likely to normalise abusive behaviour and may not perceive themselves as being a victim due to generational knowledge gap.</p> <p>The policy should enable domestic abuse victims and survivors of all ages to get access to support more quickly and therefore help reduce future harm.</p>
Disability		X		<p>A needs assessment which looked at the current service provision landscape for safe accommodation shows the number of domestic abuse victims with disability or additional needs has increased. Victims who disclose a mental health illness increased in 2021-22 from an average of 5-7 to 47 percent. This may be partly due to improvements in recording data. Other national data sources have shown disabled people are twice as likely to experience domestic abuse because of their situational vulnerabilities, which makes them reliant on intimate partners, family members and health professionals for their every need. Through training associated with the implementation of this policy and the accreditation, staff will be better skilled to spot the signs of domestic abuse and respond appropriately when working with people who have a disability.</p>
Sex		X		<p>According to the needs assessment, the gender of victims reporting domestic abuse in North Yorkshire and in the City of York remained fairly consistent across the two years 2019-20 to 2021-22, with between 67% and 68% of identified victims recorded as being female, and between 18% and 19% recorded as male. Across all two years, 5-6% of victims were recorded as unknown, and fewer than 1% of victims were recorded as identifying as non-binary, transgender or other, combined across all two years. While domestic abuse can happen to all genders, women are particularly at higher risk. The policy is inclusive of all genders whilst training will acknowledge that domestic abuse is a gendered issue.</p>
Race		X		<p>The multi-agency data examined in the countywide needs assessment showed that over half of all identified victims were of unknown ethnicity, and</p>

			<p>over 40% identified as White or White British. It should be noted that North Yorkshire Police and some of the localities captured a person's ethnicity as White but were unable to separate into White British or White other.</p> <p>There is evidence to show that black women are disproportionately affected by domestic abuse and have less confidence to report the abuse to authorities, this policy will improve opportunities to support victims and reduce harm to them.</p> <p>The 2021 census shows that the minority ethnic population in North Yorkshire is around 7% and ethnicity is very diverse. https://www.communityfirstyorkshire.org.uk/blog/ethnicity-in-north-yorkshire-what-the-2021-census-is-telling-us/</p> <p>One of the larger ethnic groups is gypsy, roma, traveller and showpeople and there are plans to raise awareness of the culture of this group with the housing team.</p> <p>In 2021-22 9.9% of high-risk domestic abuse cases heard at a multi-agency risk assessment conference meetings in North Yorkshire were recorded as non-white British, 6.4% for Selby ranging to 11% in Hambleton and Richmondshire.</p> <p>This new policy and the associated training focus on breaking down barriers for people from minoritized groups so that they are able to access support. Therefore services should improve for people with lived experience with the protected characteristic of race.</p>
Gender reassignment		X	<p>Information from the needs assessment states only 5-6% of victims who accessed services in the last three years were recorded as gender unknown, and fewer than 1% of victims identified as non-binary, transgender or other. Currently, there are not specific commissioned services for LGBTQIA people locally; however commissioned services are using innovative trauma-informed methods to meet the needs of this group especially those threatened with the potential impact to 'outing'. The new policy is</p>

				<p>inclusive and people who have been through gender reassignment should not be adversely affected. There is new national guidance relating to domestic abuse in the trans community and this will be disseminated to staff. National specialist support is available for people from this community and staff will be made aware of this. We therefore anticipate that services will improve for people who have had their gender reassigned.</p>
Sexual orientation		X		<p>National data suggests that LGBTQ+ victims of abuse are more likely than heterosexual individuals to experience abuse from multiple partners, are almost twice as likely to have attempted suicide, are more than twice as likely to have self-harmed and are more than twice as likely to have experienced historic abuse from a family member. Therefore, it is vital that the sexual identity of domestic abuse victims is recorded and understood. This group has been considered and the policy will address the specific needs of this community.</p>
Religion or belief		X		<p>The traditional relationship dynamic may be different in some cultures, and research shows that people within certain cultures may be more likely to suffer domestic abuse. This could have several effects including victims being more reluctant to report or resistant to their partner being arrested. In North Yorkshire there is a diverse community across urban and rural localities. Some residents have recently arrived in the UK and are not familiar with the legal protections afforded to victims of domestic abuse. Therefore, it is important to provide cultural awareness to staff of these communities and ensure that staff are trained about how domestic abuse, honour-based violence, forced marriage and female genital mutilation may occur and how to respond.</p> <p>Training will include awareness raising of cultural issues and the importance of using independent translators when working with victims who do not speak English. We anticipate that the service will improve for people in the category.</p>
Pregnancy or maternity		X		<p>During pregnancy there can be an increase or escalation in domestic abuse, this poses risks to unborn children and expectant mothers. This policy</p>

				will improve awareness of domestic abuse and strengthen knowledge of referral pathways so reduce harm.
Marriage or civil partnership		X		The Domestic Abuse Act 2021 recognises that domestic abuse can occur in a variety of intimate and family relationships and is not limited to persons within a marriage or civil partnership. There will be no detriment to married people or those in a civil partnership.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?		X		The new policy will improve our services for all residents and tenants including those living in rural areas.
...have a low income?		X		The policy will apply to all residents and tenants including those on a low income, an element of domestic abuse can be economic abuse and training will be provided to staff so that they have a better understanding of this. Economic abuse can have wide-reaching and long-lasting effects (such as bankruptcy) and can be a factor relating to homelessness and debts. By supporting people to obtain specialist support victims and survivors will be in a stronger position to access private rented accommodation and move forward to rebuild their lives.
...are carers (unpaid family or friend)?		X		The policy covers all residents and tenants and there will be no detriment to carers.
..... are from the Armed Forces Community		X		The policy covers all residents and tenants and there will be no detriment to members of the armed forces or their dependents. Our commissioned support service has special arrangements in place to provide appropriate support for this group as there is a large armed forces community in North Yorkshire.

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	X
Craven	
Hambleton	
Harrogate	
Richmondshire	
Ryedale	
Scarborough	
Selby	
If you have ticked one or more areas, will specific town(s)/village(s) be particularly impacted? If so, please specify below.	
There will be no impact on a specific geographical area	

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.
<p>We are planning to train our staff about intersectionality, and this new policy includes measures to improve the way that we work with customers who have more than one protected characteristic, or more complex needs and may need services to be delivered in a unique way in order to meet their individual needs. We will consider how staff may need to adapt service delivery to accommodate a person's neurodiversity.</p>

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	x
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove	

these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.) This policy will improve services and should have no negative impact	

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?)

This Policy will be monitored by Housing Managers and case files audits will be undertaken as part of the Domestic Abuse Housing Alliance accreditation assessment.

The Domestic Abuse Housing Alliance Strategic Board will monitor the introduction and embedding of the new policy.

Progress will be reported to the North Yorkshire Domestic Abuse Local Partnership Board.

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
Case File Audits	NYC Housing Service	Quarterly		Housing Management Team will monitor

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.

This policy has been written with regard to national best practice and in consultation with specialist agencies. Our commitment to work towards accreditation through the Domestic Abuse Housing Alliance and work completed so far, shows that the Housing Service is working to improve our service delivery for people who find it more challenging to access our service and our commissioned services. We regularly consider how we can work with partner agencies to adapt our provision appropriately to meet the needs of people with protected characteristics.

In carrying out this assessment we have found no evidence that any group will be adversely affected by the introduction of the new policy.

This policy relates to our new multi-agency Domestic Abuse Strategy, which is soon to be published, the vision statement is shown below: -

Our vision

'In North Yorkshire and York, we do not tolerate domestic abuse and we will strive to ensure everyone can live free from abuse and harm. We will work to create an environment where healthy relationships are the norm and where victims/survivors and their children have access to the right support at the right time.

Domestic abuse is everybody's business, where our partnerships will work collaboratively to create lasting change across all our communities and the voice of the victim is at the heart of our response and where perpetrators of abuse are held accountable for their behaviour'.

Section 14. Sign off section

This full EIA was completed by:

Name: Joanne Marriott

Job title: Domestic Abuse Housing Alliance Officer

Directorate:

Signature: Jo Marriott

Completion date:

Authorised by relevant Assistant Director (signature): Andrew ROWE

Date: 28 March 2024

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Initial Climate Change Impact Assessment (Form created August 2021)

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

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

Title of proposal	Domestic Abuse Policy for Housing Service
Brief description of proposal	<p>Social housing providers including local authorities with housing stock, are required to comply with the Regulator of Social Housing's updated Neighbourhood and Community Standard from 1st April 2024. This includes having a policy for how to recognise and respond effectively to domestic abuse.</p> <p>We are currently also working towards an accreditation through the Domestic Abuse Housing Alliance which involves improving our response to domestic abuse, in order to reduce harm to residents and our tenants.</p> <p>The new policy will provide direction for staff and clarity about the response residents and tenants can expect from the council.</p> <p>Consideration has been given to a possible increase in travel by staff in some parts of the county, as a result of the implementation of this policy; however, the number of increased visits would be negligible given that much work is carried out over the telephone or via Microsoft teams meetings. Ongoing support is provided by specialist agencies rather than our own employees. The Housing team will also be advised to consider using public transport or electric pool cars where appropriate to reduce environmental impact.</p>
Directorate	Community Development
Service area	Housing
Lead officer	Jo Marriott

Names and roles of other people involved in carrying out the impact assessment	Ollie Braithwaite Climate Change Business Partner
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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	Choose an item.	Choose an item.	No effect on emissions
Waste	Choose an item.	Choose an item.	No effect on waste
Water use	Choose an item.	Choose an item.	No effect on water usage
Pollution (air, land, water, noise, light)	Choose an item.	Choose an item.	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	Choose an item.	Choose an item.	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	Choose an item.	Choose an item.	No effect on ecology
Heritage and landscape	Choose an item.	Choose an item.	No effect on heritage and landscape

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

Decision (Please tick one option)	Full CCIA not relevant or proportionate:		Continue to full CCIA:	
Reason for decision	The implementation of the new policy is not considered to have any adverse climate impacts.			
Signed (Assistant Director or equivalent)	Andrew Rowe			
Date				

North Yorkshire Council

Executive

16 April 2024

Scrutiny Task and Finish Group – Special Educational Needs and Disability (SEND) Provision in the Scarborough and Whitby Area

Report of the Task and Finish Group

1. PURPOSE OF REPORT

- 1.1 To present the report of the Task and Finish Group concerning SEND provision in Scarborough and Whitby.

2. BACKGROUND

- 2.1 At full Council on 17th May 2023, Councillor John Ritchie proposed the establishment of a Scrutiny Task and Finish Group to look at SEND Provision in the Scarborough Area. The Chair of this Committee accepted his proposal.
- 2.2 The Terms of Reference for the Task and Finish Group were approved at the meeting of the Children and Families Overview and Scrutiny Committee at its meeting on 23rd June 2023 and are enclosed at **Appendix 1**. That Committee agreed to extend the scope of the review, set out below, to include Whitby:-

The Task and Finish Group will examine the following questions:-

- a) *How are parents/carers of children and young people with SEND being supported in their children's education? (essentially, their "journey")*
and, following the engagement process referred to in paragraph 3 of these Terms of Reference ...
- b) *Are there any areas where more could be done to improve access to information, advice and support for families in the Scarborough and Whitby area?*
- c) *Are there any recommendations for action as a result of this process.*

NOTE: Members are aware that SEND provision is working well for many families will be interested to hear examples of this as well.

- 2.3 A Working Group does not have to be politically proportionate. The Task and Finish Group was made up of a range of political groups and comprised:-

- Councillor Liz Colling, Chair (Labour)
- Councillor David Jeffels (Conservative)
- Councillor Janet Jefferson (North Yorkshire Independent)
- Councillor Heather Phillips (Conservative)
- Councillor John Ritchie (Labour)

3. THE CONTEXT

- 3.1 The Working Party understands the challenging financial situation faced by the Council and its partners. The Children and Young People's Service Directorate (the Directorate) face a High Needs Block accumulated deficit of £10.3m (reported in Schools Forum March 2023).
- 3.2 The rise in new Education Health Care Plans (EHCP) is a consequence of the increasing demand for assessments. The total of 1,123 requests for EHCPs in 2022/2023 represented a 40% increase on the number from the previous year. On current data, this increase is expected to be a sustained trend.
- 3.3 Over the course of the 2022/23 academic year to date, a total of 6,509 suspensions have been received by pupils in North Yorkshire Primary and Secondary Schools, an increase from 4,608 seen in the same period of 2021/22. A total of 92 pupils have been permanently excluded this academic year to date, an increase from 47 seen in the same period last year. This high number of exclusions includes 17 children permanently excluded from Primary Schools, the highest number seen in the past five years.
- 3.4 North Yorkshire is impacted by the difficulties there are nationally, in terms of the availability of key professionals, including Educational Psychologists.

Source: Paragraphs 3.2 to 3.4, above are based on published information contained in the Executive Performance Report Quarter 1 for 2023/2024.

- 3.5 All Schools and education settings in the Scarborough and Whitby area have legal duties regarding identifying and meeting Special Educational Needs and Disabilities. At this point in time there are currently no Schools in Scarborough that host Targeted Mainstream Provision (TMPs). There are three TMPs in Whitby, two in Primary Schools and one in a Secondary School.
- 3.6 Scarborough Councillors had received feedback from constituents that there is variability in SEND information, advice and provision.

4. METHODOLOGY

- 4.1 The Working Party adopted a three staged approach as follows:-
- Firstly, we familiarised ourselves with key information concerning SEND in North Yorkshire – the Information Pack we considered, prepared by the Directorate, is enclosed at **Appendix 2**.
 - Secondly, we had a face-to-face engagement session at Scarborough Town Hall, on 26th October 2023. The event, which lasted for three hours, was attended by approximately 20 parents and carers of children with SEND in Scarborough and Whitby, together with three school governors, four charities and one commercial provider.
 - Thirdly, we received a summary of the data for Scarborough and Whitby, which was part of a countywide Survey of SEND undertaken in September 2023. There were 17 respondents for this area. We also had feedback from two focus group sessions organised by Parent Carer Voice in the Scarborough and Whitby area where 12 families participated.

5. WHAT DID THE INFORMATION FROM THE PROCESS TELL US?

- 5.1 The first thing to say is how much the Task and Finish Group appreciated parents, carers, charities, providers and school governors' contributions to the face-to-face session, and participation in the questionnaire and focus groups for sharing their stories and experiences. These were immensely powerful and it was emotional for us to hear first-hand about the day to day lived experiences for families as they support their children/the children in their care.
- 5.2 What also came across was the desire to work together and with the Local Authority to improve the situation – to learn about what is valued and to address the challenges that can be faced for the benefit of all families.
- 5.3 To provide some structure to the session parents and carers were asked to consider the following key questions:-
- What has been helpful, and what were the helpful bits?
 - How did you find out about support?
 - What has been difficult in terms of educational information, advice and support?
 - What else might have been helpful, (more of, less of, different?)
- 5.4 Views were expressed both verbally and via written responses. In this report we have attempted to represent the key points made and acknowledge that some points were made by many respondents, whilst others were specific to a smaller group or an individual.
- 5.5 A summary, in respect of each of the questions asked, is provided below:-

a) What has been helpful, and what were the helpful bits?	
Points frequently made	<ul style="list-style-type: none"> - Good support from my School (examples given from Early Years and Nurseries, Mainstream and Special Schools) - SENDIASS (Special Educational Needs and Disabilities Information, Advice and Support Service) - MPAT meetings, bringing professionals together to discuss options - Joined up help from professionals - Primary School emotional support sessions - SENCOS (Special Educational Needs Co-ordinators) who are understanding and caring - Understanding my child's needs e.g. autism - Autism training in School - Peer support - SEND charities provide good support - A culture of inclusion in the School led by the Headteacher - A professional who really listened - Early help - A diagnosis - Portage - Support (either 1:1 or in a small group) - Understanding and valuing what my child can do (and not just what they find hard)
Points less frequently made	<ul style="list-style-type: none"> - Adapted curriculum materials - School staff and other professionals willing to try - Health staff training School staff on managing medical needs

b) How did you find out about support?	
Points frequently made	<ul style="list-style-type: none"> - Contact with parents in similar situations, online Forums - Social Media - Local Charities - Sharing information from School that comes from outside organisations - Parent organisations, such as Parent Carer Voice, Yorkshire Coast Families and Carers Plus
Points less frequently made	There was general consistency in this section

c) What has been difficult in terms of educational information, advice and support?	
Points frequently made	<ul style="list-style-type: none"> - Poor communication from professionals including the Local Authority and Health - Responsivity/timeliness of communication from professionals - Not knowing where to access accurate information - Concern that there have been cuts to some services - Professionals not working and talking together - Lack of provision - Schools excluding children for behaviours linked to their disability e.g. not making eye contact - Lack of understanding and support from some Schools for parents/carers - Lack of key professionals and delays e.g. Educational Psychologists, Speech and Language Therapists - The process can feel difficult – many hoops to jump through to obtain help within the School environment - Schools lack of knowledge about SEND - It feels like a constant battle - Having to source information yourself - No support is available in the School Holidays for working parents/carers - Lack of play facilities in parks, etc., for children with disabilities - Long waits for autism diagnoses - Timescales generally are too long, including EHCP Process - School not welcoming - My child not receiving full time education/part time timetable - Lack of transition support from School
Points less frequently made	<ul style="list-style-type: none"> - Lack of SENCO in School - Professionals not available due to ill health - Provision for children and young people who are anxious - School budget not allowing for support - No play therapy - Specialist technology support

d) What else might have been helpful (more of, less of, different?)	
Points frequently made	<ul style="list-style-type: none"> - Easier access to services - More information/support from Schools and the Local Authority - A key contact at the Local Authority - Respectful and positive communication - Families and professionals talking together - Greater support for the transition to Secondary School - Staff trained on Autism - Greater support for parents and carers as well as the child - A School Place – all Special Schools are full - The EHCP process not being so slow - The availability of specialist professional support e.g. Educational Psychologists and Speech and Language Therapists - Greater transparency from professionals (the Local Authority and Health) with parents and carers - Higher pupil to staff ratio - More small group support - More parent/carer support - Interventions in Schools/settings that support well being and mental health, speech and language (some specific examples given)
Points less frequently made	<ul style="list-style-type: none"> - More opportunities to work in class - Cover for staff in Schools and the Local Authority who are off work - Better technology support e.g. eye gaze

6. IMPORTANT KEY THEMES

6.1 From the face-to-face session and the survey results, a number of key themes have emerged:-

- The experiences of children and young people and their families is variable
- Parents and carers report considerable variation in practice in mainstream Schools
- The importance of School Leadership in, among other things, setting the right, supportive framework is crucial.
- Information is not always clear and accessible relating to the responsibilities of different parts of the system including Schools, the Local Authority and Health
- Positive and timely communication is important to supporting parent and carer confidence and reducing the sense of 'battle' for families. The quality of communication is variable and timeliness can be an issue, including between the Directorate, Schools and parents/carers
- Knowing how to access timely and accurate advice, support and information can be challenging for families
- The School culture and how rules are applied is important in being and feeling included, and also in being and feeling excluded
- The importance of improving access to more inclusive social and leisure opportunities for children with additional needs, particularly during School holidays
- For some families the 'system' can feel arduous and slow
- Connections and support from other parents and carers is highly valued

7. WHAT WE ARE SUGGESTING IN LIGHT OF OUR DISCUSSIONS - WAYS IN WHICH THE SITUATION CAN BE IMPROVED

- 7.1 We feel that there are a number of actions by the Directorate that would lead to further improvements. We have grouped these into four headings - Schools; external communications; internal processes and liaison with partners; and wider working with the third sector i.e. voluntary and community organisations. We would also like to note that a cross cutting theme of positive and responsive communication with families and young people runs throughout all of the recommendations.

Schools

- a) *Promote access to training and resources for Schools through SENCO Networks, Locality Board websites and parent carer forums.*
- b) *Ensure that Schools are aware of their legal duties in relation to part-time timetabling as part of their duties.*
- c) *Continue to promote the development of Targeted Mainstream Provision across all areas of the County to ensure an increase in this provision and equity across the localities.*

External Communications

- d) *Review the information/resources that the Directorate make available with service users and families to make them more visible, user-friendly and accessible, including the Local Offer and the Local Area SEND Strategy.*
- e) *Review existing documents/website information setting out what children, young people and their families can expect as part of their SEND journeys, in terms of what they can expect from practitioners and Schools, as part of assessment and support planning, and in compliments, complaints and appeals processes.*
- f) *Regularly publish clear data on the timescales being achieved for SEND processes.*
- g) *Review SEND communication arrangements, so people are not left waiting for responses and follow-up actions to be made in a timely fashion.*

Internal Processes and liaison with Partners

- h) *Share the findings of this review with relevant parts of the system in order to promote good practice and promote the benefits of hosting TMPs, including:*
 - *Scarborough, Whitby and Ryedale Locality Board*
 - *Scarborough, Whitby and Ryedale SENCO Network*
 - *Headteacher briefings*
 - *SEND and Alternative Provision Local Area Partnership Board*
 - *Local Authority and Parent Carer Communications and Engagement Strategic Group*
- i) *That County SENCO Networks and Locality Board Events be promoted as a vehicle for sharing good practice.*

- j) *Share findings of this review with Commissioners in the Humber and North Yorkshire Integrated Care Board to understand views regarding access to and provision of Speech and Language Therapy.*

Wider working with the Third Sector

- k) *Explore with Parent Carer Voice how the work of various Parent Carer Charities is promoted and linked.*
- l) *To continue to support and promote FEAST (Food, Entertainment, Arts, Sport, Together Holiday Activities and Food Programme for North Yorkshire, funded by the Department for Education) for eligible families for children with disabilities.*

8. CONSIDERATION BY THE CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE

- 8.1 The Children and Families Overview and Scrutiny Committee considered our findings at its meeting on 8 December 2023. The report was presented by Councillor Liz Colling, Chair of the Task and Finish Group.
- 8.2 Members of the Overview and Scrutiny Committee felt that this has been a good piece of scrutiny work and a good report. Accordingly, the Committee endorsed the suggestions in Section 7, above, for onward consideration by the Area Constituency Committee and the Executive.
- 8.4 Among the points made by Members were the following:-
- It is difficult to comprehend how difficult and far reaching some parents find these issues.
 - Members need to seek to increase the budget for this area during discussions on the budget for 2024/2025.
 - There is a plan to improve the availability of places in Targeted Mainstream Provision (TMP) - where children with SEND can make progress within a mainstream environment with access to enhanced support. However, there is no TMP currently in Scarborough.
 - This has demonstrated that there is a Strategy in place. Similar issues will apply in other areas of the county and therefore any lessons learnt need to be applied wider.
 - It is vital that a spotlight is maintained on this area and that parents realise that Members are listening.
 - The importance of early years provision came through.
 - Members should consider getting together with the parents and carers again at some stage – albeit not in a scrutiny forum.
 - It would be helpful for Members to have a better comprehension of what is involved in this area of provision.

The Corporate Director for Children and Young People's Service thanked Members of the Task and Finish Group. He was pleased that the range of complex issues had come through. He accepted the findings, which did not contain anything that the Directorate is not aware of, and also commented as follows:-

- The Service is underfunded but he assured Members that this did not mean the Directorate is not striving to improve provision.
- In terms of the point made about raising awareness, the forthcoming Members Seminar on SEND can provide a mechanism for this. In addition, some of the issues raised will be considered as part of a Strategic Review, which he will report back on.
- There are many positive things happening too. For instance, in the last five years there have been three times as many children and young people on an EHCP and the Council is spending twice as much as it was on this provision five years ago. Provision in Special Schools has increased by 50%. The system has grown massively.

9. CONSIDERATION BY THE SCARBOROUGH AND WHITBY AREA CONSTITUENCY COMMITTEE

9.1 The Scarborough and Whitby Area Constituency Committee considered our findings at its meeting on 22 March 2024. The report was presented by Councillor Liz Colling, Chair of the Task and Finish Group.

9.2 The Area Constituency Committee similarly endorsed our report's findings and suggestions. Councillor Barbara Brodigan, Chair of the Children and Families O&S Committee was invited to address this meeting commending the methodology of this scrutiny review which had been shared with all councillors. The O&S committee would revisit the report at the end of the year to check progress with the implementation of the report's recommendations.

9.3 Among the points made by Members were the following:

- The evidence gathering session with parents, carers, school governors and other stakeholders held at Scarborough Town Hall on 26 October 2023 had been very productive and helped shape our report's recommendations
- LEAs across the country were struggling to cope with the financial constraints on SEND provision whilst still delivering a service
- It was apparent that some young people with SEND and their families were not being listened to. The scrutiny review ensured their voices were heard
- One of the key issues was the time it took to assess and identify children with SEND and then to produce and implement an Education, Health and Care Plan (EHCP) for them. Faster detection, earlier implementation of EHCPs and more resources were all needed

- One of the findings of the enquiry day last October was that some of the third sector organisations were not aware of each other. To address this, the Council would be facilitating a meeting of such organisations
- A question was put to the Children and Young People's Service asking how quickly the recruitment of additional educational psychologists by the LEA would help clear the backlog of SEND assessments

10. LEGAL IMPLICATIONS

- 10.1 It is a statutory requirement for the Local Authority to make provision for SEND. In terms, though, of the recommendations in this report, there are no direct legal implications.

11 FINANCIAL IMPLICATIONS

- 11.1 No additional requirements.

12 EQUALITIES IMPLICATIONS

- 12.1 There are no direct equalities implications.

13. CLIMATE CHANGE IMPLICATIONS

- 13.1 An initial climate change assessment form has been completed and that indicates that there are no direct climate change implications.

14 CONCLUSIONS

- 14.1 The engagement with parents and carers of children with SEND and their lived experiences has been incredibly valuable. All of us on the Task and Finish Group were affected by their stories. The ideal would be to ensure that the good practice that is happening is consistently available to all children and their families in the area and to help overcome some of the challenges that we have heard about. We understand that this will take time to achieve and we must continue to work together across all organisations and with young people and their families.

- 14.2 There are, however, several actions that we could take to help make improvements. We seek your support to these suggestions.

- 14.3 Whilst this piece of scrutiny has looked at the situation in Scarborough and Whitby, we understand that a similar pattern of strengths and concerns identified by parents and carers are likely to be elsewhere in North Yorkshire. Therefore, it would be helpful for any learning from this scrutiny to be shared more widely.

15. REASONS FOR RECOMMENDATION

- 15.1 The suggestions reflect engagement with parents and carers and will, we feel, help as we continue to develop and improve the situation for parents and carers of children with SEND in Scarborough and Whitby.

- 15.2 Any learning from this scrutiny can be applied to other parts of the county.

16. RECOMMENDATION

- 16.1 That the suggestions set out in Section 7 of the report be endorsed by the Executive at its meeting on 16 April 2024.

ACKNOWLEDGMENT

We would like to thank the parents, carers, charities, providers, governors and others who contributed to the engagement process (in writing; in person or by completing the survey); and Janet Crawford, Assistant Director, Inclusion, for her professional input.

Authors

Councillor Liz Colling, Chair of the Task and Finish Group
Councillor David Jeffels
Councillor Janet Jefferson
Councillor Heather Phillips
Councillor John Ritchie

29 November 2023 (and as updated in December 2023 and March 2024 to summarise the discussion at the Children and Families Overview and Scrutiny Committee on 8 December 2023 and the Scarborough and Whitby Area Constituency Committee on 22 March 2024)

APPENDICES

Appendix 1 – Terms of Reference of the Task and Finish Group
Appendix 2 – Information Pack issued to the Task and Finish Group

BACKGROUND DOCUMENTS relied upon in the preparation of this report – None.

NOTE: Members are invited to contact the author(s) in advance of the meeting with any detailed queries or questions.

SCRUTINY TASK AND FINISH GROUP – SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) PROVISION IN THE SCARBOROUGH AND WHITBY AREA

1. Purpose of the Task and Finish Group

To review specific aspects of SEND provision in the Scarborough and Whitby Area and to produce a report on its findings.

NOTE: Whilst it is intended that the review will cover the Scarborough and Whitby Constituency Area and will welcome examples of good practice in both places, it is expected that the main focus will be on Scarborough.

2. Scope

The Task and Finish Group will examine the following questions:-

- a) How are parents/carers of children and young people with SEND being supported in their children's education? (essentially, their "journey")
and, following the engagement process referred to in paragraph 3, below...
- b) Are there any areas where more could do done to improve access to information, advice and support for families in the Scarborough and Whitby area?
- c) Are there any recommendations for action as a result of this process?

NOTE: Members are aware that SEND provision is working well for many families and will be interested to hear examples of this as well.

3. How it will go about this

Members will familiarise themselves with background information/key documents on SEND, which will be provided by the Children and Young People's Service Directorate.

Input will be received from parents/carers on their lived experience, as part of an evidence gathering day, to be held in Scarborough and via the results of a questionnaire.

This input will be mapped against current provision.

4. Ensuring confidentiality

Evidence will be anonymised - to comply with GDPR - and consent forms completed.

5. Membership

A small group of Members from the Children and Families Overview and Scrutiny Committee (CFOSC) and Scarborough and Whitby Area Constituency Committee (ACC):

- Councillor Liz Colling - Chair of Scarborough and Whitby ACC (who will Chair the Task and Finish Group)
- Councillor David Jeffels - a Member of CFOSC and Scarborough and Whitby ACC
- Councillor Heather Phillips - Vice-Chair of CFOSC and a Member of Scarborough and Whitby ACC
- Councillor Janet Jefferson - Vice-Chair of Scarborough and Whitby ACC and a Member of CFOSC
- Councillor John Ritchie - a Member of CFOSC and Scarborough and Whitby ACC (and the person who proposed the Task and Finish Group)

Officer Support

This will primarily be provided by:-

- Janet Crawford, Assistant Director, Inclusion
- Patrick Duffy, Principal Democratic Services Scrutiny Officer

6. Outcome

The outcome will be the production of a report to feed into the SEND Strategy document, providing Members with greater knowledge of the situation in Scarborough and Whitby which will, in turn, help inform policy.

7. Target timescales and reporting arrangements

No.	Activity	Timescale
1	Children and Families Overview and Scrutiny Committee approve Terms of Reference for Task and Finish Group	23 rd June 2023
2	Background Information Pack issued to Members of Task and Finish Group	Mid-July 2023
3	Questionnaire for parents/carers drawn up and circulated	September 2023
4	Questionnaire responses analysed and summarised for Task and Finish Group	October 2023
5	Task and Finish Group hear in person from parents/carers	October 2023
6	Draft report produced and shared, for comment, with the Task and Finish Group and appropriate officers in the Children and Young People's Service Directorate	November 2023
7	Amended draft report considered by:- <ul style="list-style-type: none"> • Scarborough and Whitby Area Constituency Committee • Children and Families Overview and Scrutiny Committee <p>NOTE: It was subsequently agreed that it would be more appropriate for the report to be considered by Children and Families Overview and Scrutiny Committee <u>before</u> Scarborough and Whitby ACC</p> <p>The ACC is now expected to consider this at its meeting on 22nd March 2024</p>	1 st December 2023 8 th December 2023
8	Finalised report considered by Executive <p>NOTE: This date will be moved back so that it is after both of the above Committees have met</p>	9 th January 2024



**TASK AND FINISH GROUP ON SEND PROVISION IN THE
SCARBOROUGH AND WHITBY AREA**

**INFORMATION PACK FOR MEMBERS
OF THE TASK AND FINISH GROUP:**

Councillor Liz Colling (Chair)
Councillor David Jeffels
Councillor Janet Jefferson
Councillor Heather Phillips
Councillor John Ritchie

LINK TO DOCUMENTS REFERENCED

NO.	TITLE
1	SEND Code of Practice January 2015.pdf (publishing.service.gov.uk)
2	Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan (publishing.service.gov.uk)
3	SEND Local Offer North Yorkshire Council
4	Local Area Special Educational Needs and Disabilities Strategy 2023-2026 (northyorks.gov.uk)
5	SEND Information Advice and Support Service (SENDIASS) North Yorkshire Council
6	SWR Schools and settings handbook 0.docx (live.com)

Context

The following information has been prepared in accordance with the Terms of Reference for this group agreed at Children and Families Overview and Scrutiny on the 23rd June 2023.

The scope of this Task and Finish Group is to examine the following questions:-

- a) How are parents/carers of children and young people with SEND being supported in their children's education? (Essentially, their "journey") and, following the engagement process ...
- b) Are there any areas where more could do done to improve access to information, advice and support for families in the Scarborough and Whitby area?
- c) Are there any recommendations for action as a result of this process?

The initial step of this process was to prepare an information pack for members to familiarise themselves with background information/key documents on SEND, which will be provided by the Children and Young People's Service Directorate.

1. Background Information: National

There are a number of key national drivers that have shaped approaches to SEND. These include:

1.1 Special Educational Needs and Disability (SEND) Code of Practice 2015

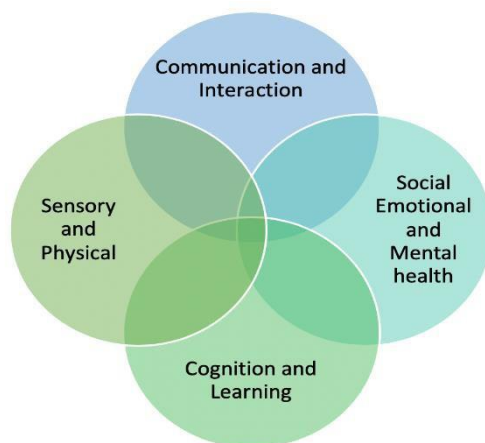
The Code of Practice (CoP) provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England. It relates to children and young people with special educational needs (SEN) and disabled children and young people, and identifies duties and responsibilities for Local Authorities, Health Organisations, as well as Early Years settings, schools and Colleges.

The CoP 2014 shifted the SEND landscape. Amongst other things it extended the age range of provision to meet SEND up to 25 years if required, and put children, young people (cyp) and their families at the heart of decision making.

Special educational needs is a term used to refer to children and young people who have a learning difficulty*. This means that they have either:

- a significantly greater difficulty in learning than the majority of children of the same age;
- or a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools/education settings within the area of the local education authority

Within the Code of Practice difficulties in learning* can relate to any, some, or all of the following areas.

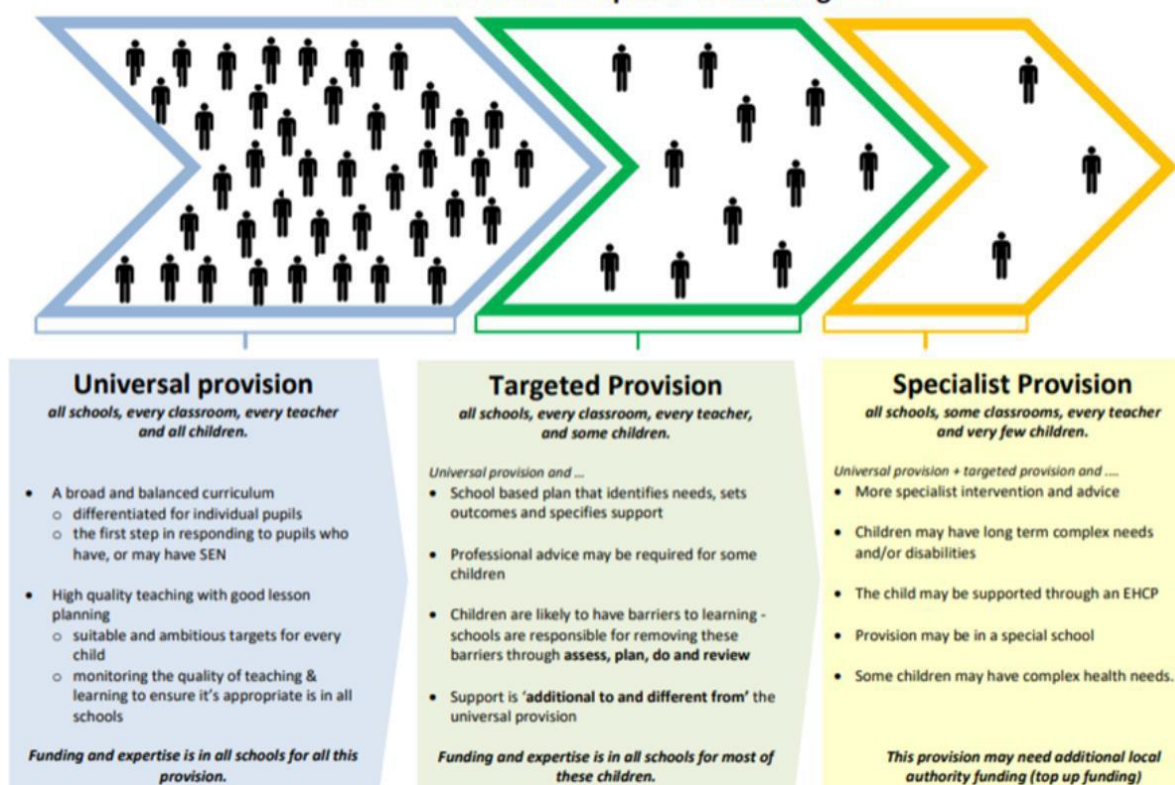


Many children and young people have needs in several areas and although the term 'primary need' is often used it can only give a general headline. In identifying and meeting need all areas should be taken into account with consideration of each individual child/young person's strengths, areas of difficulty and support requirements.

As part of their professional standards all teachers in all schools/settings are expected to have a clear understanding of the needs of all pupils, including those with special educational needs

The CoP is built on the idea of a graduated response with most children having their needs identified and met as early as possible in the system:

SEN: A Graduated Response to meeting need



Principles:

Some of the key principles which underpin the CoP are:

- A focus on inclusive practice and removing barriers to learning
- As part of its commitments under articles 7 and 24 of the United Nations Convention of the Rights of Persons with Disabilities, the UK Government committed to inclusive education of disabled children and young people and the progressive removal of barriers to learning and participation in mainstream education.
- The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEN should be educated and the Equality Act 2010 provides protection from discrimination for disabled people.
- All children and young people are entitled to an appropriate education, one that is appropriate to their needs, promotes high standards and the fulfilment of potential. This should enable them to achieve their best, become confident individuals living fulfilling lives, and make a successful transition into adulthood
- Every school is required to identify and address the SEN of the pupils that they support. Mainstream schools **must**:

- Use their best endeavours to make sure that a child with SEN gets the support they need, this means doing everything they can to meet children and young people's SEN
- Ensure that children and young people with SEN engage in the activities of the school alongside pupils who do not have SEN
- Designate a teacher to be responsible for co-ordinating SEN provision (SENCO)
- Inform parents when they are making special educational provision for a child

- Prepare an SEN information report and their arrangements for the admission of disabled children, the steps being taken to prevent disabled children from being treated less favourably than others, the facilities provided to enable access to the school for disabled children and their accessibility plan showing how they plan to improve access progressively over time
- Local Authorities' have a range of duties including:
 - Having regard to the views, wishes and feelings of cyp and their parents/carers
 - Offer advice and information directly to children and young people
 - Together with health services, to make joint commissioning arrangements about the education, health and care provision of children and young people
 - Keep education and care provision under review
 - To include in the Local Offer provision which will help children and young people prepare for adulthood and independent living
 - To consider the need for EHC needs assessments, prepare EHC plans where needed, and maintain and review them, including the duty to ensure that all reviews of EHC plans from Year 9 (age 13-14) onwards include a focus on preparing for adulthood

1.2 SEND and Alternative provision (AP) improvement plan

In 2019 the DfE committed to undertake a review of SEND. The outputs of this review were published in a Green paper in 2022. Consultation responses were published in the SEND and AP Improvement Plan in March 23. Central to this was a desire to promote an inclusive society and promote parent/carer confidence in the mainstream offer.

Its aspirations were set out with a view of testing detailed plans over the next 2-3 years. Key points include:

- Delivering for children and families
- Establish a new national SEND and alternative provision system with the mission to:
 - fulfil children's potential
 - children and young people with SEND enjoying their childhood, achieving good outcomes and being well prepared for adulthood and employment;
 - build parents' trust
 - Provide financial sustainability:
- **The right support, in the right place, at the right time**

1.3 Funding

SEND funding aligns with this graduated approach.

All schools receive funding delegated to them through the National Funding Formula. It is in place to support CYP at SEN Support and schools should use it to plan their provision. Schools have the age weighted pupil allocation, plus notional funding of £6,000 to spend on SEND support if needed before High Needs Block (HNB) funding can be accessed.

HNB Funding in mainstream schools is Statutory funding allocated in line with special educational provision in an Education Health and Care Plan (EHCP). Its allocation is reviewed at least annually as part of the statutory annual review of an EHCP

HNB funding is also used in Special Schools to fund the provision outlined within a child's EHCP. It is statutory funding and must be used to support the individual child

Some children have EHCPs specifying attendance at a college, an independent school, or exceptionally for some provision that is 'education other than at school' (EOTAS). This is also funded through the HNB.

One of the key elements of the SEND reforms relates to ensuring that the HNB nationally and locally is sustainable and offers value for money. This is within the context of the majority of Local authorities experiencing deficits with their HNB. Over 20 LA's with the most significant deficit have worked with the DfE to develop sustainability plans as part of the Safety Valve programme. A further 55 LA's are part of the Delivering Better Value (DBV) programme aimed at securing a sustainable approach to the HNB. North Yorkshire is part of the DBV programme and is in the early stages of this (Wave 3).

2. North Yorkshire

In North Yorkshire all of our Early Years settings, Schools and Colleges have clear duties outlined in the Code of Practice. The Local Authority and Health partners also have clear direct duties. The LA also has an indirect role with education providers and partners across the area to support others in meeting their legal duties.

The information, advice, supports and services that are available across the County, including the Scarborough and Whitby area, follow a graduated approach, supporting the principle of right amount and type of support at the right time. Some of the key areas are outlined below, this is not an exhaustive list:

2.1 Local Offer:

All Local Authorities are required to have a Local Offer. In North Yorkshire the Local Offer website provides useful advice and information for children and young people with special educational needs and disabilities (SEND) and their families. It also provides information for professionals. It is intended to help families, individuals, groups and organisations find information, enabling more choice and control over what support is right.

2.2 SEND Strategy

In the Spring of 2023 North Yorkshire Executive agreed the new, co-produced SEND Strategy 2023- 26. This was agreed by colleagues in Health in May 2023.

The Vision: North Yorkshire's ambition for children and young people is set out in "Being Young in North Yorkshire 2021-2024" as: "All children and young people are safe, happy, healthy and able to achieve in North Yorkshire". The vision for children and young people with SEND is no different. The SEND Strategy underpins the activity across North Yorkshire and the journey of children, young people and their families.

The ambitions for children and young people with SEND in North Yorkshire are:

- They have the best opportunities so that they achieve the best outcomes
- They are able to attend a school or provision close to home, where they can make friends and develop their place within their local community
- They have good social, emotional and physical health and are fully prepared for a fulfilling adult life
- They develop independence and high aspirations are a focus for all throughout their entire educational journey

- They are able to have their needs identified early and met at whatever period in their lives needs arise
- Partners share a collective responsibility for providing high quality support that builds confidence and supports smooth transitions
- Young people move confidently into adulthood where they feel equipped to thrive and enjoy life

2.3 Supports available to children and young people across North Yorkshire, including Scarborough and Whitby:

All schools and settings must have in place their own arrangements for meeting the needs of cyp with SEND as outlined within the CoP and Equality Act. In addition the Local Authority offers advice, assessment, consultation, intervention, provision and training as part of the graduated response. This is available across the whole of North Yorkshire including Scarborough and Whitby.

- North Yorkshire Special Educational Needs and Disability Advice, Information and Support (SENDIASS) is available to cyp and their families. They offer independent advice and support including:
 - information, advice and support for children and young person with SEND from early years to post-16, transition planning and education and learning
 - advice and support about statutory assessments, including annual reviews
 - will listen to views and concerns and supporting to find confidence to express your views
 - work with individuals to explore options, your rights and responsibilities
 - help to prepare for meetings including direct discrimination or special educational needs appeals
 - support to resolve disagreements between parents, carers, young people, schools, the local authority or health
 - help with forms, letters and reports
 - signposts to various services and organisations, locally and nationally
 - information, advice and support about exclusions and other concerns within education setting
- Locality Hubs: there are 4 Locality Hubs in North Yorkshire including one for the Scarborough, Whitby and Ryedale area. The core activity of the Hubs enable:
 - Schools and settings to be more able to identify and meet the needs of cyp with SEND
 - Schools/settings to be more confident in including cyp with SEND
 - Parents/carers to gain a better understanding of their child and have confidence that their needs will be met
 - Increased participation and achievement for cyp with SEND
 - Schools and settings to build their own expertise through wider workforce development leading to better outcomes for all
- Locality Boards: There are five Locality Boards in North Yorkshire. These are partnership arrangements between education providers and the Local Authority and take collective responsibility for maximising outcomes for children and young people and embedding a strong culture of inclusion. Funding is available to the Locality Boards from the HNB. They use data from their area to identify local needs and put plans in place for early identification and support in every setting. These plans were reviewed annually

The funded priority areas identified by Scarborough, Whitby and Ryedale (SWR) Locality Board for 22/23 included:

- Early identification of pupils with SEND: To use the SNAP programme in 75 Primary schools and 12 Secondary Schools, Widgit, funded training opportunities in the areas of sensory differences, handwriting, and de-escalation
- Improving outcomes in early years through the Early Excellence programme
- To lower the rate of exclusions taking place within Primary and secondary schools using mentoring for Y6/Y7 Pupils, for SEND pupils most at risk of exclusion, poor attendance or adverse childhood experiences (ACE's) in Y6. Mental Health Practitioner shared across the Whitby partnership of schools, play therapy, and the Nurturing Schools programme
- Education Health and Care Plans (EHCPs) and the SEND Casework Team
For a small group of cyp there may be a need to have more specialist and frequent support which requires an Education Health and Care needs assessment, which might then lead to an EHCP. This work in North Yorkshire is co-ordinated by the SEND Casework Team. They are also responsible for the ongoing monitoring and review of EHCPs although the annual review meeting is typically undertaken by the schools or education setting.

Children with EHCPs have their needs met in mainstream and more specialist settings. The aim of North Yorkshire SEND Strategy is for education provision to be as local as possible.

In addition to mainstream schools children and young people in North Yorkshire may have their needs met in other settings including:

- Targeted Mainstream Provision (TMP) where children and young people with special educational needs or disabilities can make progress within a mainstream environment with access to enhanced support. At the moment North Yorkshire has 10 TMPs, 3 more are about to open and there are several other schools actively working with the Local Authority. In Whitby there are currently 3 TMPs, there are none at present in Scarborough.
- Special Schools – there are 3 Special schools in Scarborough. Springhead catering for cyp with a wide range of SEND needs aged 2-19, Woodlands which also caters for cyp with a wide range of needs aged 2-16, and Brompton Hall School catering for children with a primary need in the area of social, emotional and mental health aged 7-16.

2.4 SEND funding in North Yorkshire

As reported in Schools Forum March 2023 in North Yorkshire there is a projected accumulated deficit in the High Needs Budget as of 31st March 2023 of £10.0m and a projected in-year deficit in 2023- 24 of c.£3.0m which would result in an accumulated deficit as of 31st March 2024 of £13.0m. North Yorkshire's HNB settlement is in the lowest decile in the country.

3 National, North Yorkshire and Scarborough/Whitby Data

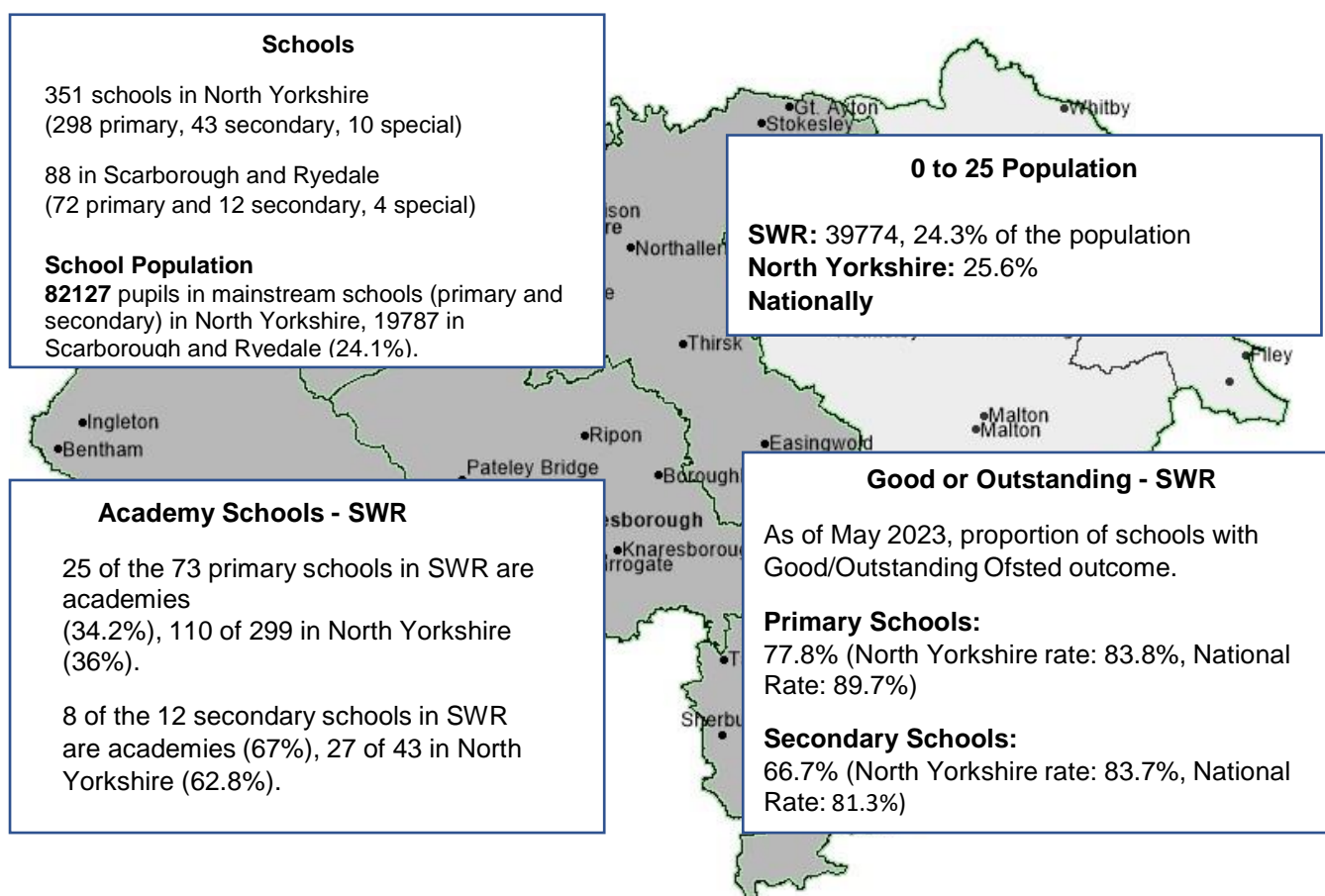
	National*	North Yorkshire*
% population with EHCP	2.9%	2.7%
% population with SEN support	13% (primary) 11.9% (secondary)	12.8% (primary) 11.6% (secondary)
% of population of cyp with EHCPs in special schools	32.5%	32.5%

*SEN2 data published in June 23 for 2022

- In SWR the proportion of pupils with EHCPs is in line with the proportion of the population of the County.
- In SWR the proportion of pupils with EHCPs in special schools is consistent with the county data
- The most prevalent areas of primary need for SWR are autism, social emotional mental health, and moderate learning needs. This is consistent with data from across North Yorkshire.

(** LA generated data for SWR June 23)

Scarborough, Whitby and Ryedale (SWR) – June 2023 Locality Data



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FORWARD PLAN

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

Publication Date: 8 April 2024

Last updated: 8 April 2024

Period covered by Plan: 30 April 2025

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 an Executive meeting or any part of it in private for the consideration of confidential or exempt information. For further information and advice please contact the Democratic Services and Scrutiny Manager on 01609 533531.

FUTURE DECISIONS

Likely Date of Decision	**Decision Taker	In Consultation with (Executive Member or Corporate Director)	Description of Matter – including if the report contains any exempt information and the reasons why	Key Decision YES/NO	Decision Required	Consultees (i.e. the principal groups to be consulted)	Consultation Process (i.e. the means by which any such consultation is to be undertaken)	Contact details for making representations (Tel: 0845 034 9494) unless specified otherwise)	Relevant documents already submitted to Decision Taker
7 May 2024	Executive		Adoption of the “Protecting Dark Skies in the Nidderdale National Landscape (Area of Outstanding Natural Beauty) Supplementary Planning Document	Yes	To consider and agree adoption of the “Protecting Dark Skies in the Nidderdale National Landscape (formerly Area of Outstanding Natural Beauty) Supplementary Planning Documents (SPD)”, which supports the implementation of the Harrogate Local Plan 2014-2035.	Executive Member for Open to Business	Correspondence and meetings	Natasha Durham, Planning Manager (Policy) natasha.durham@northyorks.gov.uk	Adoption of the “Protecting Dark Skies in the Nidderdale National Landscape (Area of Outstanding Natural Beauty) Supplementary Planning Document
7 May 2024	Executive		School term dates for the academic year 2025- 2026	Yes	The school term and holiday dates for the academic year 2025-2026 have been consulted upon. Executive will be required to determine the calendar for 2025-2026 for North Yorkshire community and voluntary controlled schools. If there are no	All head teachers of North Yorkshire schools, trade unions, teacher associations and local authorities across Yorkshire	By email to schoolorganisations@northyorks.gov.uk by 11 April 2024.	Lisa Herdman, Lead for Admissions, Education and Skills lisa.herdman@northyorks.gov.uk	School term dates for the academic year 2025-2026

					objections to the proposals this decision will be taken by the Executive Member for Education and Skills.	and the North East.			
7 May 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	
7 May 2024	Executive		Local Authority Housing Funding	Yes	The purpose of this report is to enter into a Memorandum of Understanding (MOU) with the Department of Levelling-Up, Housing and Communities (DLUHC) for funding of £1,740,114 from the Local Authority Housing Fund (LAHF). This funding will contribute towards the acquisition of 2 homes for temporary accommodation for homeless households plus an additional 11	We will consult with the following: The Councils Refugees Resettlement Manager The Councils Head of Housing Needs	Consultation will take place on an on-going basis with the Refugee Resettlement Manager in order to identify suitable locations and properties for the Afghan households. Similarly consultation will take place with the Head of Housing Needs to identify suitable locations and properties for	John Burroughs, Housing Strategy and Development Officer John.Burroughs@northyorks.gov.uk	Local Authority Housing Funding

					affordable homes to provide accommodation for 11 households from the Afghan Citizens Resettlement Scheme (ACRS).		the temporary accommodation for the homeless households.		
7 May 2024	Executive		Review of Maximum Hackney Carriage Fares	Yes	To review the current maximum Hackney Carriage fares set by the Council and to agree proposals to be subject to consultation and statutory public notice.	Hackney Carriage trade and users of Hackney Carriages	Statutory notice	Gareth Bentley, Head of Licensing gareth.bentley@northyorks.gov.uk	Review of Maximum Hackney Carriage Fares
7 May 2024	Executive		Proposal to close St Hilda's Ampleforth Church of England Voluntary Controlled Primary School	Yes	To seek permission to publish Statutory Proposals on a proposal that St Hilda's Ampleforth Church of England Voluntary Controlled Primary School should close with effect from 31 August 2024.	Parents, Staff, Governors, Local Elected Members, MP, Unions and professional associations, Diocesan Boards, Town and Parish Councils.	Consultation document issued to consultees and available on NYCC website between 1 March 2024 and 19 April 2024. If approved there would follow a further 4 week representation period commencing on 17 May and ending on 14 June. During this period representations could be made in	Jon Holden, Head of Property Services jon.holden@northyorks.gov.uk	Proposal to close St Hilda's Ampleforth Church of England Voluntary Controlled Primary School

							writing to the Director of Children & Young People's Service.		
7 May 2024	Executive		Creation of new audit company – Veritau Assurance Limited	Yes	To consider the establishment of a new Teckal company for the provision of Audit Services which would adhere to the Teckal exemption in the Public Contracts Regulations 2015.	None	N/A	Karen Iveson, AD Finance incl. Pension Fund karen.iveson@northyorks.gov.uk	Creation of new audit company – Veritau Assurance Limited
28 May 2024	Executive		Q4 Performance Monitoring and Budget Report	Yes	Q4 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	Q4 Performance Monitoring and Budget Report
28 May 2024	Executive		Annual Review of Member Champions	No	Annual Review of Member Champions	Leader	Emails	Daniel Harry, Democratic Services and Scrutiny Manager daniel.harry@northyorks.gov.uk	Annual Review of Member Champions
28 May 2024	Executive		York & North Yorkshire Key Route Network	Yes	To seek agreement on the finalised draft of the North Yorkshire parts of the proposed Key Route Network for York and North Yorkshire ahead of approval by	Environment Executive Member	By email to HAM@northyorks.gov.uk	James Gilroy, Team Leader, Highway Asset Management Email: james.gilroy@northyorks.gov.uk	York & North Yorkshire Key Route Network

					the Mayoral Combined Authority.				
28 May 2024	Executive		Review of North Yorkshire Bus Service Improvement Plan	Yes	To approve an updated Bus Service Improvement Plan (BSIP) which requires submission to the Department of Transport (DfT) by 12 June 2024	Department for Transport guidance sets out that this should be agreed through the North Yorkshire Bus Enhanced Partnership which includes bus company and passenger group representatives.	Through the NY Bus Enhanced Partnership	Andrew Clarke, Public & Community Transport Manager andrew.clarke@northyorks.gov.uk	Review of North Yorkshire Bus Service Improvement Plan
18 Jun 2024	Executive		Housing Assistance and Disabled Adaptations Policy	Yes	The report will 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 therefore sets out the key recommendations for the policy and seek agreement to adopt the	Health	A draft policy was submitted to the LGR Housing board post vesting day. As part of the LGR work, consultation had taken place with representatives from the LGR Housing work stream. A further task	Lynn Williams, Head of Housing Renewal lynn.williams@northyorks.gov.uk	Housing Assistance and Disabled Adaptations Policy

					North Yorkshire Housing Assistance and Disabled Facilities Grant Policy for the new authority. The new policy is to be adopted for all tenures, to provide a consistent approach to delivering adaptations for owners and tenants in the private sector and our own housing tenants.				
18 Jun 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 sector.	As this is based on statutory legislation, consultation has been undertaken in house with environmental health and enforcement officers across the legacy council areas who deliver the service, in addition to other environmental health colleagues regionally	Consultation was undertaken initially as part of the LGR work streams. The policy has been developed based on the good practice of other authorities, through information sharing at regional and national meetings. A housing enforcement workshop was utilised to discuss the key points of the policy amongst all staff	Lynn Williams, Head of Housing Renewal lynn.williams@northyorks.gov.uk	Housing Enforcement Policy

						and nationally.	delivering housing enforcement.		
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"> •The public and partners •North Yorkshire Health and Wellbeing Board (finalised draft) in May 2024 •Executive on 18 June 2024 •Council on 24 July 2024 NOTE: There is on-going liaison with the North Yorkshire Health and Wellbeing Board, who will be asked to approve a draft Strategy to be consulted on, at its meeting on 29 November 2023.	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
18 Jun 2024	Executive		Consultation on changes to the Council's Home to	Yes	To report the outcome of a consultation on a proposed new Home to School Travel Policy for	Parents / carers, schools, governors,	Public consultation between 19 February and 10	Amanda Newbold, AD Education Services	Report to Executive Member for Education,

			School Travel Policy		North Yorkshire. To seek approval of the proposed policy to move forward for adoption by the Council in July 2024.	NYC councillors, neighbouring councils, parish councils, academy trusts, transport contractors, Diocese, MP and other stakeholders.	April 2024. Consultation documents available on NYC website. Several engagement activities undertaken with a mixture of virtual and in-person events.	Amanda.newbold@northyorks.gov.uk	23 January 2024 Consultation on changes to the Council's Home to School Travel Policy
18 Jun 2024	Executive		Adult Learning and Skills Service Accountability Agreement 2024-25	Yes	As a provider of adult education in receipt of grant funding of over £1m we must write and publish an accountability statement to form part 2 of our funding agreement with the Skills Funding Agency. We have also been advised that to meet financial procedure rules we must also document approval to receive the recurring grant funding that will make up part 1 of the documentation. The statement is a mandatory part of the legislation linked to our current funding arrangements but must make clear reference to	The document will have been produced with full internal consultation with colleagues in service, economic development, training and learning and the wider localities teams, external consultation is based upon work with local education providers as	Whilst the document must respond to local key priorities it is key to the service to position this within the wider education landscape. Open consultation is not deemed necessary as the plan aligns the strategic direction of the service (subject to full open consultation) with these priorities the document must detail the key role the service plays in the adult education ecosystem, so consultation with	Paul Cliff, Shared Head of Adult Learning and Skills paul.cliff@northyorks.gov.uk	Adult Learning and Skills Service Accountability Agreement 2024-25

					a document, written by West and North Yorkshire Chamber of commerce called the Learning Skills Improvement Plan (LSIP) and the key priorities of the council. This document is this year's version of a document approved for 2023-24 and our response is largely based upon the strategy for adult learning and skills engagement that we consulted on in July 2022 and just defines targets based on the LSIP and national skills requirements	part of the LSIP steering board, with colleagues from the combined authority as part of the work to shape the MCA skills strategy and with colleagues at Yorkshire Learning Providers.	these stakeholder groups is essential and will involve direct feedback on drafts of the document.		
18 Jun 2024	Executive		Care market proposals for Malton	Yes	To request approval from Executive on proposals for the development of the adult social care market in Malton	Local stakeholders	Stakeholder meetings	Hannah Brown hannah.brown3@northyorks.gov.uk 01609 535906	Care market proposals for Malton
18 Jun 2024	Executive		Boroughbridge High School, Boroughbridge – Proposal to remove Sixth Form Provision	Yes	Following the publication of statutory notices, to determine whether to change the age range at Boroughbridge High School, effective from 31 August 2024, by ceasing the Sixth Form	Parents, Staff, Governors, Primary Feeder Schools, Local Secondary Schools,	Consultation ran from 19 January to 1 March 2024. Consultation document issued to consultees and available on NYC website.	John Lee, CYPS Strategic Planning Officer john.s.lee@northyorks.gov.uk	Boroughbridge High School, Boroughbridge – Proposal to remove Sixth Form Provision

					<p>Provision.</p> <p>If there are no objections to the statutory notices, this decision will be taken by the Executive Member for Education, Learning and Skills at the meeting with the Corporate Director - Children and Young People's Service</p>	<p>Local Elected Members, Town and parish councils, MP and other local stakeholders.</p>	<p>Statutory proposals published on NYC website, in a local newspaper and displayed at the school. Statutory proposals representation period from 4 April to 2 May 2024.</p> <p>How representations may be made: In writing to the Corporate Director- Children and Young People's Service, County Hall, Northallerton, DL7 8AE, or by email to schoolorganisation@northyorks.gov.uk by 2 May 2024</p>		
18 Jun 2024	Executive		Double Devolution – Pilot Business Case sign-off	No	The double devolution pilots are progressing with the parish and town councils, business case templates have been shared with them all and will require sign-off individually once completed. Specific dates to be agreed with each area and the	N/A	No needed	Rachel Joyce, Assistant Chief Executive for Localities Rachel.Joyce@northyorks.gov.uk ; 01423 556706	Double Devolution – Pilot Business Case sign-off

					Forward Plan will be updated for each area once this has been confirmed. Areas for information: Filey Town Council Knaresborough Town Council Malton Town Council Northallerton Town Council Ripon Town Council Selby Town Council Skipton Town Council Whitby Town Council				
8 Jun 2024	Executive		Review of Maximum Hackney Carriage Fares	Yes	To review the current maximum Hackney Carriage fares set by the Council consequent to consultation and statutory public notice.	Hackney Carriage trade and users of Hackney Carriages	The Hackney Carriage trade was consulted in the preparation of the original proposals. This was followed by a statutory public notice giving all parties a chance to comment on proposals.	Gareth Bentley, Head of Licensing gareth.bentley@northyorks.gov.uk	
7 May 2024	Executive		Harrogate Transforming Cities Fund Traffic Regulation Orders	Yes	For Executive to approve the introduction of the Traffic Regulation Orders required for the Harrogate	Executive Member for Highways and Transportation Harrogate &	Statutory consultation undertaken in line with Traffic Regulation Order process.	Tania Weston Email: tania.weston@northyorks.gov.uk , Tel No: 01609 532905	Harrogate Transforming Cities Fund Traffic Regulation Orders

					Transforming Fund project.	Cities	Knareborough Area Constituency Committee Member for Valley Gardens & Central Harrogate Statutory consultation undertaken in line with Traffic Regulation Order process. Statutory stakeholders and affected residents and businesses within the vicinity of the proposed schemes consulted before final implementation.			
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	

17 Sep 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.			Michael Rudd, Head of Housing Marketing Development (Commissioning), Health and Adult Services michael.rudd@northyorks.gov.uk	
17 Sep 2024	Executive		Redeployment of land to the north and south of Crosshills Lane, Selby	Yes	To approve the proposed redeployment of the property	Executive members and Management Board at the informal Executive meeting held on 8 June 2021		Philip Cowan, Non-Operational Property Manager, NYCC Property Services Philip.Cowan@northyorks.gov.uk	
19 Oct 2024	Executive		Double Devolution – Pilot Business Case sign-off	No	The double devolution pilots are progressing with the parish and town councils, business case templates have been shared with them all and will require sign-off individually once completed. Specific dates to be agreed with each area and the Forward Plan will be updated for each area once this has been confirmed. Areas for information: Filey Town Council Knaresborough Town	N/A	Not required	Rachel Joyce, Assistant Chief Executive for Localities Rachel.Joyce@northyorks.gov.uk ; Tel: 01423 556705	Double Devolution – Pilot Business Case sign-off

					<p>Council Malton Town Council Northallerton Town Council Ripon Town Council Selby Town Council Skipton Town Council Whitby Town Council</p>				
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
17 Dec 2024	Executive		Double Devolution – Pilot Business Case sign-off	No	<p>The double devolution pilots are progressing with the parish and town councils, business case templates have been shared with them all and will require sign-off individually once completed. Specific dates to be agreed with each area and the Forward Plan will be updated for each area once this has been confirmed.</p> <p>Areas for information: Filey Town Council Knaresborough Town Council Malton Town Council Northallerton Town Council</p>	N/A	Not required	Rachel Joyce, Assistant Chief Executive for Localities Rachel.Joyce@northyorks.gov.uk; Tel: 01423 556705	Double Devolution – Pilot Business Case sign-off

					Ripon Town Council Selby Town Council Skipton Town Council Whitby Town Council				
21 Jan 2025	Executive		Revenue Budget 2025/26 and Medium Term Financial Strategy - To make recommendation to Full Council	Yes	To consider and recommend to Council the Revenue Budget for 2025/26 and the Medium Term Financial Strategy (MTFS) including: 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 2025/26 and Medium Term Financial Strategy - To make recommendation to Full Council
18 Feb 2025	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

**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.**