Agenda

Meeting: **Executive**

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

Date: **Tuesday, 17th January 2023**

Time: **11.00 am**

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

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The government position is that of learning to live with COVID-19, removing domestic restrictions while encouraging safer behaviours through public health advice. In view of this, hand cleanser and masks will be available for attendees upon request. The committee room will be well ventilated and attendees encouraged to avoid bottlenecks and maintain an element of social distancing. Please contact the named supporting officer for the committee, if you have any queries or concerns about the management of the meeting and the approach to COVID-19 safety.

Please do not attend if on the day you have COVID-19 symptoms or have had a recent positive Lateral Flow Test.

Business

1. **Minutes of the Meeting held on 10 January 2023** **(To Follow)**

2. **Declarations of Interest**

3. **Public Questions and Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice to Melanie Carr of Democratic and Scrutiny Services and supplied the text (contact details below) by midday on 12 January 2023, 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.

OFFICIAL

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

4. New Constitution for North Yorkshire Council (Pages 3 - 464)

5. North Yorkshire Climate Change Strategy Consultation Draft and York and North Yorkshire Routemap to Carbon Negative Recommendations: (Pages 465 - 594)

The Executive is recommended to:

i. endorse the York and North Yorkshire's Routemap to Carbon Negative, whilst recognising that many of the ambitions and actions in the Routemap are the responsibility of others and outside the control and influence of the Council;

ii. agree to undertake a public consultation on the Draft North Yorkshire Council Climate Change Strategy 2023-2030 and authorise the Assistant Director Policy, Partnerships and Communities to make any necessary changes to the text following the discussion at this meeting; and

iii. receive a further report, after the conclusion of the public consultation, outlining the results of the consultation and including the proposed North Yorkshire Council Climate Change Strategy 2023-2030.

6. Appointments Report (Pages 595 - 596)

7. Forward Plan (Pages 597 - 612)

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

Contact Details

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Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

Monday, 9 January 2023

North Yorkshire County Council

EXECUTIVE

17 January 2023

New Constitution for North Yorkshire Council

Report of the Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

1.0 PURPOSE OF REPORT

1.1 This report presents to Members, for their consideration and recommendation to full Council for approval, the governance arrangements, and a draft Constitution, for the new unitary authority.

1.2 This report also sets out recommended executive arrangements for executive functions for approval by the Leader.

1.3 This report further sets out recommended delegations by the Executive for approval.

2.0 EXECUTIVE SUMMARY

2.1 The draft Constitution sets out how the new authority will operate; how it will make decisions and the steps that are to be followed to make sure the new authority's decisions are efficient, transparent and accountable to local people. The Council must ensure that copies of the Constitution are available for inspection by the public at all reasonable hours and supply a copy of the same upon request (upon payment of such reasonable fee as the Council may determine).

2.2 This report explains the fundamental principles of the governance arrangements for the new unitary authority (as a continuing authority model of local government reorganisation) which are set out in detail in the new draft Constitution to apply from Vesting Day (1 April 2023), a copy of which is available to view electronically at **Appendix 1** to this report with the agenda papers published on the Council's website.

2.3 A diagram summarising the overall proposed governance structure and illustrating the relationship between the full Council, Council committees, Executive, Executive Committee, Area Constituency Committees and Overview and Scrutiny Committees is set out at **Appendix 2**. The most substantive changes are summarised in the bulleted list below, relating to the Council committees dealing with planning and regulatory matters, standards, Area Constituency Committees and Overview and Scrutiny Committees.

- **Full Council**

- **Council Committees** (dealing with non-executive functions)

  - No change or minor modifications to most existing Council committees
  - New committees/substantive changes for the following:

- ❖ a **Strategic Planning Committee**
- ❖ six **Area Constituency Planning Committees** (following the MP constituency boundaries, as with the Area Constituency Committees)

- ❖ a **Statutory Licensing Committee**
  - and sub-committees
- ❖ a **General Licensing and Registration Committee**
  - and sub-committees

- ❖ a **Standards and Governance Committee**

- **Executive**

- **Executive Committees** (dealing with executive functions)
  - ➢ **Shareholder Committee**

- six **Area Constituency Committees** following the MP constituency boundaries (dealing with both executive and non-executive functions)

- six **Overview and Scrutiny Committees**

2.4 The draft governance arrangements and draft Constitution have been reviewed through the Officers' Governance Workstream and Members' Working Group on the Constitution and are considered fit for purpose for the new authority. Any significant principles are highlighted in the later parts of this report.

2.5 A chart setting out proposed committees, their size and suggested meeting frequency is attached at **Appendix 3** for Members' consideration and recommendation to full Council for approval.

3.0 BACKGROUND

3.1 The North Yorkshire (Structural Changes) Order 2022 came into force (mainly) on 18 March 2022 and provides for the establishment, on 1 April 2023 (Vesting Day), of a single tier of local government in North Yorkshire and the creation of a new unitary authority. The Order also sets out transitional provisions for the two transitional periods leading up to Vesting Day.

3.2 The new authority is legally required to prepare and keep up to date a Constitution which contains the authority's standing orders (i.e. rules of procedure for its meetings); the code of conduct for Members; such information as the Secretary of State may direct; and such information as the authority considers appropriate. The Structural Changes Order provides that the creation of the new unitary authority will be legally based on the district council functions transferring to the legal entity of the County Council and the County Council will then be reorganised to create the unitary authority. This is known as the continuity authority model, as opposed to creating a whole new legal entity. The current County Council Constitution (originally based on the then Department for Transport, Local Government and the Regions model Constitution) has therefore been taken as the starting point for the new unitary authority Constitution. The amendments are therefore drafted on the basis of the continuing authority model of governance, namely the Leader and Executive model. The Council could consciously resolve to change this model through the relevant statutory process and resolutions at future full Council meetings. However it is noted that the Locality & Committee Governance Member Group concluded that the current governance model should continue and the future

governance model of the new authority be reviewed after Vesting Day. Ultimately this is a matter for Members to decide.

3.3 Various cross authority officer workstreams (with Project Sponsors) and sub-workstreams have been established to progress the work involved in supporting the local government reorganisation process:

- Corporate Governance
- Communications, Engagement & Branding
- Customer
- Finance
- Human Resources and People
- ICT and Digital
- Locality
- Organisational Development
- Property
- Culture, Leisure & Sport
- Economic Development
- Housing
- Planning
- Regulatory Services and Emergency Planning (service continuity)
- Waste, Highways, Parking and Street-scene

3.4 The Corporate Governance Workstream has responsibility for the preparation of the new Constitution for the new unitary authority ("North Yorkshire Council") and its supporting principles for Members to approve. The Workstream has established various Sub-Workstreams to consider individual governance matters and it established a constitutional officer group to oversee the development of a proposed Constitution for NYC, in liaison with other Workstreams and Sub-Workstreams as appropriate. The proposals which have been developed, to ensure that the new authority has a lawful Constitution, are a collaborative effort across all eight councils.

Member Engagement

3.5 On 21 June 2022, the Executive approved proposals for engaging with Members on the necessary decision-making processes required prior to Vesting Day and agreed the establishment of the following cross-party Member Working Groups to look at various areas in more depth:

(1) Locality and Committee Governance
(2) Planning
(3) Customer
(4) Waste
(5) Member Support and role of a Councillor
(6) Licensing
(7) Council Tax Harmonisation

These task and finish groups have considered, reviewed and made recommendations on the areas within their remit to enable the necessary pre-Vesting Day decisions to be taken and the Constitution drafted accordingly. These Member Working Groups have been consulted in relation to those parts of the Constitution that relate to the functions they are considering.

3.6 Importantly the key principles supporting, and the detailed drafting of, the content of the new NYC Constitution has therefore been the subject of full consultation with relevant Officers across all eight authorities. Options papers on all key issues have been prepared by the relevant cross authority Officer Workstream and discussed with the associated relevant Member Working Group (where one is allocated), as has the subsequent detailed drafting of the Constitution based on those and subsequent consultations between them. The drafts of the Constitution considered by the Members' Working Group on the Constitution has therefore had the benefit of the input from the respective relevant Group(s).

Sectional Approach

3.7 Given the size of the Constitution document and the requirements for consulting various officer and Member Groups the management and drafting of the Constitution has taken place in sections. There have therefore been a series of reports to the Members' Working Group on the Constitution, with each covering a defined section of the Constitution, at the Group's meetings on 22 August 2022, 6 October 2022, 14 October 2022, 9 November 2022, 15 November 2022, 13 December 2022 and 5 January 2023. However, the full draft Constitution, attached electronically at **Appendix 1** to this report, is now brought to the Executive, and will proceed to full Council for approval, as one document.

4.0 DRAFT CONSTITUTION FOR NORTH YORKSHIRE COUNCIL

4.1 Following the extensive officer and Member consultation and engagement process outlined above, an electronic draft of the proposed Constitution for North Yorkshire Council is attached at **Appendix 1.** Given the size of the Constitution, over 400 pages, it is not proposed to print hard copies of the draft Constitution but an electronic copy is available to view with the agenda papers published on the Council's website.

4.2 The structure of the draft Constitution is as follows:

- **Part 1 - Summary and Explanation**
- **Part 2 – Articles**
- **Part 3 - Responsibility for Functions**
  - Schedule 1 – Council Committees, their membership and their powers
  - Schedule 2 – The Executive
  - Schedule 3 - Membership of Overview and Scrutiny Committees
  - Schedule 4 - Officers' Delegation Scheme
  - Schedule 5 - Appointments to Outside Bodies
- **Part 4 – Rules of Procedure**
- **Part 5 – Codes and Protocols**
- **[Part 6 – Members' Allowances Scheme]**
- **Part 7 – Management Structure**

Approval of the Members' Allowance Scheme (and any supporting documentation) is being sought through a separate process and it is recommended that the Monitoring Officer be given delegated authority to include the Scheme ultimately agreed by full Council.

4.3 Key parts of the Constitution are detailed in separate sections of this report below for Members' consideration, taking account of comments made through the lengthy and detailed engagement process outlined in this report.

4.4 Since the Working Group agreed the various sections of the draft Constitution for onward progression to Executive and full Council, however, the draft Constitution has continued, and will continue, to develop. Any significant proposed amendments since consideration by the Working Group are also highlighted below (excluding any minor amendments such as typographical, formatting or administrative amendments).

4.5 As mentioned above, the County Council's current Constitution has been used as a basis for the proposed Constitution for the new authority. Proposed amendments are shown by way of tracked changes. Highlighted text indicates parts of the Constitution which cannot be finalised at this point. The opportunity has also been taken to seek to make gender references more neutral across the whole Constitution.

4.6 Subject to any comments Members may have on the draft Constitution, it will go forward to full Council for approval of arrangements re non-executive functions and for approval of the Constitution itself. It is also recommended that delegations be made to the Monitoring Officer by full Council to enable the Monitoring Officer to:

a) make any further necessary consequential or other amendments to the Constitution for North Yorkshire Council to reflect and implement any further developments in the local government re-organisation process prior to Vesting Day including but not limited to the inclusion of the Members' Allowances Scheme (and supporting guidance documents) once agreed under the separate process; and

b) make any necessary textual revisions to ensure that the separate sections of the Constitution are consistent and work together as a whole.

4.7 The Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008 make provision for the transfer of functions from a predecessor council to the new unitary authority and the Explanatory Note to the Regulations sets out that in this context, "functions" means the powers and duties exercisable by a predecessor council. For absolute clarity, however, it is proposed that a resolution should be sought from both the Executive (in relation to executive functions) and full Council (in relation to non-executive functions) that current specific delegations to officers continue following Vesting Day unless and until they are superceded by a further delegation or authorisation.

5.0 PART 1 – SUMMARY AND EXPLANATION

5.1 The Members' Constitution Working Group agreed on 15 November 2022, that the Monitoring Officer should complete this Part of the Constitution, at the end of the drafting process, to reflect the other Constitutional principles and provisions agreed by the Working Group. Following the last meeting of the Working Group on 5 January 2023, a Part 1 Summary and Explanation has been completed and is included in the draft Constitution at **Appendix 1.**

5.2 The Working Group also agreed that the administrative parts of the Constitution such as the cover page, contents page and index be finalised by the Monitoring Officer under the proposed delegated powers to him (see paragraph 3.6 above), once the detailed drafting of the Constitution is complete and the content has been approved.

6.0 **PART 2 – ARTICLES OF THE CONSTITUTION**

6.1 The following draft Articles are set out in the proposed Constitution at **Appendix 1**:

- Article 1 - The Constitution
- Article 2 - Members of the Council
- Article 3 - Citizens and the Council
- Article 4 - The Full Council
- Article 5 - Chairing the Council
- Article 6 - Overview and Scrutiny Committees
- Article 7 - The Executive
- Article 8 - Regulatory and Other Committees
- Article 9 - The Standards and Governance Committee
- Article 10 - Area Constituency Committees
- Article 11 - Joint Arrangements
- Article 12 - Staff
- Article 13 - Decision Making
- Article 14 - Finance, Contracts and Legal Matters
- Article 15 - Review and Revision of the Constitution
- Article 16 - Suspension, Interpretation and Publication of the Constitution

6.2 Article 10 sets out the names and composition of the proposed Area Constituency Committees. Since the Members' Constitution Working Group consideration of the Article, a further suggested amendment has been included, to reference in Article 12.02 the six divisions which are covered by more than one Area Constituency Committee.

6.3 Article 12 deals with Staff and explains the roles of officers generally and also Chief Officers, Statutory Officers and Proper Officers. Certain legislation requires the full Council to designate a particular officer as "Proper Officer" for the performance of certain functions. These designations are set out in Article 12.06 of the draft Constitution. The opportunity has been taken to re-order the list of Proper Officer Functions by including a new 'Registration' section in the table.

6.4 For absolute clarity it is recommended that:

a) full Council specifically appoint those officers listed in Article 12.06 to the posts identified, (full Council has already, at its meeting on 17 August 2022, designated the Chief Executive Officer as the Electoral Registration Officer and Returning Officer), including:

   i. the Assistant Chief Executive Legal and Democratic Services as the Deputy Electoral Registration Officer and Deputy Returning Officer; and

   ii. specifically designate the Assistant Chief Executive Legal and Democratic Services to be Proper Officer for any other proper officer function not currently specified in Article 12.06.

7.0 **PART 3 – RESPONSIBILITY FOR FUNCTIONS**

7.1 A proposed set of delegation arrangements for the new unitary authority is set out in Part 3 of the Constitution.

7.2 Part 3 of the Constitution deals with responsibility for the Council's functions, namely what persons/bodies in the organisation have what powers of decision

making. Part 3 sets out terms of reference/delegated powers for all bodies and persons except full Council (whose powers are contained in Article 4 of the Constitution) and Overview and Scrutiny Committees (whose powers are set out in Article 6). Part 3 is a large part of the Constitution and is the subject of separate sections in this report below for ease of reference.

7.3 Sections 2 and 5 of Part 3 sets out the responsibilities of, and delegations by, full Council.

7.4 Legislation sets out those functions of the authority which must not be the responsibility of the Executive and those functions which authorities may decide either to give to the Executive or not – these are referred to as "local choice functions". All other functions are, by default, the responsibility of the Executive.

7.5 A draft Table setting out proposed responsibility for NYC Local Choice Functions is included in section 4 of Part 3 of the Constitution. The Table has been re-written to remove out of date entries where the relevant legislation has been repealed and to include local choice functions relevant to district/borough councils.

7.6 The proposals have been reviewed through the Constitution Officers' Sub-Workstream and the relevant Member Task and Finish Groups and reflect the new proposed governance arrangements for the new unitary authority.

7.7 **Schedule 1 – Council Committees, their membership and their powers**

7.7.1 Schedule 1 to Part 3 of the Constitution sets out the committees proposed for the new authority to carry out delegated non-executive functions, along with proposed terms of reference. The key proposals for Schedule 1 are highlighted below.

7.7.2 In respect of certain committees it is not proposed that substantive changes are required:

- Audit Committee
- Appeals Committee (Home to School Transport)
- Employment Appeals Committee
- Chief Officers Appointments and Disciplinary Committee
- Chief Officers Appointments Sub-Committee
- Chief Officers Disciplinary Panel
- Pension Fund Committee
- Pension Board
- Health and Wellbeing Board
- North Yorkshire Police, Fire and Crime Panel

7.7.3 The more substantive amendments and proposals are in respect of planning, licensing, Area Constituency Committees and the Standards Committee and more detail on these proposals is set out below. There have been some further revisions to Schedule 1 since the Members' Constitution Working Group's consideration of it: some are administrative arrangements, such as the re-ordering of committees in the Schedule; any more substantive changes are highlighted later in the report.

7.7.4 **Planning**

7.7.4.1 Following consideration by the relevant officer sub-workstream, Member task and finish group and the Members' Working Group on the Constitution, it is proposed the planning function be delivered through a Strategic Planning Committee of, for example 12 to 15 Members – one of which is the Chair from each of the Area

Constituency Planning Committees, and six Area Constituency Planning Committees of, for example between 7 to 9 Members, matching the MP constituency boundaries of the Area Constituency Committees. By default, these Area Constituency Planning Committee will be subject to political proportionality based on the Council as a whole. However it is proposed that these Area Constituency Planning Committees be based upon the existing political balance in each Constituency area with the Chairs of each Committee being determined by full Council.

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7.7.4.2 It is recommended that the Strategic Planning Committee determine larger applications for strategic infrastructure, housing and minerals and waste developments and to determine significant cross boundary applications. As it is a central committee it would be a proportionate committee with its own terms of reference. Detailed proposed Terms of Reference for the Strategic Planning Committee and Area Constituency Planning Committees are set out in Part 3 Schedule 1 of the draft Constitution at **Appendix 1**.

7.7.4.3 It is specifically proposed that:

Except where delegated to Officers it is proposed that the Strategic Planning Committee will deal with applications relating to:

- Significant planning applications relating to minerals or waste.
- Significant planning applications relating to energy or physical infrastructure accompanied by an Environmental Impact Statement and where it is intended to recommend approval.
- Planning applications for more than 500 houses and where it is intended to recommend approval.
- Planning applications which are defined as a departure from the adopted Development Plan for which the Secretary of State must be consulted and where it is intended to recommend approval.
- Planning applications where the CD/HOP considers the application to raise significant strategic planning issues that affect more than one area committee geography.

and

- To support and be consulted in respect of any Development Plan documents
- Respond as a statutory consultee to National Significant Infrastructure Projects for which a development consent order is being sought under the Planning Act 2008.

There would be no referral down of applications from Strategic Planning Committee to Area Constituency Planning Committees

It is proposed the Area Constituency Planning Committees will deal with:

- All applications not within the remit of the Strategic Planning Committee or delegated to an Officer
- the Council's functions as the Commons Registration Authority for common land and town/village greens.
- powers relating to the protection of important hedgerows.

- to support and be consulted in respect of any Development Plan documents.
- making representations to the Secretary of State regarding Public Path Orders to which a valid objection has been received following public advertisement of the Order, subject to consultation with the relevant Executive Member(s) and local Member(s) – this item has been added to the draft Terms of Reference since consideration by the Members' Working Group on the Constitution.
- There would be no referral up of applications from the Area Constituency Planning Committee.

7.7.5 **Licensing**

7.7.5.1 The Licensing Member Working Group considered the issue of licensing functions and the committees required to enable the new authority to undertake the necessary regulatory decision-making required by law in relation to licensing and concluded that a recommendation should be made for the establishment of two central committees to deal with licensing: a Statutory Licensing Committee of 15 Members and a General Licensing and Registration Committee of 25 Members. Each central committee would then have sub-committees to be convened to determine applications/hearings.

7.7.5.2 The Licensing Act 2003 requires NYC to establish one licensing committee to deliver licensing functions relating to alcohol and premises, comprising of between 10-15 members and the membership of any sub committees drawn from it. The Gambling Act 2005 requires gambling functions to be delegated to this same licensing committee. These elements cannot therefore lawfully be delegated to the Area Constituency Committees.

7.7.5.3 Licensing decisions required under different legislation concerning other licensing activities (e.g. taxis, sexual entertainment venues etc.) are taken by, or delegated to, officers by a regulatory committee established under the Local Government Act 1972. It is therefore possible for these type of functions to be delegated to Area Constituency Committees and included in their Terms of Reference, however the view of the Licensing Member Working Group, Locality Member Working Group and Members' Constitution Working Group was that licensing functions should be retained within the Statutory and General Licensing Committees' structure. Looking at other authorities' arrangements, all have separated out licensing regulatory decision making into central licensing committees. Some have for their Area Constituency Committees to deliver a mix of regulatory decisions, community leadership and place making but they do <u>not</u> include licensing functions.

7.7.6 **Area Constituency Committees**

7.7.6.1 It is proposed that six Area Constituency Committees (ACCs), based upon MP constituency boundaries, be created. The outcome of the boundary review will not come into effect until the next general election. As such, it is recommended to proceed with the existing boundaries and representation.

7.7.6.2 The proposed remit of ACCs is broadly:

- Local democracy and holding the Executive to account.
- Place shaping role for economic development and enterprise.
- Local community leadership including liaising with Community Networks.
- Delegated decision making in relation to certain local highways issues.
- To promote and encourage tourism and heritage, arts, leisure and culture.

- With the agreement of the Chair of the Area Constituency Committee, to make recommendations to the appropriate officer and/or body regarding the following matters as they affect the Area Constituency Committee's area:
  - Housing
  - Transport
  - Estate needs for North Yorkshire Council
  - Climate change and environmental issues
- working to compliment the work of Scrutiny in acting as a critical friend in respect of specific local issues referred to the ACC by any of the Scrutiny Committees.
- A consultative role in respect of all Traffic Regulation Orders with Wide Area Impacts.
- To advise the Council on Boundary Consultations.

7.7.6.3 The full proposed Terms of Reference and delegated powers is set out in Part 3 of Schedule 1 of the draft Constitution attached at **Appendix 1**. The remit is linked to member decisions around allocating regulatory decision making (i.e. planning and licensing), scrutiny functions and influencing policy development. It is proposed that ACCs do not take decisions in relation to licensing for the reasons set out above in this report, and that licensing functions are delivered by way of a Statutory Licensing Committee and General Licensing and Registration Committee; and planning decisions are undertaken by the Strategic Planning Committee and the six Area Constituency Planning Committees.

7.7.6.4 It is proposed that use is made of the current District and Borough Offices as the default venue and note the potential use of other venues in discussion with Democratic Services and the potential use of virtual meetings for non-decision making purposes.

7.7.7 **Standards and Governance Committee**

7.7.7.1 The provisions in relation to standards have been amended to reference the unitary authority's responsibility for dealing with standards complaints against parish council Members and the maintenance and publication of parish council registers of Members' interests.

7.7.7.2 It is also proposed that there should be a Standards and Governance Committee with the delegated the power to make certain decisions in relation to elections and to have responsibility for community governance on behalf of the Council together with making recommendations regarding Honorary Aldermen/women and to have residual powers in relation to consultation on personal Bills. The proposed terms of reference for the Standards and Governance Committee have therefore been amended in this respect and, for consistency with other committees, the terms of reference have been moved to Schedule 1 to Part 3, rather than being contained in Article 9 of the Constitution.

7.7.7.3 Article 9 of the Constitution ("The Standards and Governance Committee") contains draft consequential amendments accordingly.

7.7.7.4 It is proposed that the size of the Standards Committee be increased, in recognition of the new jurisdiction over parish council standards hearings, and, further, that regarding the required parish council representation at a standards complaint hearing panel when it is considering a complaint about a breach of a parish council code of conduct, one non-voting parish representative should be selected from a pool of parish council representatives who have received appropriate training to attend the hearing panel.

7.7.7.5 At the meeting of the Standards Committee on 17 October 2022, the Monitoring Officer sought the Committee's views regarding increasing the number of independent persons for standards for the new authority, given the extra responsibility for parish/town council standards complaints and the likelihood of increased complaint activity and hearings panels. The Standards Committee was in agreement that the pool of independent persons should be increased. A recruitment process will be commenced, with individual appointments being recommended to full Council for approval.

7.8 **Schedule 2 – The Executive**

7.8.1 The functions which are the responsibility of the Executive are covered in "Executive Arrangements", which the Leader can either exercise personally or allocate to the Executive itself, committees of the Executive, individual Executive members, or officers.

7.8.2 Sections 3 and 6 of, and Schedule 2 to, Part 3 set out the responsibilities of, and delegations by, the Executive. A proposed set of executive arrangements and delegations in the new unitary authority are attached at **Appendix 1** to this report.

7.8.3 The proposed amendments are mainly updating amendments, such as updating the portfolios of Executive Members in, and the removal of Executive Members' addresses from, Schedule 2.

7.8.4 **Executive Members' Delegation Scheme**

7.8.4.1 The main changes to the Executive Members' Delegation Scheme are to update cross-references and amend financial thresholds regarding grants and external funding in accordance with the new draft Financial Procedure Rules. The proposed addition of a new paragraph 16 in the Executive Members' Delegation Scheme is to record a specific delegation which was previously granted by the Executive. Further consequential amendments to the Delegation Scheme may be required as the proposed new Constitution progresses through the approval process.

7.8.5 **Shareholder Committee**

7.8.5.1 The opportunity has been taken to add the following further clarification into the Shareholder Committee delegations:

- that the Shareholder Representative powers are required to be exercised in accordance with the Committee's scheme of delegation as opposed to the Council's general scheme;
- amending all references to expenditure to align with the Financial Procedure Rules' threshold of £500k;
- minor administrative changes, e.g. re-numbering paragraphs.

7.8.6 **Member Champions**

7.8.6.1 At present, there are two Member Champions (for Older People and Young People) which have a Special Responsibility Allowance (SRA) attached (currently at £1,771).

7.8.6.2 The Independent Remuneration Panel for Member Allowances has been requested by the Monitoring Officer to look at paying a Special Responsibility Allowance for any further Member Champion roles. It is recommended by the Leader to appoint a Member Champion for Climate Change, and if this was implemented, it would attract

the same SRA as the other two Champions (as considered by the Council's Independent Remuneration Panel on Members' Allowances). Member Champions with an SRA are members of Scrutiny Board and provide an annual report to the relevant Overview and Scrutiny Committee.

7.8.6.3 Whilst Member Champions are referenced in the Constitution, their precise role and remit is not currently defined. It is proposed that such wording should be included, for increased clarity, in the new Constitution for NYC. Draft wording in this respect is included in a proposed new section 5 of Part 3, Schedule 2 of the Constitution, attached at **Appendix 1**.

7.8.6.4 Subject to any comments Members may have:

a) the Leader is recommended to approve the draft executive arrangements set out in the draft Constitution attached at **Appendix 1** and to recommend them to full Council for inclusion in the new Constitution; and

b) the Executive is recommended to approve its delegations and references to Member Champions set out in the draft Constitution attached at **Appendix 1** and to recommend them to full Council for inclusion in the new Constitution.

7.9 **Schedule 3 – Membership of Overview and Scrutiny Committees**

7.9.1 The creation of the new unitary authority will see a broader range of services being commissioned and provided (housing, benefits, planning, environmental health, leisure, street scene, waste, elections). The scrutiny function, therefore, will need to be able to flex to fit this broader role and remit. Potential options for overview and scrutiny arrangements in the new authority have been discussed at several meetings of the Members' Constitution Working Group.

7.9.2 The work of the committees is co-ordinated by Scrutiny Board (a private meeting of the scrutiny chairs and older people's and young people's champions). Scrutiny Board is informal. Links are also made with the Area Constituency Committee (ACC) Chairs and Vice Chairs (also a private meeting), so that elements of scrutiny work can be led upon by an ACC, where there is a particular local interest.

7.9.3 Each committee maintains its own work programme and currently meets formally 4 times a year and informally (Mid Cycle Briefing) with only the Chair, Vice Chair and Group Spokespersons 4 times a year. Each committee has 16 county councillors on it, with seats allocated according to political proportionality. The exception to this is the Scrutiny of Health Committee which has 16 county councillors and 7 district and borough councillors. After 1 April 2023, the membership will reduce down to 16 councillors, in line with the other committees. The options considered by Members work on the assumption that the size of the committees and the frequency of meetings remains unchanged.

7.9.5 At its meeting on 13 December 2022, the Members' Working Group on the Constitution agreed that the following recommendations should be made to the Executive and full Council regarding proposed overview and scrutiny arrangements in the new unitary authority:

a) That there should be the following Overview and Scrutiny Committees:

i. Care and Independence and Housing
ii. Transport, Economy, Environment and Enterprise
iii. Scrutiny of Health

iv. Children and Families
v. Corporate and Partnerships
vi. Transition (LGR) Overview and Scrutiny Committee – this committee should be retained for a further three years (until 31 March 2026) with a review after two years (ie after 31 March 2025); to scrutinise Leisure, Culture, Tourism, Arts, Waste Collection, Bereavement Services and Licensing.

b) That the Scrutiny Board should continue in its current role as an informal co-ordinating and peer challenge meeting and that it does not take on a broader or more formal remit.
c) That the number of meetings should remain unchanged and be determined by the Chair of the committee in consultation with Members.
d) That overview and scrutiny work be undertaken by Area Constituency Committees at the request of the lead Overview and Scrutiny Committee(s) and not independently of them.
e) That co-optees continue to be appointed to Overview and Scrutiny Committees as appropriate where it can be demonstrated that they add value by bringing expert and technical information and insight.
f) That a review of the overview and scrutiny arrangements is undertaken after 12 months of operation
g) That any necessary amendments to the Terms of Reference of the overview and scrutiny committees are made, along with any other necessary consequential amendments.

7.9.6 The name, number, scope and Terms of Reference of the proposed Overview and Scrutiny Committees are detailed in Article 6 of the Constitution attached at **Appendix 1**. Further, consequential, amendments to the draft Article 6 have been made since the Working Group meeting on 13 December 2022, to reflect the Group's agreed recommendations.

7.9.7 Proposed Overview and Scrutiny Procedure Rules for the new authority were reviewed through the Constitution Officers' Sub-Workstream and by the Members' Constitution Working Group on 6 October 2022, when the Group agreed that the Rules set out in Part 4 of the Constitution (and included in **Appendix 1**) should be proposed to the Executive for onwards recommendation to full Council for approval. Further detail on these Rules is included later in this report.

7.9.8 Subject to any comments Members may have, it is proposed that the arrangements for overview and scrutiny set out in **Appendix 1** be agreed for recommendation to full Council for approval.

7.10 **Schedule 4 – Officers' Delegation Scheme**

7.10.1 A proposed Officers' Delegation Scheme for the new unitary authority is attached at **Appendix 1** to this report, in Part 3 Schedule 4 of the draft new Constitution. This reflects the draft structure for the new authority circulated by the Chief Executive Officer on 30 September 2022:

OFFICER	AREAS OF RESPONSIBILITY
Corporate Director Children and Young People's Service	**Children and Families** **Inclusion** **Schools, Adult Education and**

	Outdoor Education Services
Corporate Director of Health and Adult Services	**Adult Social Care** **Public Health** **Prevention and Service Development**
Corporate Director of Resources	**Finance Incl. Pension Fund** **Property** **Procurement** **Commercial** **Technology** **Transformation** **Customer and Revenue and Benefits** **Data governance and data security**
Corporate Director of Community Development	**Planning** Town and country planning (including minerals and waste planning) and development control And related enforcement action Building Control **Local Land Charges** **Economic Development, Regeneration, Tourism and Skills** **Culture, Arts, Libraries, Museums, Archives, Key Venues and Leisure** **Housing**
Corporate Director of Environment	**Highways and Transportation** Integrated Passenger Transport Traffic and vehicle regulation Road safety Parking Services Street Scene incl street cleansing and litter Street works Street café and pavement licences And related enforcement action **Physical Environment** Public Rights of Way Definitive Map Parks, Playgrounds, Public Open Spaces and Grounds **Commons Registration** Common land and town and village green **Environmental Services including**

	Low Carbon, Natural Capital and Waste Services Environmental Health and protection and pest control Waste collection, disposal and management Control of pollution and management of air quality (regulatory and licensing functions only) **Flood management** **Licensing and registration functions** **Harbours** Harbour Authority and harbour management **Regulatory Services** Weights and measures and food Trading Standards and consumer protection Coronavirus Animal health Sports grounds Explosives licences Health, safety and welfare in connection with work And any related enforcement action Registration, Bereavement, Coroners' Service **Registration of Births, Deaths and Marriages** Bereavement services Statutory public health funerals Public and private burials and cremations and maintenance of closed churchyards Coroners' Service
Assistant Chief Executive HR and Business Support	**Human Resources** **Business Support**
Assistant Chief Executive Local Engagement	**Communications** **Locality structure** **Emergency Planning** **Policy, Performance** **Refugee / Asylum Issues** **Community Safety (including CCTV)**
Assistant Chief Executive Legal and Democratic Services	**Legal** **Democratic Services** **Member support** **Elections**

7.10.2 The earlier text in the draft Scheme regarding statutory officers and general rules of delegation for all Chief Officers are more minor in nature, with very little amendment to the County Council's current Constitution. The more significant changes are proposed to the specific delegations later in the Scheme, to reflect the new proposed structure for the new authority and the transfer of district/borough council functions to North Yorkshire Council, including housing, bereavement services, leisure, licensing and planning. Given the volume and complexity of these amendments, the draft new Scheme has been re-written rather than proposing amendments by way of tracked changes on the current Scheme.

7.10.3 Under the specific delegations to each Chief Officer, delegations have been categorised under broad headings with more detail following on in the relevant section. The proposed amendments to the Officers' Delegation Scheme do not list every specific function under every statute for each Chief Officer as this would lend to an unwieldy and lengthy Scheme.

7.10.4 Subject to any comments Members may have, Members are recommended to:

a) approve the delegation of executive functions as set out in the Officers' Delegation Scheme attached in the draft Constitution at **Appendix 1**;

b) recommend to full Council for approval, the delegation of the non-executive functions as set out in the Officers' Delegation Scheme attached in the draft Constitution at **Appendix 1** and the inclusion of the Scheme in the Constitution.

7.11 **Schedule 5 – Appointments to Outside Bodies**

7.11.1 The Schedule of Appointments to Outside Bodies has been reviewed through the Constitution Officers' Sub-Workstream and Members' Working Group on the Constitution and options considered regarding how the appointments to outside bodies for all eight existing councils could be managed. The following options were considered:

- Option 1 – all the Outside Bodies from the eight existing local authorities be included in the new Constitution
- Option 2 – review all Outside Bodies against an agreed criteria prior to inclusion in the new Constitution
- Option 3 – stop all appointments to Local Bodies (nominations by local councillors)
- Option 4 – do nothing.

7.11.2 The preferred approach to the Schedule of Appointments to Outside Bodies was Option 1, to include all the Outside Bodies from all eight authorities, with a detailed review of over 200 Outside Bodies taking place at a later date. This is in line with the ethos of 'safe and legal at day 1', and would enable a more rigorous approach to determining which Outside Bodies are supported by the new Council, after Vesting Day. All duplicate appointments and appointments to defunct bodies have been removed from the Schedule in the draft Constitution attached at **Appendix 1**.

7.11.3 Subject to any comments Members may have, Members are recommended to:

a) approve the Executive appointments to Outside Bodies as set out in the Schedule of Appointment to Outside Bodies in Part 3 Schedule 5 of the draft Constitution at **Appendix 1**;

b) recommend to full Council for approval, the Council appointments to Outside Bodies as set out in the Schedule of Appointment to Outside Bodies in Part 3 Schedule 5 of the draft Constitution at **Appendix 1** and the inclusion of the updated Schedule of Appointments to Outside Bodies in the Constitution.

8.0 PART 4 – RULES OF PROCEDURE

8.1 Part 4 of the Constitution sets out the detailed procedural rules governing how the Council operates, how decisions are made and the procedures which are followed to ensure good governance. Draft amendments to the numerous Procedure Rules are set out by way of tracked changes in Part of the new draft Constitution at **Appendix 1** to this report. Further details of the proposed amendments are set out below.

8.2 Council Procedure Rules

8.2.1 A proposed set of Council Procedure Rules for the new unitary authority is contained in Part 4 of the proposed Constitution at **Appendix 1** to this report. The Rules constitute the Council's statutory standing orders in relation to the regulation of Council proceedings and business.

8.2.2 The Members' Constitution Working Group has previously considered, at several of its meetings, issues relating to the Council Procedure Rules for the new unitary authority, particularly in relation to the time and place of full Council meetings, motions, Members' questions, substitute Members for overview and scrutiny and voting at Area Constituency Committees.

8.2.3 The main proposed amendments are to:

- Council Procedure Rule 4 (simplification of substitute arrangements), now removing reference to a substitute being from same political group;
- Council Procedure Rule 9 regarding public questions and the chair having the discretion to time limit when similar questions are grouped together and to clarify that questions need to be directed to the relevant portfolio holder or committee Chair;
- Council Procedure Rule 10 (Member questions and statements)
- Council Procedure Rule 14 (Previous Decisions and Motions) to increase the number of other Members required to sign a summons (in addition to the proposer) from 10 to 15, given the increase in the number of Council Members (from 72 to 90).

8.2.4 Since the Members' Constitution Working Group last considered the Rules, some further, consequential amendments have been proposed to reflect title and structure changes under the proposed new structures.

8.3 Access to Information Procedure Rules, Budget and Policy Framework Procedure Rules, Executive Procedure Rules, Overview and Scrutiny Procedure Rules and Staff Employment Procedure Rules

8.3.1 The following Procedure Rules have been reviewed and only minor changes are proposed as these Rules reflect legal requirements:

- **Access to Information Procedure Rules** - set out procedures in relation to public access to information about the business of the authority and the decisions it is making.

- **Budget and Policy Framework Procedure Rules** - set out the Council's framework for the adoption by the Council of its main budget and policy framework and then detail the responsibilities of the Executive and relevant processes involved in the Executive implementing the agreed budget and policy framework.
- **Executive Procedure Rules** - govern how the Executive operates insofar as who may make decisions and how meetings are conducted.
- **Overview and Scrutiny Procedure Rules** – govern the operation of overview and scrutiny committees and the overview and scrutiny process.
- **Staff Employment Procedure Rules** - include the Council's Standing Orders with respect to staff in accordance with Section 8 of the Local Government and Housing Act 1989, including the recruitment and appointment of staff, Head of Paid Service, Chief Officers and other appointments, and the right of the Leader on behalf of the Executive to object to proposed senior appointments. The Rules also contain provisions for disciplinary action against and dismissal of staff.

8.3.2 Minor amendments are suggested to these Rules, mainly to make the Rules more gender neutral and to reflect the proposed new structure of the new authority. Since the Members' Constitution Working Group considered the Rules, some further, administrative amendments have been made to amend proposed post title and structure changes under the proposed new structure and, in the case of the Overview and Scrutiny Procedure Rules, to reflect the recommendations being made to Executive and full Council regarding the name, number and remit of overview and scrutiny committees for the new authority (as highlighted earlier in this report).

8.4 **Financial Procedure Rules**

8.4.1 A proposed set of Financial Procedure Rules for the new unitary authority is contained in Part 4 of the proposed Constitution at **Appendix 1** to this report.

8.4.2 The draft Rules have been prepared by the Finance workstream and agreed by the s151 Officers from the eight existing councils for recommendation for approval. The opportunity has been taken to fully update and strengthen the County Council's existing Financial Procedure Rules to ensure they are suitable for use by the new council and reflect best practice. The updated Rules will provide the framework for financial management within the new Council, ensuring appropriate control and accountability of resources, and the management of risk.

8.4.3 The main proposed differences from the current County Council Constitution are set out below:

- The purpose, scope and objectives of the Rules have been further clarified and the wording made more approachable and easy to understand.
- Job roles are used throughout instead of specific post titles to avoid the Rules needing to be updated for any subsequent changes
- The respective roles and responsibilities of the Chief Finance Officer (s151 Officer), Corporate Directors and budget holders are now more clearly defined. Corporate Directors now have the flexibility to manage the budgets under their control (with oversight from the CFO) but they will be held accountable
- The rules on virements have been simplified to reflect the larger organisation and the allocation of responsibilities between the CFO and Corporate Directors
- Other approval processes have been simplified and financial thresholds increased to reflect the larger organisation and to minimise delays
- New sections on reserves, emergency procedures, financial systems and records, the statutory accounts and external audit, the review of the system of internal control, commercial activities and interests, and the Court of Protection

have been included. This is to reflect best practice and to address some previous omissions.

- The section on grants and external funding has been clarified regarding the procedures which must be followed before applications are submitted and grants accepted. This is to reflect the risks attached to grant funding.
- The section on partnerships has been updated to reflect the actual governance arrangements of the new Council.
- New sections on harbour accounts, developer contributions and the Housing Revenue Account have been added because these are required to cover functions previously undertaken by the district / borough councils.

Example Financial Procedure Rules from other unitary councils were also considered, to ensure there were no significant gaps or omissions in the current draft.

8.4.4 The Financial Procedure Rules were amended to reflect the comments of the Members' Working Group on the Constitution. Since the Group considered the Rules, some further, administrative amendments have been made to amend proposed post title and structure changes under the proposed new structure.

8.5 **Procurement and Contract Procedure Rules**

8.5.1 A proposed set of Procurement and Contract Procedure Rules for the new unitary authority is contained in Part 4 of the proposed Constitution at **Appendix 1** to this report. The Rules govern how the Council procures goods, works and services and align to the Public Contracts Regulations 2015 (the 2015 Regulations).

8.5.2 The 2015 Regulations and the Council's Rules aim to:

- Simplify the procurement process
- Speed up the procurement process where possible
- Provide a more cost effective procurement process
- Promote sustainable procurement
- Drive supplier engagement and innovation.

Agreement of the Rules prior to Vesting Day will allow the iterative process of updating the operational procurement manual, training to required staff and clarity on roles and responsibilities for the Procurement and Contract Management Service (P&CMS) going forward.

8.5.3 As part of the preparations for local government reorganisation a cross-functional review of the existing standing orders and arrangements for procurement and contracting for each of the eight organisations has been undertaken. The Creditors, Procurement and Contracts work stream agreed that the County Council rules should form the basis for the revised rules for the new authority.

8.5.4 A comprehensive review of the Procurement and Contract Procedure Rules has taken place, in conjunction with the District and Borough Councils, to ensure appropriate governance arrangements in relation to procurement and contract management are in place by Vesting Day for the new North Yorkshire Council (NYC). The Section 151 Officers' Workstream has been consulted on the proposed amendments, which were 'signed off' by the Creditors, Procurement and Contract work stream, the Governance work stream and the Members' Working Group on the Constitution.

8.5.5 Key changes proposed to the Rules, along with other minor corrections and cross referencing changes, are set out by way of tracked changes on the version contained in the Constitution attached to this report at **Appendix 1** and the more significant

changes are explained below. As part of the review, the opportunity has been taken to seek to simplify the Rules where possible and therefore some Rules have been removed.

Key Changes

8.5.5.1 **Updated glossary**: Throughout the Rules the glossary terms have been amended to be consistent and clear.

8.5.5.2 **Scheme of Delegation**: Rule 1.3(e) details Rules which Officers cannot delegate. This section has been amended to enable more decisions of a Corporate Director, Corporate Director of Resources and/or Assistant Chief Executive Legal and Democratic Services to be delegated, to enable operational decisions to be made quickly and efficiently. This will allow coverage to these Roles in times of absence or the need to expedite decisions at pace/emergency situations. This section has also been reviewed with corrections in place for cross-referencing.

8.5.5.3 **Increased monetary threshold for Best Value process**: Currently an Officer can undertake a Best Value Process i.e. seek quotes from a minimum of three suppliers or direct award up to £25,000 excluding VAT. It is proposed that this figure is increased to £50,000 exclusive of VAT. Officers will need to complete a Best Value Form for each process and submit to the P&CMS for internal audit purposes. This will allow greater flexibilities for NYC in procuring low risk low value contracts for goods/works and/or services, including maximising the potential to work with Local SME/VCSE Suppliers.

8.5.5.4 **Publishing on the Contracts Register**: Within the Rules' tables at 2.14 and 17.6, the threshold for publishing contracts has reduced from £25,000 to £5,000 to bring publication in line with the Local Authority Transparency Code 2015.

8.5.5.5 **Electronic Deeds**: The ability to execute deeds electronically has been included at Rule 6. This is subject to a cross-functional internal review which includes approval of a system which is capable of enabling the Council to execute deeds electronically.

8.5.5.6 **Grants:**

8.5.5.6.1 In previous versions of the County Council's Procurement and Contract Procedure Rules the inclusion of the administering of grants has proven helpful to Officers, however it is acknowledged that there remains a degree of ambiguity in relation to the circumstances in which allocating a grant is permissible. This Rule has been simplified to apply to all Grants, and referencing to Grants throughout the Rules has been included to clearly outline the circumstances in which a Grant would be a preferable means to achieving the Council's objectives. Grants will follow the same governance process as Contracts through the Gateway procedure.

8.5.5.6.2 Further to this, a new Rule has been included in relation to the requirement to monitor and review the performance of grant agreements, having regard to its value, nature, duration and subject matter. This will ensure NYC is getting value for money from the grant and that the objectives are being delivered.

8.5.5.7 **Pilot Schemes**: There is the inclusion of new Exceptions at Rule 16 to include Pilot Schemes in relation to a proof of concept, trialling a product or area of innovation. This is only in relation to below WTO GPA (World Trade Organisation's Agreement on Government Procurement) thresholds. This will enable the Council to work flexibly to understand market innovations prior to conducting a formal Bid or Tender exercise.

8.5.5.7 Since the Constitution Working Group considered the Rules on 22 August 2022, some further, administrative amendments have been made to amend proposed post title and structure changes under the proposed new structure and are reflected in the draft Constitution at **Appendix 1.**

8.6 **Property Procedure Rules**

8.6.1 A proposed set of Property Procedure Rules for the new unitary authority is attached in the draft Constitution at **Appendix 1** to this report.

8.6.2 The Property and Housing Officer Workstreams have been consulted on the draft Rules and they have also been considered by the Constitution Officers' Sub-Workstream.

8.6.3 The existing Property Procedure Rules have been reviewed through the Constitution Officers' Sub-Workstream and minor amendments are suggested, mainly to make the Rules more gender neutral and to reflect the proposed new structure of the new authority. Since the Members' Working Group on the Constitution considered the Rules, some further, administrative amendments have been made to amend proposed post title and structure changes under the proposed new structure.

9.0 **PART 5 – CODES AND PROTOCOLS**

9.1 **Members' Code of Conduct**

9.1.1 A draft Code of Conduct for Members for the new unitary authority is attached in Part 5 of the draft Constitution at **Appendix 1** to this report. The draft Code is based on the County Council's current Code of Conduct, which was recently adopted by the Council, effective from the local elections on 5 May 2022, to take account of the new national model code of conduct issued by the Local Government Association.

9.1.2 The Members' Working Group on the Constitution queried whether the Code for the new authority should make explicit reference to whistleblowing and data protection responsibilities, and contain a positive statement as to Members' working collaboratively together for the good of the county and the Monitoring Officer sought the views of the Standards Committee at its meeting on 17 October 2022. The Standards Committee is responsible for monitoring the Code of Conduct and making any recommendations to full Council re changes to the Code. The Standards Committee felt that the wording of the Code as drafted was sufficient in this regard, but agreed that it would be helpful to add something to the supporting Guidance re the Code currently being drafted.

9.2 **Protocol re the role of the Leader and Chief Executive Officer in the Ethical Framework**

9.2.1 A proposed Protocol re the role of the Leader and Chief Executive Officer in the Ethical Framework for the new authority is attached in Part 5 of the draft Constitution at **Appendix 1** to this report. The draft Protocol sets out how the Leader and the Chief Executive Officer will support and promote the ethical framework within the new Council.

9.3 **Officers' Code of Conduct**

9.3.1 As in the County Council's current Constitution, reference to the Officers' Code of Conduct is contained in Part 5 of the draft NYC Constitution attached at **Appendix 1** by referring to the officers' code (the Standards of Conduct Policy for Employees) which is published on the Council's Intranet.

9.4 **Protocol for Member/Officer Relations**

9.4.1 A proposed Protocol for Member/Officer Relations for the new authority is attached in Part 5 of the Constitution at **Appendix 1**. The draft Protocol aims to guide Members and officers in their relations with each other so as to ensure the smooth running of the Council.

9.5 **Protocol for Official Press Releases**

9.5.1 A proposed Protocol for Official Press Releases for the new authority is attached in Part 5 of the Constitution at **Appendix 1**. This has been reviewed in consultation with the Head of Communications. The draft Protocol aims to ensure that Members and Officers are aware of the requirements in relation to local authority publicity.

9.6 **Guidance Note for Councillor and Officers on Outside Bodies**

9.6.1 A proposed Guidance note for Councillors and Officers on Outside Bodies for the new authority is attached in Part 5 of the Constitution at **Appendix 1**. The draft Guidance aims to further understanding of the implications of serving on outside bodies and ensure that Members and officers who sit on company boards are aware of, and comply with, their statutory duties under the Companies Act 2006. In addition, Members and officers should give consideration to CIPFA guidance on Council owned companies which is demonstrative of good practice.

9.7 **Protocol on Audio/Visual Recording and Photography at Meetings**

9.7.1 A proposed Protocol on Audio/Visual Recording and Photography at Meetings for the new authority is attached in Part 5 of the Constitution at **Appendix 1**. The draft Protocol confirms the Council's commitment to openness and transparency in its decision making and clarifies how meetings may be recorded.

9.8 **Planning Code of Conduct**

9.8.1 A draft Planning Code of Conduct is included in Part 5 of the new authority's Constitution attached at **Appendix 1** to this report for recommendation to full Council. The draft Code has been considered by the relevant officer sub-workstream and Member Task and Finish Group.

9.9 **Protocol re Honorary Aldermen and Alderwomen**

9.9.1 A draft Protocol re Honorary Aldermen and Alderwomen is included in Part 5 of the new authority's Constitution attached at **Appendix 1** to this report for recommendation to full Council. The draft Code has been considered by the relevant officer sub-workstream and Member Task and Finish Group.

10.0 **PART 6 – MEMBERS' ALLOWANCES SCHEME**

10.1 As detailed earlier in this report, the Members' Allowances Scheme is undergoing a separate approval process and it is proposed that it be included in the Constitution by the Monitoring Officer under delegated powers once it has been agreed by full Council.

11.0 **PART 7 – MANAGEMENT STRUCTURE**

11.1 A draft management structure for the new authority was circulated by the Chief Executive Officer on 30 September 2022 and a copy is attached at **Appendix 1** for recommendation to full Council for inclusion in the Constitution.

12.0 **DELEGATION TO CEO OF TRANSITIONAL POWERS TO APPROVE INTERNAL OPERATIONAL POLICIES DURING TRANSITIONAL PERIOD OF LOCAL GOVERNMENT REORGANISATION**

12.1 Under the North Yorkshire (Structural Changes) Order 2022, the main transitional function ("preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils' functions, property, rights and liabilities") and certain other transitional functions ("the article 7 functions") are exercisable by the Executive during the current second transitional period (the period beginning on the fourth day after the 2022 election day and ending on 1st April 2023).

12.2 The other transitional functions (article 7 functions) are (a) such NYCC executive and non-executive functions existing on the date on which the Structural Changes Order comes into force and (b) such other functions as the Secretary of State may specify by order or regulations.

12.3 There are also other general transitional duties in the Order including "… generally, to exercise their functions so as to further the purposes of this Order" which would cover adopting/approving plans and policies in readiness for Vesting Day.

12.4 The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 impose obligations about various statutory plans/strategies/policies, including by when they should be prepared, and also provides for continuity in relation to other policies prepared/published by the County Council and the district/borough councils so that they are treated as plans of the new unitary authority until replaced by the unitary. There are also continuity provisions re local development plans.

12.5 The relevant officer workstream has been working to prepare the policy framework for the new unitary authority from 1 April 2023, following the general principles set out below for the policy approval process:

- current County Council and district council policies and documents continue as normal for the new unitary authority (until replaced/amended by the new unitary authority). Such policies will not need a new approval *unless* they need to be amended or new policies are to be adopted before Vesting Day, in which case they would need to go through a specific approval process;

    - if they need to be approved pre Vesting Day, then the Executive has transitional powers under the Structural Changes Order to approve policies which would previously have had to go on to full Council. Where possible the relevant Overview and Scrutiny Committee will be consulted before approval by the Executive. Some highly significant policies may still go on to full Council for endorsement;

- operational policies regulating the internal operations and working practices of the County Council, including policies in relation to health and safety, information governance and IT, will be approved by the Chief Executive Officer under his delegated powers in the Officers Delegation Scheme;

- the Executive will, under its transitional powers, adopt any district/borough council function related policies if they require amendment/approval prior to or by Vesting Day.

12.6 Paragraph 4.1(m) of the Officers' Delegation Scheme in the Constitution sets out a delegation to the Chief Executive Officer to approve internal operational policies:

(m) That the Chief Executive, in consultation with the Leader of the Council, the appropriate Executive Member(s), the Corporate Director - Strategic Resources, the Assistant Chief Executive (Legal and Democratic Services), shall have authority to agree operational policies regulating the internal operations and working practices of the Council, which shall include, but not exclusively, policies in relation to health and safety, information governance, and IT policies.

Whilst it is believed that this delegation would already include the approval of any such policies under local government reorganisation transitional arrangements, in order for absolute clarity, it is recommended that the Executive makes the following specific delegation to the Chief Executive Officer to approve such policies during the second transitional period of local government reorganisation:

That the Executive delegates to the Chief Executive Officer the transitional power to approve, in consultation (as the Chief Executive Officer deems appropriate) with the Leader of the Council, the appropriate Executive Member(s), the Corporate Director Strategic Resources and the Assistant Chief Executive (Legal and Democratic Services), operational policies regulating the internal operations and working practices of the Council, which shall include, but not exclusively, policies in relation to health and safety, information governance, and IT policies, during the second transitional period of local government reorganisation.

13.0 FINANCIAL IMPLICATIONS

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

14.0 LEGAL IMPLICATIONS

14.1 The process for the creation of a unitary authority is set out in Sections 1-7 of the Local Government and Public Involvement in Health Act 2007 and Section 15 Cities and Local Government Devolution Act 2016.

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

15.0 EQUALITY IMPLICATIONS

15.1 There are no significant equality change implications arising from this report. There is no impact on equalities issues in this report. A copy of the initial screening form is attached at **Appendix 5.**

16.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

16.1 There are no significant climate change implications arising from this report. A copy of the initial screening form is attached at **Appendix 4.**

16.0 CONSULTATION

16.1 Relevant Officers and Members have been consulted on the proposed changes set out in this report and its appendices as set out earlier in this report both generally and through the relevant Constitution Sub-Workstream, Corporate Governance Workstream representative, other relevant officer Workstream(s) as appropriate and through relevant Member Task and Finish Working Groups.

16.2 This report also incorporates the views of the Members' Working Group on the Constitution as expressed at the Group's meetings on 22 August 2022, 6 October 2022, 14 October 2022, 9 November 2022, 15 November 2022, 13 December 2022 and 5 January 2023.

17.0 REASONS FOR RECOMMENDATIONS

17.1 For the reasons set out in the in the body of this report and in the appendices, the recommendations set out below are proposed to the Executive.

18.0 RECOMMENDATIONS

18.1 That, subject to any comments Members may have:-

(i) the new unitary authority shall be known as "North Yorkshire Council" from Vesting Day on 1 April 2023, in accordance with the North Yorkshire (Structural Changes) Order 2022;

(ii) the Leader approves the draft executive arrangements and delegations set out in the draft Constitution attached at **Appendix 1**, to apply from Vesting Day on 1 April 2023;

(iii) it be recommended to full Council that it delegates the local choice functions and non-executive functions as set out in Part 3 of the Constitution at **Appendix 1**;

(iv) the proposed NYC Constitution at **Appendix 1** be agreed and be recommended to full Council for approval, to apply from Vesting Day on 1 April 2023;

(v) it be agreed and recommended to full Council that full Council specifically appoint those officers listed in Article 12.06 to the posts identified, including the Assistant Chief Executive Legal and Democratic Services as the Deputy Electoral Registration Officer and Deputy Returning Officer and specifically designate the Assistant Chief Executive Legal and Democratic Services to be Proper Officer for any other proper officer function not specified in Article 12.06.

(vi) the Executive approves the Executive appointments to Outside Bodies as set out in the Schedule of Appointment to Outside Bodies in Part 3 Schedule 5 of the draft Constitution at **Appendix 1**;

(vii) the Executive recommends to full Council for approval, the Council appointments to Outside Bodies as set out in the Schedule of Appointment to Outside Bodies in Part 3 Schedule 5 of the draft Constitution at **Appendix 1** and the inclusion of the updated Schedule of Appointments to Outside Bodies in the Constitution.

(viii) the Executive recommends to full Council for approval, the Rules of Procedure set out in Part 4 of the draft Constitution at **Appendix 1**;

(ix) the Executive recommends to full Council for approval, and inclusion in the Constitution, the Members' Code of Conduct, the draft Planning Code of Conduct and the other Protocols and Guidance Note set out in Part 5 of the draft Constitution at **Appendix 1;**

(x) the Executive agrees and recommends to full Council that the proposed council committees, their size and suggested meeting frequency be established as set out at **Appendix 3**.

(xi) the operation of the new NYC Constitution should be reviewed after one year;

(xii) it be agreed and be recommended to full Council that a delegation be made to the Assistant Chief Executive (Legal and Democratic Services) by full Council to enable the Assistant Chief Executive (Legal and Democratic Services) to make any further necessary consequential or other amendments to the Constitution for North Yorkshire Council to reflect and implement any further developments in the local government re-organisation process prior to Vesting Day on 1 April 2023, including but not limited to:

a) the inclusion of the Members' Allowances Scheme (and supporting guidance documents) once agreed under the separate process;
b) the inclusion of the administrative parts of the Constitution such as the cover page, contents page and index once the detailed drafting of the Constitution is complete and the content has been approved;
c) the making of any necessary textual revisions to ensure that the separate sections of the Constitution are consistent and work together as a whole;

(xiii) the Executive (in relation to executive functions), resolves that, for the avoidance of doubt, any specific delegation made, and any authorisation, to officers in force immediately prior to Vesting Day shall continue in force on and after Vesting Day, and any action taken thereunder shall remain valid, unless and until it is superseded by a further delegation or authorisation;

(xiv) it be recommended to full Council that full Council (in relation to non-executive functions) resolves that, for the avoidance of doubt, any specific delegation made, and any authorisation, to officers in force immediately prior to Vesting Day shall continue in force on and after Vesting Day, and any action taken thereunder shall remain valid, unless and until it is superseded by a further delegation or authorisation;

(xv) the Executive delegates to the Chief Executive Officer the transitional power to approve, in consultation (as the Chief Executive Officer deems appropriate) with the Leader of the Council, the appropriate Executive Member(s), the Corporate Director Strategic Resources and the Assistant Chief Executive (Legal and Democratic Services), operational policies regulating the internal operations and working practices of the Council, which shall include, but not exclusively, policies in relation to health and safety, information governance, and IT policies, during the second transitional period of local government reorganisation.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

County Hall

NORTHALLERTON

9 January 2023

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Background Documents:

- Local Government and Public Involvement in Health Act 2007
- Cities and Local Government Devolution Act 2016
- The North Yorkshire (Structural Changes) Order 2022
- North Yorkshire County Council Constitution

Appendices

1. Draft NYC Constitution
2. Committee Diagram
3. List of Committee and proposed sizes
4. Climate Change Impact Assessment Screening Form
5. Equality Impact Assessment Screening Form

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Part 1

SUMMARY AND EXPLANATION

Deleted: ** ***TRANSITIONAL ARRANGEMENTS IN 2022/23*** ¶
DURING LOCAL GOVERNMENT REORGANISATION **¶
¶
The Government has announced that there will be a new unitary authority for North Yorkshire from 1 April 2023, replacing the current two-tier system.¶
¶
The North Yorkshire (Structural Changes) Order 2022 came into force on 18 March 2022 and facilitates the transition from the existing councils in North Yorkshire to create a single unitary council.¶
¶
The main transitional function ("preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils' functions, property, rights and liabilities") is added to the County Council's functions, exercisable only during the first and second transitional periods:¶
¶
The first transitional period means the period beginning on the date when the Structural Changes Order comes into force and ending on the fourth day after the 2022 local government elections (which were held on 5 May 2022).¶
¶
The second transitional period means the period beginning on the fourth day after the 2022 election day and ending on 1st April 2023.¶
¶
NYCC's executive arrangements initially provided for the discharge of the main transitional function and certain other transitional functions ("the article 7 functions") namely:¶
¶
such NYCC executive and non-executive functions existing on the date on which the Structural Changes Order comes into force and ¶
¶
such other functions as the Secretary of State may specify by order or regulations¶
¶
to be the responsibility, throughout the first transitional period, of a committee of the Executive, known as the Implementation Executive. ¶
¶
At the end of the first transitional period, the Implementation Executive was abolished (by law) and the discharge of the main transitional function, the article 7 functions, and functions under article 9 of the Structural Changes Order became the responsibility of NYCC's Executive. ¶
¶
The Constitution should be read in this context.¶
¶
The Assistant Chief Executive (Legal and Democratic Services) has delegated power to amend the Constitution to ensure that the Constitution and the Council's procedures meet all legal requirements and to reflect the transitional arrangements which apply in each of the transitional periods.¶

The Council's Constitution

North Yorkshire Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Council operates a Leader and Executive model of governance. This is explained below.

What's in the Constitution?

The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols later in the Constitution document.

Article 1 of the Constitution commits the Council to work in partnership with others to:

- promote a successful North Yorkshire economy and infrastructure;
- raise standards of achievement in education and skills throughout life;
- promote safe, healthy and sustainable communities;
- reduce disadvantage and help people in need;
- improve how we work and communicate with people locally; and
- ensure a future capacity to provide quality services which people want.

Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Full Council (Article 4).
- Chairing the Council (Article 5).
- Overview and Scrutiny Committees (Article 6).
- The Executive (Article 7).
- Regulatory and Other Committees (Article 8).
- The Standards and Governance Committee (Article 9).
- Area Constituency Committees (Article 10).
- Joint Arrangements (Article 11).
- Staff (Article 12).
- Decision making (Article 13).
- Finance, Contracts and Legal Matters (Article 14).
- Review and Revision of the Constitution (Article 15).
- Suspension, Interpretation and Publication of the Constitution (Article 16).

How the Council Operates

The Council is composed of 90 Councillors elected every four years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of Councillors is to the whole community, but they have a special duty to residents in their divisions, including those who did not vote for them. Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

The Council operates through 4 main elements being the full Council, the Executive, Overview and Scrutiny, and its Committees. Each of these elements is supported by and delegates matters to Council employees known as Officers.

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Full Council is where all Councillors meet together at meetings which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year.

The Council elects one Councillor as the Council Leader. The Leader and at least 2, but not more than 9, other Councillors appointed by the Leader form the Executive.

The Council has appointed 6 Overview and Scrutiny Committees to look at the effectiveness of the Executive and help develop Council policy.

The Council also appoints other Committees, including 6 Area Constituency Committees to deal with local matters and various regulatory committees to deal with functions including licensing and planning.

Full Council

There are three types of full Council meeting: the Annual Meeting; ordinary meetings; and extraordinary meetings. They are conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

The Council sets the Budget and Policy Framework for the Council. All decisions must be taken in accordance with these and only full Council can change them.

A Chair is elected by the full Council at its Annual Meeting each year, which is usually held in May. The Council also elects a Vice Chair, who acts as Chair when the Chair is not available. The Chair (and the Vice Chair) undertake civil and ceremonial roles on behalf of the Council and represent the Council at events. The Chair promotes public involvement in the Council's activities. Although the Chair is an elected politician and has a vote, there is a duty to be impartial in carrying out the role. The Chair presides over meetings of the full Council to ensure that business is carried out effectively and has responsibilities for upholding and interpreting this Constitution.

The Executive

The Executive is the part of the Council which is responsible for most day-to-day decisions. When major decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated, and must be published at least 28 days before a Key Decision is made. Urgency procedures allow for Key Decisions still to be taken if these timescales cannot be met.

If these major decisions are to be discussed at a meeting of the Executive, this will generally be open for the public to attend except where exempt or confidential matters are being discussed. The definition of exempt or confidential information is set by law and can be found in the Access to Information Procedure Rules in Part 4 of the Constitution.

The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

There are 6 Overview and Scrutiny Committees (and other ad hoc joint scrutiny of health overview and scrutiny committees established as and when required) whose job it is to look into how effectively the Council is serving the needs of its communities.

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These Committees produce reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery, as well as looking at reviews of individual services.

Overview and Scrutiny Committees also monitor the decisions of the Executive. They can scrutinise an Executive decision which has been "called in" by any 6 Councillors. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision or they may refer the matter to full Council. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The Overview and Scrutiny Committees perform specific statutory functions in relation to the scrutiny of health and crime and disorder matters. Their meetings are generally in public and they may involve citizens and other interested parties in their work, so that the public has a say in Council affairs.

The Council has established a Health and Wellbeing Board which, undertakes functions and operates as required in relation to health and wellbeing matters, by the Health and Social Care Act 2012 and related regulations.

Area Constituency Committees

In order to give local citizens a greater say in Council affairs, 6 Area Constituency Committees have been created. These cover the same areas as the 6 electoral constituencies for North Yorkshire MPs. They maintain an overview of the effectiveness of the public services provided to their local community by the Council and other agencies and to advocate the interests of their community in relation to those services. They involve Councillors for each particular area and meetings are held in public.

Regulatory and Other Council Committees

Some decisions cannot be decided by the Executive including planning and licensing determinations. These non-executive functions are delegated by the Council to committees and Officers.

Council committees, unlike the Executive and its sub-committees, must generally be proportionate to the size of the political groups on the Council. Members of Council committees are appointed by full Council.

The Council has established committees to deal with regulatory functions such as licensing and planning matters.

In addition, Councillors take part when required in Appeals Committees.

There is also an Independent Remuneration Panel to advise on Members' Allowances.

These Committees and all the other committees are explained in more detail in Part 3.

The Council's Staff - Officers

The Council has many people working for it: including teachers, social workers, staff in elderly persons homes and many others delivering direct services to the public. Staff who give advice,

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implement decisions and manage the day-to-day delivery of services are also known as 'Officers'. Some Officers have a specific duty to ensure that the Council acts within the law. A protocol governs the relationships between Officers and Members of the Council. The management structure is set out on the Council's website and in Part 7 of the Constitution. Officers must comply with the Employee Standards of Conduct Policy.

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Citizens' Rights

Citizens have a right to have a say about decisions which affect them, and to be able to understand what decisions have been taken and why.

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Citizens have a number of specific rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

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Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- attend meetings of the Council and its committees except where, exempt or confidential matters are being discussed;
- participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committees;
- find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- attend meetings of the Executive except when exempt information is being considered;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- comment or make suggestions in relation to the Council and the services it delivers, and complain if they feel something has gone wrong;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the relevant Code of Conduct for Members;
- inspect the Council's accounts and make their views known to the external auditor;
- submit a petition to the Council regarding issues of concern;
- petition to request a referendum on a different form of Constitution; and
- obtain a copy of the Constitution.

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The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the office of the Chief Executive Officer at County Hall, Northallerton, North Yorkshire. A full statement of the rights of citizens to inspect agendas and reports and to attend meetings is available from the Assistant Chief Executive Legal and Democratic Services at the same address.

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Members' Conduct and Interests

All Members of the Council must give a written undertaking that in performing their functions they will observe the Members' Code of Conduct. The Code is set out in Part 5 of this Constitution.

The Monitoring Officer maintains a register of the interests of the Members and certain co-opted Members of the Council and of members of town/parish councils located in the North Yorkshire area. These registers are available for inspection by the public at County Hall, Northallerton during normal office hours, by contacting the Monitoring Officer or by viewing the electronic interests forms published on the Council's website.

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Note on the Text

Text in ordinary type forms part of the Constitution
Text in italics is explanatory, and not part of the Constitution.

Part 2

Articles of the Constitution

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Article 1 – The Constitution

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its parts as listed on the contents page, is the Constitution of North Yorkshire Council.

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1.03 Purpose of the Constitution

The purpose of the Constitution is to provide a framework which will:

(a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

(b) support the active involvement of citizens in the process of local authority decision-making;

(c) help Councillors represent their constituents effectively;

(d) enable decisions to be taken efficiently and effectively;

(e) create a powerful and effective means of holding decision-makers to public account;

(f) ensure that no one will review or scrutinise a decision in which they were directly involved;

(g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;

(h) provide a means of improving the delivery of services to the community; and

(i) ensure that the work of the Council promotes its vision and key ambitions:-

Our Vision

"Working for all our citizens and businesses, supporting our diverse communities and helping North Yorkshire to prosper."

Deleted: We want North Yorkshire to be a thriving county which adapts to a changing world and remains a special place for everyone to live, work and visit…

Our Goals:

- Understand our people, businesses and communities
- Deliver strong services that support their needs
- Provide leadership for our place

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Every adult has a longer, healthier and independent life¶
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North Yorkshire is a place with a strong economy and a commitment to sustainable growth that enables our citizens to fulfil their ambitions and aspirations¶
¶
We are a modern council which puts our customers at the heart of what we do¶

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

All decisions taken by or on behalf of the Council will:

- have regard to relevant facts and considerations, and disregard irrelevant ones;
- be reasonable, and proportionate to the subject matter;
- be taken with respect for equality of opportunity and human rights; and
- be taken in observance of the Codes of Conduct set out in Part 5 of this Constitution.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

For the avoidance of doubt, references within the Constitution to legislation (eg Act or Statutory Instrument) include reference to any amended, re-enacted or successor legislation.

Article 2 – Members of the Council

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2.01 Composition and eligibility

(a) **Composition:** The Council comprises 90 Members, otherwise called Councillors. One Councillor is elected by the voters of each of 89 electoral divisions, and two are elected to one electoral division in the County in accordance with a scheme drawn up by the Electoral Commission's Boundary Committee for England.

(b) **Eligibility**: Only registered voters of the county or those living or working there will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

Election and terms: The regular election of Councillors will be held on the first Thursday in May (unless the Government determines otherwise) every four years. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and Functions of all Councillors

(a) **Key roles.** All Councillors will:

(i) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

(ii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

(iii) balance different interests identified within their electoral division and represent the electoral division as a whole;

(iv) represent the Council in the community;

(v) meeting together in full Council, set the budget and policy framework for Council;

(vi) participate in decision making through membership of Area Constituency Committees;

(vii) if a member of the Executive, take or participate in executive decisions; and if not a member of the Executive, participate in the scrutiny of such decisions.

(viii) become involved in policy development, through membership of Overview and Scrutiny Committees;

(ix) participate in Scrutiny Reviews;

(x) provide a channel of communication and information to and from local people in time of emergency;

(xi) be available to represent the Council on other bodies; and

(xii) maintain the highest standards of conduct and ethics.

(b) **Rights and duties**

(i) Councillors will have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

(ii) Except as legally permitted, Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.

(iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol for Member/Officer Relations set out in Part 5 of this Constitution.

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2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and the Council

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

(a) **Voting and petitions:** Citizens on the electoral roll for the area have the right:

(i) to vote at Council elections;

(ii) to submit a petition to the Council regarding issues of concern. Details of the Council's Petitions' Scheme are published on the Council's website; and

(iii) to sign a petition to request a referendum for a different form of Constitution.

(b) **Information:** Citizens have the right to:

(i) attend meetings of the Council and its committees and of the Executive, except where confidential or exempt information (as defined in the Access to Information Procedure Rules contained in Part 4 of this Constitution) is likely to be disclosed, and the meeting is therefore held in private;

(ii) find out from the Forward Plan what key decisions will be taken by the Executive and other decision takers and when. Also, subject to urgency procedures, to have at least 28 days' prior notice of a private meeting of an executive decision making body;

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(iii) see reports and background papers (except where these contain confidential or exempt information), and any records of decisions made by the Council and the Executive;

(iv) make representations about why a proposed private meeting/part of a meeting of an executive decision making body should be held in public; and

(v) inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation:** Citizens have the right to participate by making statements or asking questions at meetings of the Council and its committees (including overview and scrutiny committees and Area Constituency Committees) and the Executive. Citizens may also respond to consultation exercises organised by the Council, or make their views known by speaking, writing or e-mailing to a Councillor or member of staff.

(d) **Comments and Complaints:** Citizens have the right to comment on the Council's services and/or its performance. Good performance can be praised;

constructive suggestions for improvement are always welcome. Where citizens feel something has gone wrong they may complain to:

(i) the Council itself under its complaints scheme;

(ii) the Local Government Ombudsman after using the Council's own complaints scheme;

(iv) the Council's Monitoring Officer about a breach of the Members' Code of Conduct.

Any citizen who is unsure how to go about making a comment, suggestion or complaint should write to the Chief Executive Officer's office at County Hall, Northallerton.

Citizens may raise any comments or suggestions in relation to this Constitution by contacting the Council's Monitoring Officer (the Assistant Chief Executive Legal and Democratic Services, based at County Hall) or with any Councillor.

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3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to Councillors or staff and must not wilfully harm things owned by the Council, Councillors, or the Council's contractors or agents.

Article 4 – The Full Council

4.01 Meanings

(a) **Policy Framework:** The policy framework means the following plans and strategies:-

- The Council Plan
- Local Transport Plan
- Planning Enforcement Strategy
- Plans and strategies which together comprise the Development Plan
- Medium Term Financial Strategy
- Council Tax Reduction Scheme
- Discretionary Relief Rules
- Statement of Licensing Policy
- Statement of Principles (Gambling Act 2005)
- Economic Development Strategy
- Flood Risk Management Strategy
- Corporate Equality, Diversity and Inclusion Policy
- Treasury Management Policy and Strategy
- Corporate Risk Management Policy
- Children and Young People's Plan
- Youth Justice Plan
- Education Capital Local Policy Statement
- Home to School/College Transport Policy
- Strategy for Children in Care and Care Leavers
- Admissions Policy for Community and Voluntary Schools
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- Local Management in Schools (LMS) Formula
- Health and Adult Services Plan
- Joint Health and Wellbeing Strategy
- Allocations Scheme for the provision of social housing
- Homelessness review and Homelessness Strategy
- Policy for the Provision of Housing Assistance
- Affordable Housing Development Strategy
- Library Strategy
- Waste Management Strategy
- Household Waste Recycling Centre Policies
- Highway Asset Management Policy
- Highway Asset Management Strategy
- Community Safety Partnership Strategy
-

(a) **Budget:** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the Council's borrowing requirement, and the control of its capital expenditure.

(c) **Virement:** Virement is the transfer of budget provision between individually defined budget headings. It is dealt with in Financial Procedure Rules approved by full Council, and included in Part 4 of this Constitution.

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Policy for the Provision of Housing Assistance¶
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Library Strategy¶
Waste Management Strategy¶
Household Waste Recycling Centre Policies¶
Highway Asset Management Policy¶
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Community Safety Partnership Strategy¶
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NYCC Flood Risk Management Strategy

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4.02 Functions of the Full Council

Only the Council will exercise the following functions:

(a) adopting and changing the Constitution (including the exercise of all legal powers to make standing orders) (subject to Article 15);

(b) adopting the policy framework and the budget;

(c) taking any decision which is contrary to the approved policy framework and/or the budget (except in cases of urgency, where the procedure set out in the Access to Information Procedure Rules applies);

(d) electing the Leader of the Executive;

(e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;

(f) subject to Article 11.06 appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council *(for details of who makes appointments to outside bodies, see Schedule 5 to Part 3);*

(g) making an allowances scheme under Article 2.05, and determining the amount of all allowances payable to Members of the Council and its committees;

(h) changing the name of the County;

(i) through the Chief Officers Appointments and Disciplinary Committee, making the appointment of the Chief Executive Officer (Head of Paid Service), and other Chief Officers;

(j) designating officers to be the Council's Head of Paid Service, Chief Finance Officer, Monitoring Officer and Scrutiny Officer, and appointing officers as Proper Officer for particular purposes (see Article 12);

(k) conferring the title of honorary alderman;

(l) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

(m) making arrangements for the proper administration of the Council's financial affairs;

(n) all local choice functions as set out in Part 3 of this Constitution as ones which the Council will itself undertake; and

(o) all other matters which, by law, must be reserved to Council.

4.03 Council Meetings

There are three types of Council meeting:

(a) the annual meeting;

(b) ordinary meetings;

(b) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for Functions

The Council will maintain Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

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Article 5 – Chairing The Council

5.01 Role and function of the Chair

The Chair will be elected by the Council at its annual meeting. The Chair (and, in their absence, the Vice-Chair) will have the following responsibilities:

(a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

(b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

(c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which Members who are not on the Executive are able to hold the Executive to account;

(d) to promote public involvement in the Council's activities;

(e) to represent the Council; and

(f) to perform the ambassadorial role of the Chair by attending such civic and ceremonial functions as the Council and/or the Chair determines appropriate.

Note: For the year 2022/23, the Chair of the Council is Acting Chair David Ireton and the Vice-Chairman is David Ireton.

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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 and Housing	The needs of vulnerable adults and older people and people whose independence needs to be supported by intervention from the public or voluntary sector and housing.
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 County, including Ambulance Trusts and the policies of the Strategic Health Authority.

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COMMITTEE	SCOPE
	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. 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 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.
Transition (LGR) Overview and Scrutiny Committee	This Overview and Scrutiny Committee was originally constituted for the period July 2022 to March 2023, its role and remit to be scrutiny of significant decisions made by the Executive regarding the creation of the new unitary authority. The Committee has been retained for a further three years (until 31 March 2026) with a review after two years (ie after 31 March 2025); its role and remit is to scrutinise Leisure, Culture, Tourism, Arts, Waste Collection, Bereavement Services and Licensing.

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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;

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(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:

(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

(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 Chairman. 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.

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

Article 7 – The Executive

7.01 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and composition

Only Councillors may be appointed to the Executive. There may be no co-optees and no deputies or substitutes for Executive Members. Neither the Chair nor Vice-Chair of the Council may be appointed to the Executive and members of the Executive (including the Leader) may not be members of an overview and scrutiny committee.

The Executive will consist of the Leader elected by the Council, together with at least 2, but not more than 9, Councillors appointed to the Executive by the Leader. Should any member(s) of the Executive cease to hold office as such, or in the opinion of the Leader become disabled (temporarily or permanently) from performing the duties of their office, the Leader may remove them from office, and/or may appoint any other Councillor(s) to the Executive. In no case, however, shall the total membership of the Executive (including the Leader) exceed 10. The Leader's powers of removal/appointment shall be exercisable by giving written notice to the Assistant Chief Executive Legal and Democratic Services.

7.03 Leader

The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:

(a) they resign from the office; or

(b) they are disqualified from being a Councillor under Part I Chapter 7 of the Localism Act 2011; or

(c) they are no longer a Councillor; or

(d) they are removed from office by resolution of the Council; or

(e) the day of the post-election annual meeting which follows their election as Leader.

The Leader will appoint a member of the Executive to be Deputy Leader, and may remove the Deputy Leader from Office if the Leader thinks fit. Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another member of the Executive to take their place. If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in their place.

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If for any reason –

(a) the Leader is unable to act or the office of Leader is vacant, and

(b) the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Executive must act in the Leader's place or must arrange for a member of the Executive to act in their place.

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7.04 Other Executive Members

Other Executive Members shall hold office until:

(a) they resign from office; or

(b) they are no longer Councillors; or

(c) they are removed from office, either individually or collectively, by the Leader under 7.02 above.

7.05 Proceedings of the Executive

(a) Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

(b) Access to information legislation sets out additional requirements upon local authority decision-making in relation to executive matters. These are incorporated in the Council's Access to Information Procedure Rules set out in Part 4 of the Constitution.

7.06 Responsibility for Functions

The Leader will maintain in Part 3 of this Constitution statements setting out the responsibilities of individual members of the Executive, committees of the Executive, Area Constituency Committees, Officers or joint arrangements, including responsibilities for the exercise of particular executive functions.

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7.07 Membership

The names and addresses of members of the Executive are also contained in the list referred to in paragraph 7.06.

7.08 Committees

The Executive shall have power to establish one or more committees, and to delegate powers to any such committee(s). Details of such committees, and their delegated powers, shall be set out in Part 3 of this Constitution.

Article 8 – Regulatory and Other Committees

8.01 Regulatory and other committees

The Council will appoint the committees set out in paragraphs 2.3 to 2.10 of Part 3 of this Constitution to discharge the functions set out in Part 3 as the terms of reference of those committees.

8.02 Strategic Planning Committee, Area Planning Committees, General Licensing and Registration Committee and Sub-Committees, Statutory Licensing Committee and Sub-Committees – no whipping

In meetings of the Strategic Planning Committee and Area Planning Committees when determining development control applications, there will be no whipping on voting.

"Whipping" means any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application of any threat to apply any sanction by the group in respect of that Councillor should they speak or vote (or fail to speak or vote) in any particular manner.

All planning matters will be dealt with in accordance with the Planning Code of Good Practice, a copy of which is available from the Monitoring Officer and in Part 5 of the Constitution.

In the General Licensing and Registration Committee and Sub-Committees and the Statutory Licensing Committee and Sub-Committees there will be no whipping on voting.

8.03 Health and Wellbeing Board

The Council has established a Health and Wellbeing Board which undertakes functions and operates as required, in relation to health and wellbeing matters, by the Health and Social Care Act 2012 and related regulations.

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Article 9 - The Standards and Governance Committee

9.01 Standards and Governance Committee

Standards Functions

The Council has established a Standards and Governance Committee to provide and maintain high standards of conduct within the authority and to determine any complaints against Members and voting co-opted Members referred to it by the Monitoring Officer.

The responsibility for receiving and assessing complaints that a Member may have breached the Members' Code of Conduct lies with the Monitoring Officer, after consultation with the Independent Person for standards.

What this means is that if a person wishes to complain that the conduct of a Member of North Yorkshire Council or voting co-opted Member on one of its committees or Member of a town/parish Council located in the North Yorkshire area has breached the relevant Members' Code of Conduct, the complainant must submit their complaint, in writing, to:

The Monitoring Officer
Legal and Democratic Services
North Yorkshire Council
County Hall
NORTHALLERTON
North Yorkshire
DL7 8AD

setting out full details of the alleged behaviour and linking this to specific paragraphs of the Code where possible.

The Standards and Governance Committee can only deal with complaints about the behaviour of a Member within the remit of the relevant Code and cannot deal with complaints about things that are not covered by that Members' Code of Conduct. A complaint to the Monitoring Officer under that Code must be about why the complainant thinks a Member has **not followed the relevant Code** of Conduct.

If a complaint against a Member does **not** involve an alleged breach of the Council's Code of Conduct for Members, then such a complaint should be made to the Chief Executive Officer of North Yorkshire Council at the address above or the relevant town/parish council Clerk directly in respect of a parish council member. Contact details for individual parish councils are on the Council's website.

Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Governance Functions

The Standards and Governance Committee also has powers to make necessary decisions in relation to elections and to have responsibility for community governance

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together with making recommendations on Honorary Aldermen/women and residual powers in relation to consultation on personal Bills and the making of by-laws.

9.02 Composition

The Standards and Governance Committee will be composed of not more than five councillors and will be subject to the rules in relation to proportionality. The Council's independent persons for standards are invited to attend Standards and Governance Committee meetings.

Where a standards complaint Hearing Panel is convened to determine a complaint that a parish/town council Member may have breached the relevant parish/town council Members' code of conduct, a non-voting parish/town council representative shall be selected, from a pool of parish/town council representatives who have received appropriate training, to attend the Hearing Panel.

9.03 Roles, Terms of Reference and Functions

The terms of reference for the Standards and Governance Committee are set out in Schedule 1 to Part 3 of the Constitution.

9.04 Membership

Membership of the Standards and Governance Committee is set out in Part 3 of this Constitution.

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(a) all functions of the Council under the Localism Act 2011 relating to ethical standards including;¶
¶
(b) exercising all functions in respect of the publication of Independent Person for standards' vacancies (sub-delegated to the Monitoring Officer, in consultation with the Chair of the Committee);¶
¶
(c) assisting in the recruitment of Independent Persons for standards (but not approving individual appointments);¶
¶
(d) assisting where requested in the designation and handling of persistent and/or vexatious complaints and complainants against Members. ¶
¶
(e) making temporary appointments to parish councils under Section 91 of the Local Government Act 1972 ¶
¶
¶
¶
(f) making recommendations to Council in relation to Community Governance reviews.¶
¶
(g) preparing submissions on behalf of the Council to the Local Government Boundary Commission for England. ¶
¶
(h) preparing submissions on behalf of the Council to the Parliamentary Boundary Commission for England¶
¶
(i) recommending to Council the appointment of an Electoral Registration Officer and the appointment of a Returning Officer for local government elections under the Representation of the People Act 1983.¶
¶
(j) dividing Parliamentary constituencies into polling districts and dividing electoral divisions into polling districts at local government elections under the Representation of the People Act 1983. ¶
¶
(k) such other election functions which it is necessary for the Council to decide (but not the functions delegated directly by statute to the Returning Officer or Electoral Registration Officer or those functions delegated elsewhere in the constitution)¶
¶
All other matters relating to elections, including all powers of the authority listed in Part D of Schedule 1 to the Local Authorities (Functions & Responsibilities)(England)(Regulations) 2001¶
¶
(l) making, amending, revoking or re-enacting byelaws to the extent that the power is not delegated to another Committee or Sub Committee.¶
¶
(m) recommending to Council the conferring the title of Honorary Alderman or Alderwoman.¶
¶
...

Article 10 - Area Constituency Committees

10.01 Area Committees

(a) The Council may appoint area committees under the Local Government Act 2000 (as amended) as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

(b) The Council has created six Area Constituency Committees (two with 15 Members, two with 16 Members one with 17 Members and one with 18 Members) which are coterminous with the six Parliamentary constituencies and have therefore been named "Area Constituency Committees".

10.02 Form, Composition and Function

(a) **Table of area constituency committees:** The Council will appoint the Area Constituency Committees as set out below. The number of Members per Committee assumes that the six Members whose division covers two constituencies would join and attend the committee covering the area in which the majority of the Member's constituents reside, with the right to attend and speak at the other committee, provided always that where the split of constituents is finely balanced to a 1% variation, the Member must decide, in their discretion and with the agreement of the Chairs of both committees, which of the two committees the Member shall join and attend as set out in this paragraph.

NAME OF COMMITTEE	COMPOSITION
Skipton and Ripon Area Constituency Committee	16 Members representing: • Boroughbridge & Claro (part) • Aire Valley • Bentham & Ingleton • Glusburn, Cross Hills & Sutton-in-Craven • Masham & Fountains (part) • Mid Craven • Pateley Bridge & Nidderdale • Ripon Minster & Moorside • Ripon Ure Bank & Spa • Settle & Penyghent • Skipton East & South • Skipton North & Embsay-with-Eastby • Skipton West & West Craven • Wathvale & Bishop Monkton • Wharfedale • Washburn & Birstwith (part)

Deleted: Previously the Council appointed seven area committees which were coterminous with the seven District/Borough Council areas. From May 2018,

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NAME OF COMMITTEE	COMPOSITION
Richmond (Yorks) Area Constituency Committee	17 Members representing: • Aiskew & Leeming • Bedale • Catterick Village & Brompton-on-Swale • Great Ayton • Hillside & Raskelf (part) • Hipswell & Colburn • Hutton Rudby & Osmotherley • Leyburn & Middleham • Morton-on-Swale & Appleton Wiske (part) • North Richmondshire • Northallerton North & Brompton • Northallerton South • Richmond • Romanby • Scotton & Lower Wensleydale • Stokesley • Upper Dales
Harrogate and Knaresborough Area Constituency Committee	15 Members representing: • Bilton & Nidd Gorge • Bilton Grange & New Park • Boroughbridge & Claro (part) • Coppice Valley & Duchy • Fairfax & Starbeck • Harlow & St Georges • High Harrogate & Kingsley • Killinghall, Hampsthwaite & Saltergate • Knaresborough East • Knaresborough West • Masham & Fountains (part) • Oatlands & Pannal • Ouseburn (part) • Stray, Woodlands & Hookstone • Valley Gardens & Central Harrogate

OFFICIAL

NAME OF COMMITTEE	COMPOSITION
Thirsk and Malton Area Constituency Committee	16 Members representing: • Amotherby & Ampleforth • Easingwold • Filey • Helmsley & Sinnington • Hillside & Raskelf (part) • Huby & Tollerton • Hunmanby & Sherburn • Kirkbymoorside & Dales • Malton • Morton-on-Swale & Appleton Wiske (part) • Norton • Pickering • Sheriff Hutton & Derwent • Sowerby & Topcliffe • Thirsk • Thornton Dale & Wolds
Scarborough and Whitby Area Constituency Committee	15 Members representing: • Castle • Cayton • Danby & Mulgrave • Derwent Valley & Moor • Eastfield • Esk Valley & Coast • Falsgrave & Stepney • Newby • Northstead • Scalby & the Coast • Seamer • Weaponness & Ramshill • Whitby Streonshalh • Whitby West • Woodlands

OFFICIAL

NAME OF COMMITTEE	COMPOSITION
Selby and Ainsty Area Constituency Committee	18 Members representing: • Appleton Roebuck & Church Fenton • Barlby & Riccall • Boroughbridge & Claro (part) • Brayton & Barlow • Camblesforth & Carlton • Cawood & Escrick • Cliffe & North Duffield • Monk Fryston & South Milford • Osgoldcross • Ouseburn (part) • Selby East • Selby West 1 • Selby West 2 • Sherburn in Elmet • Spofforth with Lower Wharfedale & Tockwith • Tadcaster • Thorpe Willoughby & Hambleton • Washburn & Birstwith (part)

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All Area Constituency Committees shall have power to co-opt additional members, but no co-opted members shall have the right to vote unless the law so requires. No co-opted member who has been given the right to vote may vote on the question of whether any other co-opted member(s) should have that right or on whether they or any other co-opted member should continue to have that right.

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(b) **Terms of reference:** All Area Constituency Committees have the same terms of references in relation to their respective areas as set out in Part 3.

(c) **Delegations:** The Council and the Executive will include details of the delegations to Area Constituency Committees in Part 3 of this Constitution, including the functions delegated (showing which are the responsibility of the Executive and which are not), the composition and membership of the committees, budgets and any limitations on delegation.

(d) **Finance:** Area Constituency Committees will exercise overall responsibility for the finances made available to them.

(e) **Liaison with Executive:** The Area Constituency Committees are able to report issues of concern directly to Executive either through the appropriate Executive Member or as an agenda item at a public meeting of Executive.

10.03 Conflicts of interest – Membership of Area Constituency Committees and Overview and Scrutiny Committees

(a) **Conflict of interest:** If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the Area Constituency Committee of which an Overview and Scrutiny Committee

Councillor is also a member, then the Councillor concerned may not take part in the discussion or vote at the overview and scrutiny committee meeting if they were present at the Area Constituency Committee meeting in question and took part in the decision making (except that a Councillor may provide evidence or opinion to those undertaking any scrutiny process), unless a dispensation to do so is given by the Standards and Governance Committee.

(b) **General policy reviews:** Where an overview and scrutiny committee is reviewing policy generally the Member must declare their interest before the relevant agenda item is reached, but need not withdraw.

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10.04 Area Constituency Committees – access to information

Area Constituency Committees will comply with the Access to Information Rules in Part 4 of this Constitution.

Agendas and notices for Area Constituency Committee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which.

10.05 Executive members on Area Constituency Committees

A member of the Executive may serve on an Area Constituency Committee if otherwise eligible to do so as a Councillor.

Article 11 - Joint Arrangements

11.01 Arrangements to promote wellbeing

Subject to statutory limitations, the Council has power to do anything that individuals generally may do including:

(a) power to do it anywhere in the United Kingdom or elsewhere;

(b) power to do it for a commercial purpose or otherwise for a charge, or without charge; and

(c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.

11.02 Joint arrangements

(a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities and any Councillor may be appointed to such a joint committee.

(b) The Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities, and only Executive Members may be appointed to such a joint committee.

(c) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.03 Access to information

The Access to Information Rules in Part VA of the Local Government Act 1972 will apply to joint committees established under this Article.

11.04 Delegation to and from other local authorities

(a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority.

(b) The Executive may delegate executive functions to another local authority or the Executive of another local authority in certain circumstances.

(c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 Contracting Out

The Council (for non-executive functions) and the Executive (for executive functions) may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the other body or organisation acts as the Council's contractor or agent under usual contacting principles, provided there is no delegation of the Council's discretionary decision making.

Deleted: 11.06 Appointments to Outside Bodies¶
¶
Before appointing any person as the County Council's representative on any of the bodies listed below, the person or body with power to make the appointment shall consult the Planning and Regulatory Functions Committee.¶
¶
Drax Power Station Consultative Committee¶

Article 12 – Staff

12.01 Terminology

(a) **General:** The Council may engage such staff as it considers necessary to carry out its functions. All staff will work on the basis of political neutrality and service to the whole Council. Professional staff, who advise on and/or implement Council decisions, are also known as Officers.

(b) **Chief Officers:** The full Council will engage persons for the following posts, who will be designated Chief Officers:

- Chief Executive Officer
- Corporate Director of Health and Adult Services
- Corporate Director of Environment
- Corporate Director – Children and Young People's Service
- Corporate Director of Resources
- Corporate Director of Community Development
- Director of Public Health for North Yorkshire.

(c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer:** The Council designates the following posts as shown:

Head of Paid Service -	Chief Executive Officer
Chief Finance Officer -	Corporate Director of Resources
Monitoring Officer -	Assistant Chief Executive Legal and Democratic Services
Scrutiny Officer -	Democratic Services and Scrutiny Manager

Such posts will have the functions described in Article 12.02–12.04 below.

(d) **Proper Officer:** Certain legislation requires the Council to designate a particular officer as "Proper Officer" for the performance of certain functions. These designations are set out in Article 12.06.

(e) **Structure:** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. This is set out at Part 7 of this Constitution.

(f) Appointment of staff below Chief Officer level will be the responsibility of the Head of Paid Service, but may be delegated by them to other staff.

12.02 Functions of the Head of Paid Service

(a) **Management:** Overall corporate management and operational responsibility including overall management responsibility for all staff, and co-ordinating the work of the Council's Directorates.

(b) **Professional advice:** The provision of professional advice to all parties in the decision making process.

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(c) **Record Keeping:** Together with the Monitoring Officer, responsibility for a system of record keeping for all decisions made by or on behalf of the Council.

(d) **Representation:** Representing the Council on partnership and external bodies as required.

(e) **Discharge of functions by the Council:** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of staff required for the discharge of functions and the organisation of staff.

(f) **Restrictions on functions:** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

(a) **Maintaining the Constitution:** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

(b) **Ensuring lawfulness and balance in decision making:** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council (or to the Executive in relation to an executive function) if the Monitoring Officer considers that any proposal, decision or omission would give rise to unlawfulness or to maladministration. Such a report will be sent to all Members of the Council and will have the effect of stopping the proposal or decision being implemented until the report has been considered.

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(c) **Supporting the Standards and Governance Committee:** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct and ethics through provision of support to the Standards and Governance Committee.

(d) **Receiving complaints and reports:** The Monitoring Officer will receive and act on complaints that Members may have breached the Members' Code of Conduct and any reports made by Investigating Officers appointed by the Monitoring Officer and any determination decisions of the Standards and Governance Committee and/or its Hearings Panel.

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(e) **Assessment of complaints and conducting investigations:** The Monitoring Officer will assess complaints made, in consultation with the Independent Person for standards, and will decide whether a complaint merits formal investigation or other action. Where there is a difference of opinion between the Monitoring Officer and the Independent Person, then the allegation will be investigated by an officer nominated by the Monitoring Officer.

(f) **Advising whether executive decisions are within the budget and policy framework:** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

(g) **Providing advice:** The Monitoring Officer (in liaison as necessary with the Chief Finance Officer) will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

(h) **Restrictions on posts:** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.04 Functions of the Chief Finance Officer

(a) **Ensuring lawfulness and financial prudence of decision making:** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council (or to the Executive in relation to an executive function) and send a copy of the report to all Members of the Council and to the Council's external auditor if the Chief Finance Officer considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council (or the Executive) is about to enter an item of account unlawfully.

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(b) **Administration of financial affairs:** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management:** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice:** The Chief Finance Officer (in liaison as necessary with the Monitoring Officer) will provide advice on the scope of powers and authority to take decisions, maladministration in relation to financial matters, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and staff in their respective roles.

(e) **Give financial information:** Where required by law or authorised by the Council, the Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such Officers, accommodation and other resources as are in the opinion of those Officers sufficient to allow their duties to be performed.

12.06 Proper Officer Functions

The following Officers are designated to perform the functions of Proper Officer in relation to the matters set out below:

(a) Local Government Act 1972

SECTION	DUTIES	PROPER OFFICER
13(3)	Parish Trustee where no Parish Council.	Assistant Chief Executive Legal and Democratic Services or, in their absence, the Democratic Services and Scrutiny Manager.
83(1)	To receive the declaration of acceptance of office by the Chair, Vice-Chair, or Councillor of the Council.	Assistant Chief Executive Legal and Democratic Services or, in their absence, the Democratic Services and Scrutiny Manager.
83(3)	To witness the declaration of acceptance of office by the Chair, Vice-Chair, or Councillor of the Council.	Assistant Chief Executive Legal and Democratic Services or, in their absence, the Democratic Services and Scrutiny Manager.
84	To receive written notice of resignation from any office under the Local Government Act 1972.	Assistant Chief Executive Legal and Democratic Services or, in their absence, the Democratic Services and Scrutiny Manager.
86	Duty to declare vacancy in office in certain cases.	Assistant Chief Executive Legal and Democratic Services or, in their absence, the Democratic Services and Scrutiny Manager.
87	Duty to give public notice of a casual vacancy.	Assistant Chief Executive Legal and Democratic Services or, in their absence, the Democratic Services and Scrutiny Manager.

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SECTION	DUTIES	PROPER OFFICER
88(2)	To convene a meeting of the Council for the election of Chair of the Council on a casual vacancy occurring.	Assistant Chief Executive Legal and Democratic Services or, in their absence, the Democratic Services and Scrutiny Manager.
89(1)(b)	To receive written notice of a casual vacancy in the office of a Councillor from two local Government electors.	Assistant Chief Executive Legal and Democratic Services or, in their absence, the Democratic Services and Scrutiny Manager.
146(1)(a) (re: transfer of securities of a company in the name of a local authority)	To make statutory declarations as to the securities and the change of name and identity of an authority on the transfer of those securities into the new name of the authority.	Assistant Chief Executive Legal and Democratic Services or, in their absence a Principal Lawyer.
146(1)(b) (re: transfer of securities of a company in the name of a local authority)	To give a certificate confirming that a local authority has become entitled to securities, dividends or interest standing in the name of another local authority.	Assistant Chief Executive Legal and Democratic Services or, in their absence a Principal Lawyer.
191(2)	To receive applications concerning surveying under Section 1 of the Ordnance Survey Act 1841.	Corporate Director of Environment.
204(3)	To receive notice of an application for Justices Licence under Schedule 2 Licensing Act 1964.	Corporate Director of Environment.
210(6) and (7)	Duties related to charities.	Corporate Director of Resources.
225(1)	To receive and retain such documents as are specified by the Standing Orders of the House of Commons, or any enactment or instrument, in the manner and for the purposes directed and to make such notes and endorsements thereon and to give such acknowledgements and receipts in respect thereof as may be so directed.	Assistant Chief Executive Legal and Democratic Services.

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SECTION	DUTIES	PROPER OFFICER
229(5)	To give a certificate in legal proceedings that a document is a photographic copy of a document or of any part of a document which is in the custody of, or has been destroyed while in the custody of a local authority.	Assistant Chief Executive Legal and Democratic Services.
234(1)	To sign on behalf of the authority any notice, order or other document which the authority is authorised or required to give, make or issue.	Assistant Chief Executive Legal and Democratic Services.
238	To sign a certificate endorsed on a printed copy of any byelaws (relating to the authenticity of the byelaw).	Assistant Chief Executive Legal and Democratic Services.
Schedule 12 para 4(2)(b)	To sign summons (to every Member of the Council) to attend a meeting of the Council, specifying the business proposed to be transacted.	Assistant Chief Executive Legal and Democratic Services.
Schedule 12 para 4(3)	To receive written notice from a Member that the summons to attend meetings of the Council shall be sent to some other address than his place of residence.	Assistant Chief Executive Legal and Democratic Services.
Schedule 14 Part II Para 25	To certify resolutions of the Council.	Assistant Chief Executive Legal and Democratic Services.
Schedule 16(28)	To receive on deposit lists of buildings of special architectural or historic interest under Section 54(4) of the Town and Country Planning Act.	Head of Service, Heritage Unit.
Schedule 29 para 41(5)	Section 20(b) of Registration Service Act 1953 – prescription of duties, in Regulations of Clerks of County Council under Registration Acts.	Corporate Director of Environment

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SECTION	DUTIES	PROPER OFFICER
100B(2)	Excluding from inspection by members of the public the whole or part of any report which, in his opinion, is not likely to be considered in public at a Council, Committee or Sub-Committee meeting.	Assistant Chief Executive Legal and Democratic Services.
100B(7)	Deciding whether or not a newspaper should be supplied with copies of any documents supplied to Members of the Council other than agenda, reports and statements or particulars indicating the nature of agenda items.	Assistant Chief Executive Legal and Democratic Services.
100C(2)	Making (without disclosing exempt information) a written summary to provide members of the public with a reasonably fair and coherent record of the whole or part of proceedings where part of the Minutes of a meeting are not open to inspection by members of the public because they disclose exempt information.	Assistant Chief Executive Legal and Democratic Services.
100(D)(1)	The compilation of a list of background papers.	Assistant Chief Executive Legal and Democratic Services.
100D(5)	Definition of background papers – opinion of proper officer.	Assistant Chief Executive Legal and Democratic Services.
100F(2)	To determine whether a document does not require to be open to inspection.	Assistant Chief Executive Legal and Democratic Services.

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(b) Highways Act 1980

SECTION	DUTIES	PROPER OFFICER
205(5) (re: private street works)	To certify a copy of the resolution of the local authority approving the specifications and estimates and apportionment and a copy of those documents for keeping on deposit open to public inspection.	Assistant Chief Executive Legal and Democratic Services.
210(2) (re private street works)	To certify a document giving details of the amendment of any estimate and consequential amendment of	Assistant Chief Executive Legal and Democratic Services.

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	any apportionment for keeping on deposit open to public inspection.	

(c) Local Government and Housing Act 1989

SECTION	DUTIES	PROPER OFFICER
15	To receive notification from Members of the formation of, and changes to, political groups.	Assistant Chief Executive Legal and Democratic Services.
19	Receiving information concerning Members' interests, and keeping that information up to date.	Assistant Chief Executive Legal and Democratic Services.

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(d) Representation of the People Act 1983

SECTION	DUTIES	PROPER OFFICER
8	To be the Electoral Registration Officer.	Chief Executive Officer.
	To be the Deputy Electoral Registration Officer.	Assistant Chief Executive Legal and Democratic Services.
35	To be the Returning Officer for elections of Councillors of the County.	Chief Executive Officer.
	To be the Deputy Returning Officer.	Assistant Chief Executive Legal and Democratic Services.
39(4)	Powers in respect of holding elections.	Chief Executive Officer.

(e) Localism Act 2011

SECTION	DUTIES	PROPER OFFICER
33(1)	To be the Proper Officer for receiving written requests for dispensations from Members and voting co-opted Members from either or both of the restrictions in section 31(4) of the Act.	Assistant Chief Executive Legal and Democratic Services and Monitoring Officer.

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(f) Local Government Finance Act 1988

SECTION	DUTIES	PROPER OFFICER
116	To be the Proper Officer that informs the Council's external auditor of the date, time place and outcome of any meetings held under Section 115 of the Act.	Corporate Director of Resources.

(g) Public Health Legislation

SECTION	DUTIES	PROPER OFFICER
National Assistance Act 1948 Section 47	To initiate action for removal of persons in need of care and attention.	Director of Public Health or their nominee.
Public Health (Control of Disease) Act 1984 Section 48	To issue certificates relative to the removal of bodies to mortuaries or for immediate burial.	Director of Public Health or their nominee.
The Health Protection (Notification) Regulations 2010 Sections 2 and 3	To receive and forward information about notifications.	Director of Public Health or their nominee.
Public Health Act 1936 Sections 84 and 85	To deal with verminous persons, clothing or articles and any enactments amending or replacing sections 84 and 85 of the Public Health Act 1936.	Director of Public Health or their nominee.

(h) Registration legislation

Registration Service Act 1953

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SECTION	DUTIES	PROPER OFFICER
Section 9(1)	The determination of a deputy to become interim Superintendent Registrar or interim Registrar of Births and Deaths if the latter ceases to hold office.	Corporate Director of Environment or nominated officer.
Section 9(2)	The appointment of interim Superintendent Registrar or Registrar of Births and Deaths where no deputy.	Corporate Director of Environment or nominated officer.
Section 13(2)(h)	Details of running of service hours-in-business Superintendent Registrars.	Corporate Director of Environment or nominated officer.
Section 13(3)(b)	General supervisory powers over administration of Registration Service Act.	Corporate Director of Environment or nominated officer.

(i) Counter-fraud legislation

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The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017

SECTION	DUTIES	PROPER OFFICER
	To act as, and exercise the functions of, the Money Laundering Compliance Officer.	Assistant Chief Executive Legal and Democratic Services and Monitoring Officer.
	To act as, and exercise the functions of, the Money Laundering Reporting Officer (MLRO).	Head of Internal Audit.
	To act as, and exercise the functions of, the Deputy Money Laundering Reporting Officer (Deputy MLRO).	Internal Audit Officer.

Where any other legislation enables or requires the Council to appoint a Proper Officer for any purpose or function, the Assistant Chief Executive Legal and Democratic Services is the designated Proper Officer.

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12.07 Conduct

Staff will comply with the Employees' Standards of Conduct Policy (Code of Conduct) published on the Council's Intranet and the Protocol on Member/Employee Relations set out in Part 5 of this Constitution.

12.08 Employment

The recruitment, selection and dismissal of staff will comply with the Staff Employment Procedure Rules set out in Part 4 of this Constitution.

OFFICIAL

Article 13 - Decision Making

13.01 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of Decision Making

All decisions made by or on behalf of the Council will be made in accordance with the following principles:

- Respect for human rights and equality of opportunity
- Presumption of openness
- Clarity of aims and desired outcomes
- Decisions will be proportionate to the intended objective
- Having regard to relevant facts and considerations, and disregarding irrelevant ones
- Due consultation and taking professional advice from Officers
- Explaining options considered and giving reasons

The Council operates a Local Code of Corporate Governance, the operation of which is overseen by the Audit Committee.

13.03 Types of Decision

(a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

(b) Key decisions.

(i) A key decision means a decision made in connection with the discharge of a function which is the responsibility of the Executive and which is likely:

(aa) to result in the Council incurring expenditure, or making savings, which are significant having regard to the Council's budget for the service or function to which the decision relates; or

(bb) to be significant in terms of its effects on more than one community.

(ii) For the purposes of (i)(aa) above, savings or expenditure are significant if they are equal to or greater than £500,000 or 20% of the gross expenditure of the relevant budget service area (as explained in the Financial Procedure Rules relating to virement) whichever is the less, but, subject to (i)(bb) above, does not include:

- a decision concerning a bid for funding;

- a decision taken on expenditure specifically identified within budget approved by Council on items necessary for normal operational service delivery.

NB: Where the decision will also have a significant impact on more than one community (as well as the significant financial impact) then the above exclusions should not generally be relied upon.

(iii) For the purposes of (i)(aa) and (bb) above, a key decision does not include:

- a decision taken for the purpose of implementing an earlier key decision.

Access to information legislation sets out additional requirements upon local authority decision-making in relation to key decisions. These are incorporated in the Council's Access to Information Procedure Rules in Part 4 of the Constitution.

(iv) A decision maker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision making by the full Council

The Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the Executive

The Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by overview and scrutiny committees

Overview and scrutiny committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by other committees and sub-committees established by the Council

Other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by individuals

Where decisions are delegated to individual Councillors or Officers, the individual concerned will respect the principles set out in Article 13.02 in taking such decisions.

13.09 Conflicts of interest

Subject to any right to speak under the Members' Code of Conduct and/or dispensation obtained from the Standards and Governance Committee or Monitoring Officer, no Councillor will take, or participate in, a decision in which they have an interest

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precluding participation under the Members' Code of Conduct; and where an individual Executive member has delegated power to take a decision, but, has such an interest, the matter will be referred to the Executive for a decision.

OFFICIAL

Article 14 - Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply either with the Procurement and Contract Procedure Rules or Property Procedure Rules (set out in Part 4 of this Constitution) as appropriate.

14.03 Legal proceedings

The Assistant Chief Executive Legal and Democratic Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Assistant Chief Executive Legal and Democratic Services considers that such action is necessary to protect the Council's interests.

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14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Assistant Chief Executive Legal and Democratic Services or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

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14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Assistant Chief Executive Legal and Democratic Services. A decision of the Council, or of any person or body exercising delegated power, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Assistant Chief Executive Legal and Democratic Services should be sealed. The affixing of the Common Seal will be attested by the Assistant Chief Executive Legal and Democratic Services or some other person authorised by them.

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Article 15 - Review and Revision of the Constitution

15.01 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Monitoring Officer will undertake a formal review of the whole Constitution every four years, and present a report to the Council.

15.02 Changes to the Constitution

(a) **Approval.** Subject to (c) below changes to the Constitution will only be approved by the full Council.

(b) **Councillors.** Any Councillor who wishes to propose a change to the Constitution shall consult the Monitoring Officer, who may report to the Council in relation to the proposed amendment.

(c) The Assistant Chief Executive Legal and Democratic Services may amend this 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.

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Article 16 - Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

(a) The Articles of this Constitution may not be suspended.

(b) Parts 3, 5 and 6 of this Constitution may not be suspended.

(c) Procedure Rules in Part 4 of this Constitution may be suspended by the Council or (in relation to its own business) by the Executive or by a committee, but only to the extent permitted by law, and the extent and duration of any suspension must be proportionate to the result to be achieved.

(d) A motion to suspend any Procedure Rule(s) will not be moved unless either:

- the motion is included on the agenda for the meeting; or
- the suspension is proposed in a written report which relates to an item on the agenda for the meeting; or
- at least half of the number of Councillors entitled to be present at the meeting are present when the proposal is made.

16.02 Interpretation

The ruling of the Chair of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

(a) The Assistant Chief Executive Legal and Democratic Services will maintain the Constitution of the authority at County Hall, and will ensure that copies are maintained on the Council's Intranet and its website.

(b) The Assistant Chief Executive Legal and Democratic Services will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and that hard copies can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) The Assistant Chief Executive Legal and Democratic Services will ensure that the summary and explanation of the Constitution is made widely available within the area and is updated as necessary.

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Part 3

Responsibility for Functions

Contents

Explanatory introduction

1 General

2 Functions of the Full Council

3 Functions of the Executive

4 Table: Responsibility for Local Choice Functions

5 Delegation of Functions by the Council

6 Delegation of Functions by the Executive

Schedule 1 Council Committees, their membership and their powers:

- Strategic Planning Committee
- Area Planning Committees
- Statutory Licensing Committee
- Statutory Licensing Sub-Committees
- General Licensing and Registration Committee
- General Licensing and Registration Sub-Committees
- Standards and Governance Committee
- Standards and Governance Committee Hearings Panel
- Audit Committee
- Appeals Committee (Home to School Transport)
- Employment Appeals Committee
- Chief Officers Appointments and Disciplinary Committee
- Chief Officers Appointments Sub-Committee
- Chief Officers Disciplinary Panel
- Pension Fund Committee
- Pension Board
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- Health and Wellbeing Board
- North Yorkshire Police, Fire and Crime Panel

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- Executive Members and their Responsibilities
- Register of Executive Committees
- Delegation of Executive Functions
- Executive Members' Delegation Scheme
- Sub-committees of Executive
  1. Shareholder Committee - membership and terms of reference

Schedule 3 Membership of Overview and Scrutiny Committees

Schedule 4 Officers' Delegation Scheme

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Schedule 5 Appointments to Outside Bodies

Explanatory Introduction

[This note does not itself form part of the Constitution]

1. *This note provides a brief introduction to Part 3 of the Constitution, which deals with responsibility for functions: that is, what persons in the organisation have what powers of decision making. Part 3 sets out terms of reference/delegated powers for all bodies and persons except full Council (whose powers are contained in Article 4 of the Constitution) and Overview and Scrutiny Committees (whose powers are set out in Article 6).).*

2. *Prior to the Local Government Act 2000 (as amended), the legal framework in relation to delegation of powers was relatively simple. Legally, all powers were given to local authorities which had the power to delegate the exercise of these powers to committees, sub-committees or officers. Within this simple structure, was scope for sub-delegation (for example by a committee to an Officer), and also scope for powers to be delegated to other local authorities. All of this framework is based on Section 101 of the Local Government Act 1972.*

3. *The Local Government Act 2000 (as amended) allows for the operation of an executive structure which the Council has chosen to operate. Now, the decision making framework is not so simple. Instead of all functions being those of the Council, there is a fundamental division of functions between those which are the responsibility of the Executive, and those which are not. The functions which are not the responsibility of the Executive remain subject to the decision making framework set out in the Local Government Act 1972, as explained in the previous paragraph. The functions which are the responsibility of the Executive will be covered in "Executive Arrangements", and which the Leader can either exercise personally or allocate to the Executive itself, committees of the Executive, individual Executive members, or officers. Again there is a structure of sub-delegation whereby, for example, an individual Executive member who is given powers by the Leader may (unless the Leader otherwise directs) delegate to an officer.*

4. *The attached flowcharts set out the above framework.*

5. *Local authorities operating executive arrangements must divide all of their functions between those which are the responsibility of the Executive and those which are not. In large part, this is done by legislation. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) lists powers of local authorities which are not the responsibility of the Executive. A separate list in the same Regulations contains local authority powers which councils may decide either to give to the Executive or not: these are referred to as "local choice functions". It is open to local authorities to choose locally whether to allocate them to the Executive or not. The Government has provided detailed guidance to local authorities on the allocation of these powers. Paragraph 4 of Part 3 deals with local choice functions.*

6. *Apart from the specific matters referred to above, together with determination of the budget and policy framework, all local authority functions are the responsibility of the Executive.*

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7. *The legislation in relation to delegation of powers is very complex, with many detailed and prescriptive rules. Part 3 of the Constitution observes these rules, whilst seeking to create a framework for decision making which is as manageable as possible. One example of this is that Area Constituency Committees may have delegated to them by the Council various functions which are not the responsibility of the Executive; and may have delegated to them through the executive arrangements functions which are the responsibility of the Executive. Area Constituency Committee agendas must distinguish between items which are the responsibility of the Executive and those which are not. Rather than have two separate lists of powers delegated to Area Constituency Committees, this is set out as a single list, with powers delegated by the Council marked with an asterisk.*

8. *The main text of Part 3 is contained in paragraphs 1-6. Schedule 1 then deals with the various committees established to perform non-Executive functions. Schedule 3 uses the same format to set out the membership of overview and scrutiny committees. The terms of reference of these committees are not contained in Part 3, because they are fully set out in Article 6. Schedule 2 to Part 3 deals with the Executive, and in particular with the delegation of Executive functions. Schedule 4 contains the officers' delegation scheme, and Schedule 5 deals with appointments to outside bodies.*

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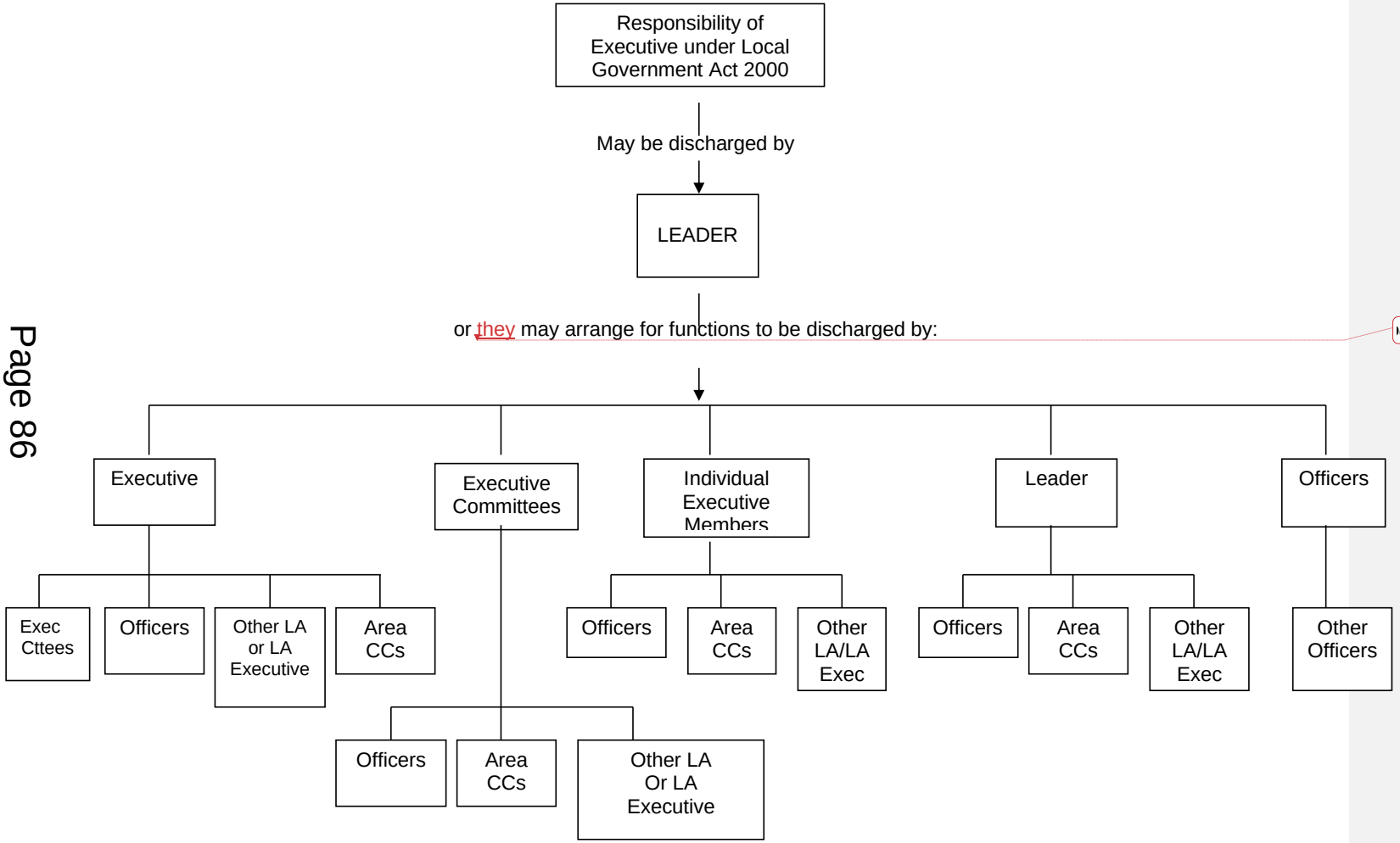
Executive Functions



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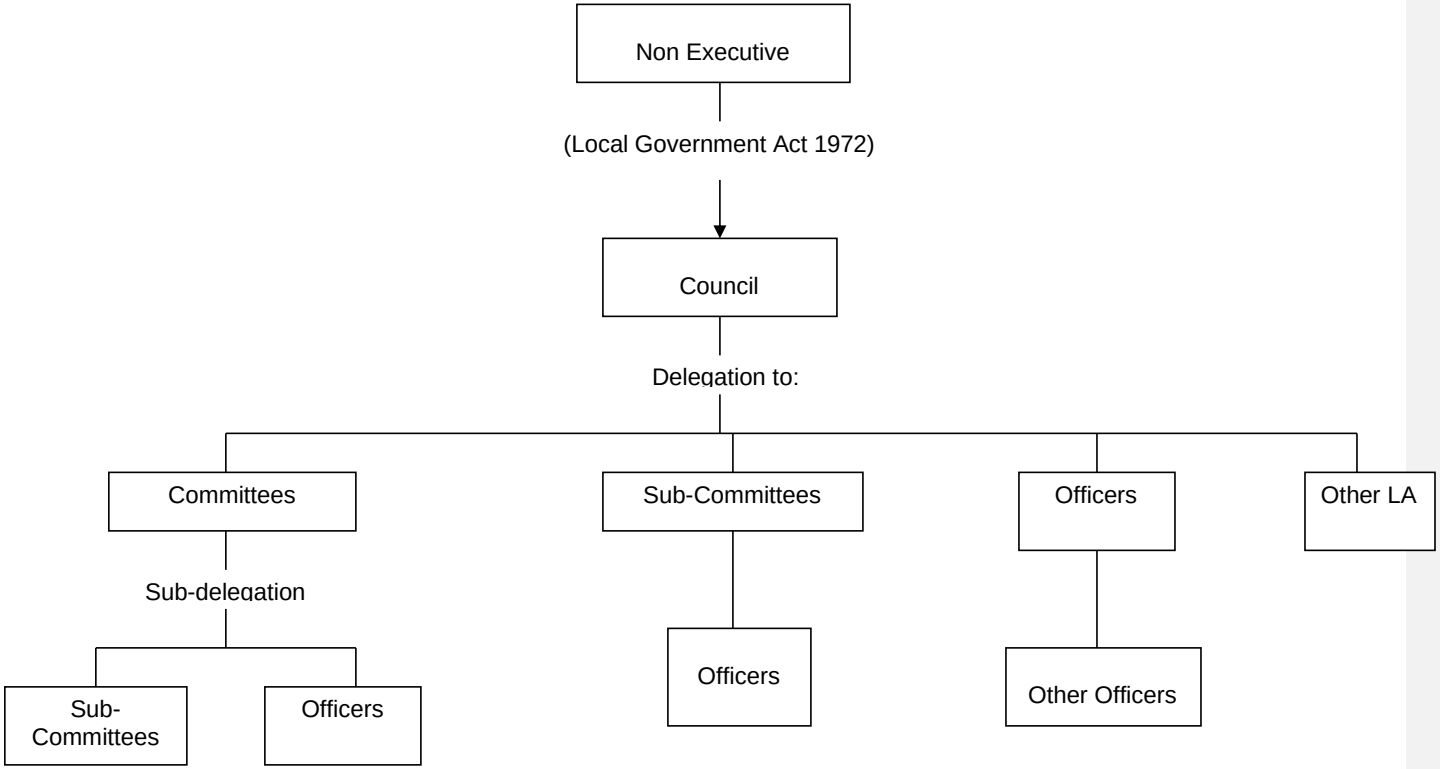
Non-Executive Functions



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Responsibility for Functions

The North Yorkshire (Structural Changes) Order 2022 came into force on 18 March 2022 and facilitated the transition from the existing two tier system of county council and district/borough councils in North Yorkshire to a single unitary council from 1 April 2023.

1. GENERAL

1.1 All of the Council's functions are the responsibility of either:

- Full Council; or
- The Executive

1.2 Functions which are the responsibility of full Council may be delegated to a committee, (including an Area Constituency Committee), a sub-committee, an Officer or another local authority, or to a member of the Council (to the extent that the function is exercisable in relation to the electoral division for which the member is elected), and in accordance with arrangements made by the Council.

1.3 Functions which are the responsibility of the Executive may be discharged by the Leader or allocated by the Leader to the Executive, a committee of the Executive, an individual member of the Executive, or an Officer. Executive functions may also be delegated to an Area Constituency Committee, to a member of the authority under arrangements made by the Leader (to the extent that the function is exercisable in relation to the electoral division for which the member is elected), or another local authority or its executive, or joint arrangements entered into, in accordance with the relevant statutory requirements.

1.4 The law provides a framework under which:

- some functions must be the responsibility of the Executive
- some functions must not be the responsibility of the Executive
- some functions may or may not be the responsibility of the Executive

The latter are known as "local choice functions", and it is a requirement that this Constitution sets out in detail who is responsible for them.

1.5 Any reference in this part of the Constitution to any function, and any delegation of power includes all action associated with that function or power and all related enforcement action.

1.6 This part of the Constitution defines the respective responsibilities of the Council and the Executive, and explains the arrangements for delegation of these responsibilities.

2. FUNCTIONS OF THE FULL COUNCIL

2.1 The Council is responsible for determination of

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DURING LOCAL GOVERNMENT REORGANISATION **¶

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¶
The first transitional period means the period beginning on the date when the Structural Changes Order comes into force and ending on the fourth day after the 2022 local government elections (which were held on 5 May 2022).¶
¶
The second transitional period means the period beginning on the fourth day after the 2022 election day and ending on 1st April 2023.¶
¶
NYCC's executive arrangements initially provided for the discharge of the main transitional function and certain other transitional functions ("the article 7 functions") namely:¶
¶
a) such NYCC executive and non-executive functions existing on the date on which the Structural Changes Order comes into force and ¶
¶
b) such other functions as the Secretary of State may specify by order or regulations¶
¶
to be the responsibility, throughout the first transitional period, of a committee of the Executive, known as the Implementation Executive. ¶
¶
At the end of the first transitional period, the Implementation Executive was abolished (by law) and the discharge of the main transitional function, the article 7 functions, and functions under article 9 of the Structural Changes Order became the responsibility of NYCC's Executive. ¶
¶
The Constitution should be read in this context.¶
¶
The Assistant Chief Executive (Legal and Democratic Services) has delegated power to amend the Constitution to ensure that the Constitution and the ...

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- the budget, as defined in Article 4.01(b)
- the policy framework, as defined in Article 4.01(a)
- the constitutional and related functions set out in Article 4.02.

2.2 Under Article 6 of this Constitution, the Council's overview and scrutiny committees have important roles in relation to review and scrutiny of decisions, call in of executive decisions, and scrutiny reviews. These roles are set out in Articles 6.02 and 6.03, and include assisting the Council and the Executive in the development of the budget and of the policy framework.

2.3 Functions which involve:

- determining applications for licences, approvals, consents, permissions or registration
- direct regulation of persons or activities
- enforcement action related to the above
- approving the Council's statement of accounts, income and expenditure and balance sheet;

may not, by law, be the responsibility of the Executive. The Council delegates these functions to the relevant Committees as set out in Schedule 1. Responsibility for local choice functions is set out in 4 below, under which some of these functions are the responsibility of full Council or a committee appointed by it.

2.4 Issues related to ethics, conduct, elections, community governance, making recommendations on Honorary Aldermen/women and residual powers in relation to consultation on personal Bills are matters for the Standards and Governance Committee. The terms of reference of the Standards and Governance Committee are set out in Part 3 Schedule 1.

2.5 In accordance with the Human Rights Act 1998, the Council has established an Appeals Committee (Home to School Transport) and an Employment Appeals Committee, with the functions set out in Schedule 1 in order to ensure that no one who was involved in making a decision is involved in the determination of an appeal against that decision.

2.6 The Council is administering authority for the North Yorkshire Pension Fund. The Council delegates these functions to the Pension Fund Committee, as set out in Schedule 1.

2.7 Appointment of Chief Officers is dealt with by the Chief Officers Appointments and Disciplinary Committee, as set out in Schedule 1 and appointment of other staff is dealt with as set out in the Staff Employment Procedure Rules.

2.8 Certain powers of the Council in relation to highways, common land and other environmental issues are delegated to Area Constituency Committees and the Area Planning Committees as set out in Schedule 1 (the powers in question are those marked *).

2.9 Functions of the Council relating to police accountability under the Police Reform and Social Responsibility Act 2011 including the establishment and maintenance of, and membership of, the police, fire and crime panel for the North Yorkshire police force area (as a joint committee of the Council and the City of York Council), as set out in Schedule 1.

2.10 Certain powers of the Council in relation to licensing and registration are delegated to the Statutory Licensing Committee and Sub-Committees and General Licensing and Registration Committee and Sub-Committees as set out in Schedule 1.

3. FUNCTIONS OF THE EXECUTIVE

3.1 All functions of North Yorkshire Council not referred to in paragraph 2 above or delegated to Officers by the Council under 5.3 below are the responsibility of the Executive. Such functions are not to be discharged (or delegated) by full Council.

3.2 Without limiting the scope of 3.1 above, the Executive (directly or by delegating its powers as described below) has the following functions and responsibilities:

(a) proposing the budget to full Council, including preparation of estimates and the amount of the proposed precept, and any reconsideration or revision of those estimates and amounts;

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(b) proposing to full Council new policies (or amendments to existing policies) which fall within the Policy Framework as defined in Article 4.01(a);

(c) adopting on behalf of the Council any plans or strategies which do not form part of the Policy Framework;

(d) implementing and delivering the agreed budget and Policy Framework;

(e) taking all decisions other than those referred to in paragraph 2 above;

(f) responsibility for local choice functions to the extent indicated in the table below;

(g) discharging the Council's responsibilities as an employer for health and safety; and

(h) making appointments to outside bodies in connection with functions which are the responsibility of the Executive;

3.3 All plans and strategies falling within the policy framework shall be considered by the Executive, who shall make recommendations thereon to full Council. However, it is for full Council to:

- instruct the Executive to reconsider any draft plan or strategy;
- amend any draft plan or strategy submitted by the Executive;
- approve for public consultation proposals for alterations to, or the replacement of, the Development Plan;
- approve any plan or strategy for submission to government (where required);
- adopt any plan or strategy with or without modification.

Apart from the above, all functions in relation to developing plans and strategies falling within the policy framework shall be performed by the Executive.

3.4 The function of amending, modifying, varying or revoking any plan or strategy falling within the policy framework shall be performed by the Executive:

- if it is required for giving effect to governmental requirement; or
- if it was authorised by full Council when approving or adopting the plan or strategy;

but otherwise that function shall be performed by the Council.

4. TABLE: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

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Function ...

Function	Decision making body	Extent of responsibility
1. Functions under the North Yorkshire County Council Act 1991.	General Licensing and Registration Committee The Executive	Functions which involve either determining an application for a licence, approval, consent, permission or registration; direct regulation of a person; or any related enforcement actions. All other functions.
2. Functions under the Harrogate Stray Act 1985	The Executive	All functions
3. Functions under the Harrogate Borough Council Act 1986	The Executive	All functions
4. Whitby Piers and Harbour Act 1827	The Executive	All functions
5. Whitby Improvement 1841	The Executive	All functions
6. Local Government Board's Provisional Orders Confirmation Act 1874 (No.3)	The Executive	All functions
7. Whitby Port and Harbour Act 1879	The Executive	All functions
8. Pier and Harbour Orders Confirmation Act 1881	The Executive	All functions
9. Pier and Harbour Orders Confirmation (No.2) Act 1883	The Executive	All functions
10. Whitby Urban District Council Act 1905	The Executive	All functions
11. Local Government Board's Provisional Orders Confirmation (No.12) Act 1914	The Executive	All functions
12. Scarborough Harbour Act 1843	The Executive	All functions
13. Scarborough Harbour Act 1846	The Executive	All functions

Function	Decision making body	Extent of responsibility
14. Scarborough Improvement Act 1889	The Executive	All functions
15. Scarborough Corporation Act 1900	The Executive	All functions
16. Local Government Board's Provisional Orders Confirmation (No 8) Act 1905	The Executive	All functions
17. Pier and Harbour Orders Confirmation Act 1918	The Executive	All functions
18. Scarborough Corporation Act 1925	The Executive	All functions
19. Scarborough Corporation Act 1931	The Executive	All functions
20. Pier and Harbour Order (Scarborough) Confirmation Act 1935	The Executive	All functions
21. Scarborough Harbour Order 1952	The Executive	All functions
22. Scarborough Harbour Revision Order 1969	The Executive	All functions
23. Scarborough Borough Council Act 1985	The Executive	All functions
24. Filey Improvement Act 1904	The Executive	All functions
25. Filey Urban District Council Act 1920	The Executive	All functions
26. The determination of an appeal against any decision made by or on behalf of the Council.	Appeals Committee (Home to School Transport) Employment Appeals Committee The Executive	To the extent set out in the terms of reference of the Appeals Committee (Home to School Transport). To the extent set out in the terms of reference of the Employment Appeals Committee. All other appeals.
27. The making of arrangements for appeals against the exclusion of pupils from schools.	Appeals Committee (Home to School Transport)	NB that the appeals themselves are heard by lay and independent panel members appointed by the Appeals Committee (Home to School Transport).

Function	Decision making body	Extent of responsibility
28. The making of arrangements in relation to school admission appeals.	Appeals Committee (Home to School Transport)	NB that the appeals themselves are heard by lay and independent panel members appointed by the Appeals Committee (Home to School Transport).
29. The making of arrangements in relation to appeals by Governing Bodies.	Appeals Committee (Home to School Transport) Employment Appeals Committee	 To the extent set out in the terms of reference of the Employment Appeals Committee.
30. Any function relating to contaminated land.	Executive	All functions
31. The discharge of any function relating to the control of pollution or the management of air quality.	General Licensing and Registration Committee The Executive	Functions which involve determining an application for a licence, approval, consent, permission or registration, or direct regulation of a person, together with any related enforcement action. All other functions.
32. The service of an abatement notice in respect of a statutory nuisance.	Executive	All functions
33. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Executive	All functions
34. The inspection of the authority's area to detect any statutory nuisance.	Executive	All functions
35. The investigation of any complaint as to the existence of a statutory nuisance.	Executive	All functions

Function	Decision making body	Extent of responsibility
36. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Executive General Licensing and Registration Committee	To the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders. Exercise of the powers for all other purposes.
37. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Executive General Licensing and Registration Committee	Division of responsibility as for 36 above.
38. The making of agreements under Section 278 of the Highways Act 1980 for the execution of highway works.	The Executive	
39. The appointment (and the revocation of any such appointment) of any individual: (a) to any office other than employment by the authority; (b) to any body (or committee or sub-committee of such a body) other than the authority itself or a joint committee of two or more authorities.	The Executive Full Council	In connection with functions which are the responsibility of the Executive. All other appointments.
40. Making agreements with other local authorities for the placing of staff at the disposal of those other authorities.	The Executive Full Council	In connection with functions which are the responsibility of the Executive. In all other cases.
41. Any function of a local authority in its capacity as a statutory Harbour Authority for Scarborough Harbour, the Port and Harbour of Whitby and Filey Coble Landing (to the extent that the function is not covered by a local act).	The Harbour Master The Executive	To the extent set out in the Officers' Delegation Scheme. All other functions.

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5. DELEGATION OF FUNCTIONS BY THE COUNCIL

5.1 The Council delegates to the Strategic Planning Committee, the Area Planning Committees, the Statutory Licensing Committee and Sub-Committees, the General Licensing and Registration Committee and Sub-Committees, the Standards and Governance Committee, the Audit Committee, the Appeals Committee (Home to School Transport), the Employment Appeals Committee the Chief Officers Appointments and Disciplinary Committee, and the Pension Fund Committee the powers set out as the delegated powers of those committees in Part 3 of this Constitution.

5.2 The Council delegates to the Area Constituency Committees named in Article 10 the non-executive functions which are contained in the delegated powers of Area Constituency Committees in Part 3 of this Constitution and marked * . (This marking is to distinguish executive and non-executive functions in the delegated powers of Area Constituency Committees).

5.3 The Council delegates to Officers the non-executive functions which are contained in the Officers Delegation Scheme and marked *. (This marking is to distinguish executive and non-executive functions in the Officers' Delegation Scheme).

5.4 The Council delegates its powers to create, stop up and divert footpaths, bridleways and byways open to all traffic, and those other powers specified in agreements between the Council and the Authorities concerned, to the North York Moors National Park Authority and the Yorkshire Dales National Park Authority within the respective geographical boundaries of those Authorities.

5.6 Functions of the Council relating to police accountability under the Police Reform and Social Responsibility Act 2011, including the functions of the police, fire and crime panel for the North Yorkshire police force area, are delegated to the North Yorkshire Police, Fire and Crime Panel (as a joint committee of the Council and the City of York Council), as set out in Schedule 1.

5.7 The delegation of these powers operates under Section 101 of the Local Government Act 1972 and all other powers enabling the Council.

5.8 Functions of health and wellbeing boards under the Health and Social Care Act 2012 and related regulations are undertaken by the Health and Wellbeing Board as set out in Schedule 1.

5.9 The non-executive powers delegated to Officers are subject to the general provisions in the Officers Delegation Scheme.

5.10 Insofar as the making of appointments to outside bodies is a function of full Council, the Council agrees that those appointments should be made as set out in Schedule 5.

6. DELEGATION OF FUNCTIONS BY THE EXECUTIVE

6.1 The delegation of functions by the Executive is set out in Schedule 2 to this Part of the Constitution.

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Schedule 1

Council Committees: their membership and their powers

1. Strategic Planning Committee
2. Area Planning Committees
3. Statutory Licensing Committee
4. Statutory Licensing Sub-Committees
5. General Licensing and Registration Committee
6. General Licensing and Registration Sub-Committees
3. Standards and Governance Committee
4. Standards and Governance Committee Hearings Panel
5. Audit Committee
6. Appeals Committee (Home to School Transport)
7. Employment Appeals Committee
8. Chief Officers Appointments and Disciplinary Committee
8. Chief Officers Appointments Sub-Committee
9. Chief Officers Disciplinary Panel
10. Pension Fund Committee
11. Pension Board
12. Area Constituency Committees
13. Health and Wellbeing Board
14. North Yorkshire Police, Fire and Crime Panel

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STRATEGIC PLANNING COMMITTEE

[12] Members –comprising [4] members, one of which is the Chair from each of the 6 Area Planning Committees. The Committee to have named substitutes from Area Planning Committees

Members must have received planning training before attending the Committee to taking an active part in the meeting/voting.

Delegated Powers

The Strategic planning Committee is responsible for the following except where delegated to an Officer:

*(a) to exercise the powers and duties of the Council as Planning Authority in relation to all functions relating to town and country planning and development management as specified in, but not limited to Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 in relation to the following matters:

- Significant planning applications relating to minerals or waste.
- Significant planning applications relating to energy or physical infrastructure accompanied by an Environmental Impact Statement and where it is intended to recommend approval.
- Planning applications for more than 500 houses and where it is intended to recommend approval.
- Planning applications which are defined as a departure from the adopted Development Plan for which the Secretary of State must be consulted and where it is intended to recommend approval.
- Planning applications where the CD/HOP considers the application to raise significant strategic planning issues that affect more than one area committee geography.

(b) To support and be consulted in respect of any Development Plan documents.

(c) Responses as a statutory consultee to Nationally Significant Infrastructure Project for which a development consent order is being sought under the Planning Act 2008.

There shall be no referral down of applications from Strategic Planning Committee to Area Planning Committees.

Area Planning Committees

There are six Area Planning Committees which reflect the parliamentary constituencies:

- Comprising Skipton and Ripon
- Comprising Richmond (Yorks)
- Comprising Harrogate and Knaresborough
- Comprising Thirsk and Malton
- Comprising Scarborough and Whitby
- Comprising Selby & Ainsty

12 Members – each Committee to made up of [6] members. Each Area Planning Committee to have named substitutes from the relevant Area Committee.

Quorum –

Members shall not participate as members of the Area Planning Committee until they have received appropriate training.

TERMS OF REFERENCE

Except where delegated to an officer, Area Planning Committees will have the following functions for their areas:

* (a) to exercise the powers and duties of the Council as Planning Authority in relation to all functions relating to town and country planning and development management as specified in, but not limited to Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 that do not fall within the remit of the Strategic Planning Committee'.

* (b) to exercise the Council's functions as the Commons Registration Authority for common land and town/village greens.

* (c) to exercise powers relating to the protection of important hedgerows.

* (d) to support and be consulted in respect of any Development Plan documents.

*(e) the power to make representations to the Secretary of State regarding Public Path Orders to which a valid objection has been received following public advertisement of the Order, subject to consultation with the relevant Executive Member(s) and local Member(s).

Statutory Licensing Committee

Membership

The Statutory Licensing Committee comprises 15 Members of the Council.

The Statutory Licensing Committee and its Sub-Committees are not required to be politically proportionate by virtue of the Licensing Act 2003.

Quorum

The quorum will be at least one quarter of the membership but any case not less than 4 members.

Substitute Members

The appointment of substitute members for the Statutory Licensing Committee is not permitted and any sub-committee members must be appointed from the Statutory Licensing Committee Membership.

Terms of Reference

(i) To exercise all the functions of the 'licensing authority' under the Licensing Act 2003 and Gambling Act 2005, except the approval of the Statement of Licensing Policy and Gambling Statement of Principles.

(ii) To determine the terms of reference and delegated powers of the Statutory Licensing Sub-Committee as required by the Licensing Act 2003, Gambling Act 2005

(iii) To determine which functions under the Licensing Act 2003 and Gambling Act, should be delegated to Officers.

(iv) To receive regular reports on decisions made by Officers under delegated powers with regard to applications under the Licensing Act 2003 and Gambling Act 2005, so that the Committee can maintain an overview of the general situation.

(v) To receive reports from time to time when appropriate on the needs of the local tourist economy.

(vi) To receive reports of the employment situation in the area and the need for new investment and employment where appropriate.

(vii) To provide reports to the Planning Committee as appropriate on the situation regarding licensed premises in the area

Delegated Powers

1. To review and make recommendations to Council upon policies in relation to licensing functions under the Licensing Act 2003 and the Statement of Licensing Policy.

2. To discharge the Council's functions as a Licensing Authority pursuant to the Licensing Act 2003 within agreed Policy.

3. To review and make recommendations to Council upon policies in relation to licensing functions under the Gambling Act 2005 and the Statement of Principles.

4. To discharge the Council's functions as a Licensing Authority pursuant to the Gambling Act 2005 within agreed Policy.

5. To arrange for the discharge of any of the Licensing functions exercisable by the Committee or by an Officer of the licensing Authority subject to the limitations set out in section 10(4) of the Licensing Act 2003 and section 154 of the Gambling Act 2005.

6. To determine the procedures to be followed at Licensing Act 2003 Sub-Committee hearings when hearing applications made under the Licensing Act 2003 and Gambling Act 2005

Statutory Licensing Sub-Committees

There are three Statutory Licensing Sub-Committees. Each Sub-Committee shall comprise three Members drawn down from the full Statutory Licensing Committee.

The quorum is three Members.

The provisions of the Licensing Act 2003 (Hearings) Regulations 2005 shall apply to hearings conducted in relation to functions exercised under the Licensing Act 2003.

The provisions of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 shall apply to hearings conducted in relation to the exercise of functions under section 162(1) and (2) and section 204(4) of the Gambling Act 2005.

Otherwise meetings of the Committee and Sub-Committees will be conducted in accordance with the Council Procedure Rules and the Access to Information Procedure Rules contained in the Constitution. In the event of any conflict between the relevant Regulations and the Council Procedure Rules and Access to Information Procedure Rules in relation to the exercise of such functions identified above the provisions of the relevant Regulations shall prevail.

Delegated Powers

1. Each Statutory Licensing Sub-Committee will discharge all of the functions of the Statutory Licensing Committee except policy development and matters otherwise reserved to officers.

2. To determine applications under the Licensing Act 2003 as set out below:

Application for personal licence	If a representation is made and not withdrawn
Application for personal licence with relevant unspent convictions	All cases
Application for premises licence/club premises certificate	If a representation is made and not withdrawn
Application for provisional statement	If a representation is made and not withdrawn
Application to vary premises licence/club premises certificate	If a representation is made and not withdrawn
Application to vary designated premises licence holder	If a police representation is made and not withdrawn
Application for transfer of premises licence	If a police representation is made and not withdrawn
Applications for interim authorities	If a police representation is made and not withdrawn
Application to review premises licence/club premises certificate	All cases
Application for summary review	All cases

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Determination of a Temporary Event Notice /Determination of an objection submitted by the Police or a relevant person to a Temporary Event Notice	If a valid objection notice has been received and the notice has not been withdrawn
Determination of application to vary premises licence at community premises to include alternative licence condition	If police objection

3. To determine applications under the Gambling Act 2005 as set out below:

Application for premises licence	If a representation is made and not withdrawn or it is proposed to attach a condition under section 169(1)(a) of the Gambling Act 2005 or to exclude a condition under section 169(1) (b) of that Act.
Application for a provisional statement	If a representation is made and not withdrawn or it is proposed to attach a condition under section 169(1)(a) of the Gambling Act 2005 or to exclude a condition under section 169(1) (b) of that Act.
Application to vary a premises licence	If a representation is made and not withdrawn or it is proposed to attach a condition under section 169(1)(a) of the Gambling Act 2005 or to exclude a condition under section 169(1) (b) of that Act
Application for the transfer of a premises licence	If a representation is made by the Gambling Commission and not withdrawn or it is proposed to attach a condition under section 169(1)(a) of the Gambling Act 2005 or to exclude a condition under section 169(1) (b) of that Act.
Application for the reinstatement of a lapsed licence	If representation is made
Review of a premises licence - section 201	All cases
Consideration of a temporary use notice	If an objection is made and not withdrawn
Decision to give a counter notice to a temporary use notice	All cases
Application for a club gaming/club machine permits	Where objections have been made and not Withdrawn
Cancellations of club gaming/club machine permits	All cases
Refusal of an application to register as a small society lottery	Where it has been identified, following a hearing, that the grounds detailed in paragraphs 47 or 48 of Schedule 11 of the Gambling Act 2005 apply
Revocation of a registration as a small society lottery	Where it has been identified that grounds exist which would have resulted in a refusal to register if the application were made anew
To make an order under Section 284 of the Gambling Act 2005 removing the exemption of either the right to provide	Where it has been determined that: (i) Allowing the exemption would not be reasonably consistent with the licensing

equal chance gaming in 'on sale' alcohol licensed premises or the entitlement to provide two gaming machines in 'on sale' alcohol licensed premises	objectives (ii) Where gaming has taken place on a premises in breach of a condition of either section 279 or section 282 (iii) Where the premises are mainly used for gaming (iv) Where an offence has been committed under the Act on the premises

STANDARDS AND GOVERNANCE COMMITTEE

1. Membership

Councillors (6)			
	Councillors Names		*Political Group*
1	BROWN, Nick		Conservative
2	CROSS, Sam		Independent (unaffiliated)
3	DAVIS, Melanie		Labour
4	PEARSON, Clive	Chairman	Conservative
5	PHILLIPS, Heather		Conservative
6	SLATER, Monica		Liberal Democrat and Liberal

Total Membership – (6)	**Quorum – (3)**

Con	**Lib Dem and Lib**	**NY Ind**	**Labour**	**Ind**	**Green Group**	**Total**
3	**1**	**0**	**1**	**1**	**0**	**6**

2. Substitute Members

Conservative		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillors Names*
1		**1**	MASON, Steve
2		**2**	
3		**3**	
4		**4**	
5		**5**	
Labour			
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
3		**3**	
4		**4**	
5		**5**	

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.

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¶
As set out in Article 9.03 of the Constitution¶

STANDARDS AND GOVERNANCE COMMITTEE

TERMS OF REFERENCE

The Standards and Governance Committee will have as its terms of reference, exercising the following roles and functions:

Standards Functions

(a) all functions of the Council under the Localism Act 2011 relating to ethical standards including but not limited to:

(i) exercising all functions in respect of the publication of Independent Person for standards' vacancies (sub-delegated to the Monitoring Officer, in consultation with the Chair of the Committee);

(ii) assisting in the recruitment of Independent Persons for standards (but not approving individual appointments);

(iii) assisting, where requested, in the designation and handling of persistent and/or vexatious complaints and complainants against Members and Officers;

(iv) granting dispensations to Members and voting co-opted Members. This power is sub-delegated to the Monitoring Officer, in consultation with the Independent Persons, where the timescales are such that a Standards and Governance Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards and Governance Committee, all of whom consent to the granting of the dispensation.

Governance Functions

(b) making temporary appointments to parish councils under Section 91 of the Local Government Act 1972.

(c) making recommendations to Council in relation to Community Governance reviews.

(d) recommending to Council the appointment of an Electoral Registration Officer and the appointment of a Returning Officer for local government elections under the Representation of the People Act 1983.

(e) dividing Parliamentary constituencies into polling districts and dividing electoral divisions into polling districts at local government elections under the Representation of the People Act 1983.

(f) such other election functions which it is necessary for the Council to decide (excluding those delegated directly by statute to the Returning Officer or Electoral Registration Officer or those functions delegated elsewhere in the Constitution).

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(g) All other matters relating to elections, including all powers of the authority listed in Parts D, E and EB of Schedule 1 to the Local Authorities (Functions & Responsibilities)(England)(Regulations) 2001.

(h) recommending to Council the conferring of the title of Honorary Alderman or Alderwoman.

(i) recommending to Council the opposition or approval of local or personal Bills under Section 239 of the Local Government Act 1972 to the extent that the power is not delegated to another Committee or Sub Committee or officer.

STANDARDS AND GOVERNANCE COMMITTEE
HEARINGS PANEL

1. Membership

Councillors		
	Councillors Names	*Political Group*
1		
2		
3		
4		
5		
6		
7		
8		

Total Membership				**Quorum – (TBC) including one Independent**		
Con	**Lib Dem and Lib**	**NY Ind**	**Labour**	**Ind**	**Green Party**	**Total**

2. Substitute Members

Conservative		**NY Independents**	
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
Labour		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillor Names*
1		**1**	
2		**2**	
Green Party			
1	*Councillors Names*		
2			

NOTE – The appointments to this Panel are made by the Standards and Governance Committee. When the Panel is considering a complaint that a parish/town council Member has breached a parish/town council's code of conduct for Members, the Panel must contain a parish council representative selected from a pool of parish/town council representatives who have received appropriate training.

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STANDARDS AND GOVERNANCE COMMITTEE
HEARINGS PANEL

TERMS OF REFERENCE

1. To undertake all functions of the Standards and Governance Committee, in consultation with the Independent Person for standards, in relation to the consideration of complaint investigation reports and the holding of complaint determination hearings regarding matters referred by the Monitoring Officer, including (but not limited to) the making of findings and the imposition of sanctions (if appropriate) in respect of complaints that Members have breached the relevant Code of Conduct for Members, as set out in the Localism Act 2011 as amended and associated legislation.

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AUDIT COMMITTEE

1. Membership

Councillors (10)			
	Councillors Names		*Political Group*
1	BAKER, Alyson		Conservative
2	BROADBANK, Philip		Liberal Democrat and Liberal
3	CRANE, Mark		Conservative
4	JABBOUR, George	Vice-Chair	Conservative
5	KNAPTON, Nigel		Conservative
6	LUNN, Cliff	Chair	Conservative
7	PARSONS, Stuart		NY Independent
8	SEDGWICK, Karin		Conservative
9	SWANNICK, Neil		Labour
10	WALKER, Matt		Liberal Democrat and Liberal
Members other than Councillors (Non-voting) (3)			
1	VACANCY		
2	MARSH, David		
3	PORTLOCK, David		

Total Membership – (13)				**Quorum – (3) Councillors**		
Con	**Lib Dem and Lib**	**NY Ind**	**Labour**	**Ind**	**Green Party**	**Total**
6	**2**	**1**	**1**	**0**	**0**	**10**

2. Substitute Members

Conservative		**NY Independents**	
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
3		**3**	
4		**4**	
5		**5**	
Labour		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillor Names*
1		**1**	BRODIGAN, Barbara
2		**2**	GOSTLOW, Hannah
3		**3**	
4		**4**	
5		**5**	

The current term of appointment of David Marsh and David Portlock as Independent Members to the Audit Committee ends 30 November 2023. Thereafter, the term of appointment shall be four years from 31 July during the year which follows a Council election in order to provide consistency during the period for production, and subsequent approval of, the Statement of Final Accounts.

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OFFICIAL

AUDIT COMMITTEE

TERMS OF REFERENCE

1. In respect of **Internal Audit**

   - to approve the Internal Audit Charter, Annual Audit Plan and performance criteria for the Internal Audit Service.
   - to review summary findings and the main issues arising from internal audit reports and seek assurance that management action has been taken where necessary.
   - to review the effectiveness of the anti-fraud and corruption arrangements throughout the Council.
   - consider the annual report from the Head of Internal Audit.
   - to obtain assurance that the work of internal audit conforms to the Public Sector Internal Audit Standards.

2. In respect of **External Audit**

   - to ensure the independence of External Audit is maintained.
   - to review the annual audit plan and monitor its delivery.

3. To review, and recommend to the Executive, changes to Procurement and Contract, Finance and Property Procedure Rules.

4. In respect of **financial statements**

   For both the Council and the North Yorkshire Pension Fund

   - to approve the respective annual Statements of Final Accounts.
   - to receive and review the Annual Audit Letters and associated documents issued by the External Auditor.
   - to review changes in accounting policy.

5. In respect of **Corporate Governance**

   - to assess the effectiveness of the Council's Corporate Governance arrangements.
   - to review progress on the implementation of Corporate Governance arrangements throughout the Council.
   - to approve Annual Governance Statements for both the Council and the North Yorkshire Pension Fund.
   - to liaise, as necessary, with the Standards and Governance Committee on any matter(s) relating to the Codes of Conduct for both Members and Officers.
   - to work with the Standards and Governance Committee to promote good ethical standards within the Council.
   - to review the arrangements in place for ensuring good governance in the Council's key partnerships and owned companies.

6. In respect of **Risk Management**

   - to assess the effectiveness of the Council's Risk Management arrangements.

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- to review progress on the implementation of Risk Management throughout the Council.

7. In respect of **Information Governance**

- to review all corporate policies and procedures in relation to Information Governance.
- to oversee the implementation of Information Governance policies and procedures throughout the Council.

8. In respect of **Treasury Management**

- to be responsible for ensuring effective scrutiny of the Council's Treasury Management strategy and policies as required by the CIPFA Treasury Management Code of Practice.
- to review these Treasury Management strategies, policies and arrangements and make appropriate recommendations to the Executive.

9. In respect of **Value for Money**

- to have oversight of the arrangements across the Council in securing Value for Money.

10. To consider any other relevant matter referred to it by the Council, Executive or any other Committee. In addition any matter of concern can be raised by this Committee to the full Council, Executive or any other Member body.

11. To exercise all functions in relation to the making and changing of policy relating to such audit and counter-fraud matters which fall within the remit of the Committee (save as may be delegated otherwise).

12. To periodically review the effectiveness of the Audit Committee itself.

13. To meet not less than four times a year on normal business and review its Terms of Reference on an annual basis.

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APPEALS COMMITTEE
(Home to School Transport)

1. Membership

Councillors (5)			
	Councillors Names		*Political Group*
1	DUCKETT, Stephanie	Vice-Chair	Labour
2	GOODRICK, Caroline		Independent (unaffiliated)
3	KNAPTON, Nigel		Conservative
4	PHILLIPS, Heather		Conservative
5	WINDASS, Robert	Chair	Conservative
Total Membership – (5)		**Quorum – (3)**	

Con	**Lib Dem and Lib**	**NY Ind**	**Labour**	**Ind**	**Green Party**	**Total**
3	**0**	**0**	**1**	**1**	**0**	**5**

2. Substitute Members

Conservative		**Labour**	
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
3		**3**	
4		**4**	
5		**5**	
6			

NOTE: A group of about 12 Members should develop particular expertise and experience on appeals matters, but only four Members should sit on the committee at any one time. It is intended, therefore, that the Substitution Scheme should be used to vary membership of the committee in order to ensure that the expertise and experience of all Members of the committee, including all Substitute Members, is developed.

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APPEALS COMMITTEE
(Home to School Transport)

TERMS OF REFERENCE

1. To hear and determine appeals against decisions of officers of the Council where provision exists for appeals to a member level body or of relevant decisions of Governing Bodies of Voluntary Aided Schools where the Governing body so requests in respect of:-

   (a) Grants to students including home to school transport.

   (b) Admissions to schools except those decisions coming within the scope of Independent Appeals Panels established under the Schools Standards and Framework Act 1998.

2. [Not used]

3. The making of arrangements for appeals against the exclusion of pupils from schools, and in relation to school admission appeals.

4. To hear and determine appeals against decisions of the Executive, where provision exists in law or in this Constitution for such an appeal. *(NB: No Member of the Executive may sit on the Appeals Committee (Home to School Transport) when it is exercising this function).*

5. To consider and determine appeals relating to school curriculum issues.

6. To hear and determine any appeal against a decision to terminate the appointment of an LEA Governor taken by the Governors' Committee.

OFFICIAL

EMPLOYMENT APPEALS COMMITTEE

1. Membership

Councillors (5)		
	Councillors Names	*Political Group*
1	ALDRED, Chris	Liberal Democrat and Liberal
2	HULL, Nathan Chair	Conservative
3	LUNN, Cliff	Conservative
4	RANDERSON, Tony	Labour
5	TAYLOR, Malcolm	Conservative
Total Membership – (5)	**Quorum – (3)**	

Con	**Lib Dem and Lib**	**NY Ind**	**Labour**	**Ind**	**Green Party**	**Total**
3	**1**	**0**	**1**	**0**	**0**	**5**

2. Substitute Members

Conservative		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillors Names*
1		**1**	SCHOFIELD, Mike
2		**2**	
3		**3**	
4		**4**	
5		**5**	
Labour			
	Councillors Names		
1			
2			
3			
4			
5			

NOTE - A group of about 12 Members should develop particular expertise and experience on appeals matters, but only four Members should sit on the committee at any one time. It is intended, therefore, that the Substitution Scheme should be used to vary membership of the committee in order to ensure that the expertise and experience of all Members of the committee, including all Substitute Members, is developed.

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EMPLOYMENT APPEALS COMMITTEE

TERMS OF REFERENCE OF THE EMPLOYMENT APPEALS COMMITTEE

1. To hear and determine appeals against decisions of officers of the Council, where provision exists for appeals to a member level body, or in the event of suspension of delegated budget for Community, Voluntary Controlled, Community Special and maintained nursery schools, to hear and determine appeals for staff of that school in respect of:-

   - Group grievances and collective disputes.

   - Exceptions:-

     (a) appeals against dismissals on the ground of redundancy and against selection for redundancy, which shall be determined by a Chief Officer or Senior Manager s/he has authorised to act in his/her place in consultation with an HR adviser, and

     (b) appeals against dismissals under the Council's Attendance Management Policy shall be determined, in consultation with a Member to be drawn from the Appeals Committee, by a senior manager who has not previously been involved in the matter, and who is duly authorised to determine the appeal in accordance with paragraph 3.7 of the Officers' Delegation Scheme. The appeal will be advised by an HR adviser who has had no previous involvement in the case and who will have no role in decision-making and

     (c) appeals against dismissals under the Council's Capability or Disciplinary Policies shall be determined, in consultation with a Member to be drawn from the Appeals Committee, by a Corporate Director/Assistant Chief Executive who has not been previously involved in the matter and who is duly authorised to determine the appeal in accordance with the Officers' Delegation Scheme. The appeal panel will be advised by the Head of HR/Principal Adviser who has had no previous involvement in the case, and who will not take part in decision-making.

2. To exercise all functions (including, but not limited to, hearing and determination) in relation to appeals by the Chief Executive Officer against decisions of the Chief Officers Appointments and Disciplinary Committee to take disciplinary action against him/her short of dismissal.

3. To exercise all functions (including, but not limited to, hearing and determination) in relation to appeals by the Chief Executive Officer against decisions of the Leader and/or the Chief Officers Appointments and Disciplinary Committee, on appraisal of the Chief Executive Officer, not to award an increment.

4. To hear disciplinary/capability appeals against dismissal by officers line managed by the Chief Executive where the Chief Executive has been involved in the dismissal process and it would be inappropriate for Members of Management Board, who also report to the Chief Executive, to hear the appeal.

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OFFICIAL

No member of the Chief Officers Appointments and Disciplinary Committee shall sit on the Employment Appeals Committee when the Employment Appeals Committee is hearing appeals by the Chief Executive Officer against decisions of the Chief Officers Appointments and Disciplinary Committee to take disciplinary action against him/her short of dismissal.

OFFICIAL

CHIEF OFFICERS APPOINTMENTS AND DISCIPLINARY COMMITTEE

1. Membership

Councillors (10)		
	Councillors Names	*Political Group*
1	CRANE, Mark	Conservative
2	DADD, Gareth	Conservative
3	FOSTER, Kevin	Green Group
4	GRIFFITHS, Bryn	Liberal Democrat and Liberal
5	HARRISON, Michael	Conservative
6	LES, Carl Chair	Conservative
7	PARSONS, Stuart	North Yorkshire Independent
8	SANDERSON, Janet	Conservative
9	SHAW-WRIGHT, Steve	Labour
10	WEIGHELL, John	Conservative

Total Membership – (10)	**Quorum – (3)**

Con	**Lib Dem and Lib**	**NY Ind**	**Labour**	**Ind**	**Green Group**	**Total**
6	**1**	**1**	**1**	**0**	**1**	**10**

2. Substitute Members

Conservative		**NY Independents**	
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
3		**3**	
4		**4**	
5		**5**	
Labour		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillor Names*
1		**1**	BROADBANK, Philip
2		**2**	
3		**3**	
4		**4**	
5		**5**	
Green Party			
1	WHITFIELD, Dave		
2			
3			
4			
5			

Note: This Committee (and any Sub-Committee) must include at least one Member of the Executive.

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CHIEF OFFICERS APPOINTMENTS AND DISCIPLINARY COMMITTEE

Delegated Powers

Appointments

1. Where a vacancy occurs in the position of Chief Executive Officer, to:

   (a) interview all qualified applicants for the post; or

   (b) select a shortlist of such qualified applicants and interview those on the shortlist;

   and (in either case)

   (c) having carried out such interviews, either appoint *(NB Note 1 below)* one of the candidates to the vacancy, or decide not to appoint any of the candidates, but instead to take such further action in relation to the filling of the post as the committee may determine.

2. Where a vacancy occurs in the position of any Chief Officer other than the Chief Executive Officer, to appoint a sub-committee *(NB Note 4 below)* to perform the functions set out at 1 (a)-(c) above in relation to that vacant post.

3. To consider the outcome of the annual appraisal of the performance of the Chief Executive Officer by the Leader of the Council where the outcome will affect the terms and conditions of the Chief Executive Officer and to determine any necessary changes to such terms and conditions. Where, on appraisal of the Chief Executive Officer, the Leader and/or the Chief Officers Appointments and Disciplinary Committee determines that an increment should not be awarded, the Chief Executive Officer will have a right of appeal to the Employment Appeals Committee.

   Note: for the avoidance of doubt, issues such as the award (or non-award) of an increment within the grade band of the Chief Executive Officer will not amount to a change in his/her terms and conditions necessitating a referral to this Committee.

4. Subject to the sub-paragraphs below, to consider from time to time the terms and conditions of Chief Officers and make necessary changes to them:

   (a) The determination of the remuneration and other terms and conditions which shall apply to a Chief Officer post on appointment must comply with the Pay Policy Statement, provided that if it is proposed to make an appointment on terms and conditions which do not comply, the matter shall be referred to full Council for consideration as to whether the Pay Policy Statement should be amended prior to a final offer being made to any candidate.

   (b) Any amendments proposed to Chief Officer remuneration and other terms and conditions, which would comprise an amendment to the Pay Policy Statement, shall be considered by the Chief Officers Appointments and Disciplinary Committee (or, in the case of Assistant Directors and Assistant Chief Executives, by the Chief Executive), and recommended by them to full Council for approval.

Notes:

1. *Full Council must approve, in advance, any offer of appointment as, or any notice of dismissal to, the Chief Executive Officer.*

2. *Action under 2 above is to be reported to full Council at the first available opportunity.*

3. *NB also Rules 5 and 6 of the Staff Employment Procedure Rules.*

4. *Any Sub-Committee must include at least one member of the Executive.*

Chief Executive Officer and Statutory Officer Disciplinary and Capability

5. To exercise all functions (save as may be delegated elsewhere) of investigating and disciplinary committee as prescribed in the Joint Negotiating Committee National Salary Framework & Conditions of Service for Local Authority Chief Executives, in relation to disciplinary action in respect of the Chief Executive Officer, the Monitoring Officer or the Section 151 Officer, on the grounds of conduct, capability or for other substantial reasons (and where, in the case of the Monitoring Officer or Section 151 Officer, the likely outcome is dismissal; in this regard such delegation including, but not limited to:

   (a) the initial investigation and consideration of allegation(s) relating to the conduct or capability of the Chief Executive Officer, Monitoring Officer or Section 151 Officer, or other substantial issue(s) which may require investigation;

   (b) the determination of whether the allegation(s) require any informal or formal action and whether the appointment of an Independent Investigator to investigate the allegation(s) is required;

   (c) where necessary, the appointment of an Independent Investigator to investigate the allegation(s);

   (d) the consideration of whether precautionary action is required (including the power to suspend the Chief Executive Officer, Monitoring Officer or Section 151 Officer, subject always to the legal requirements regarding such suspension) and, if so, the determination of the extent and terms of such precautionary action;

   (e) the receipt and consideration of Independent Investigator reports;

   (f) where appropriate, the referral of the matter back to the Independent Investigator for further investigation and report;

   (g) the hearing and determination of the allegation(s) at a disciplinary hearing, including the decision as to whether any disciplinary action (including dismissal) is necessary after consideration of the Independent Investigator's report.

6. Where there is a proposal to dismiss the Chief Executive Officer, the Monitoring Officer or the Section 151 Officer, then the matter must be referred to a Chief Officers Disciplinary Panel, including at least two Independent Persons appointed under section 28(7) of the Localism Act 2011, for the Panel's views and recommendations, which must be taken into account by full Council in determining the matter.

Chief Officers Disciplinary and Capability

7. To hear and determine all appeals made by Chief Officers who are not covered by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, of the Council, against decisions made by the Chief Executive Officer in respect of:

(a) Disciplinary and capability action (up to and including dismissal),
(b) Redundancy and sickness absence/ill health dismissals
(c) Dismissals for some other substantial reason.
(d) Grievance/Resolving Issues at Work issues

The Committee will be advised by a Head of HR not previously involved.

To hear and determine all appeals made by Statutory Chief Officers of the Council, against decisions made by the Chief Executive Officer in respect of:

(a) Capability action (less than dismissal)
(b) Disciplinary action (less than dismissal)
(c) Redundancy and sickness absence/ill health dismissals
(d) Grievance/Resolving Issues at Work issues

The Committee will be advised by a Head of HR not previously involved.

CHIEF OFFICERS APPOINTMENTS SUB-COMMITTEE

1. Membership

Councillors (10)		
	Councillors Names	*Political Group*
1	CRANE, Mark	Conservative
2	DADD, Gareth	Conservative
3	FOSTER, Kevin	Green Group
4	GRIFFITHS, Bryn	Liberal Democrat and Liberal
5	HARRISON, Michael	Conservative
6	LES, Carl Chair	Conservative
7	PARSONS, Stuart	North Yorkshire Independent
8	SANDERSON, Janet	Conservative
9	SHAW-WRIGHT, Steve	Labour
10	WEIGHELL, John	Conservative
Total Membership – (10)		**Quorum – (3)**

Con	**Lib Dem and Lib**	**NY Ind**	**Labour**	**Ind**	**Green Group**	**Total**
6	**1**	**1**	**1**	**0**	**1**	**10**

2. Substitute Members

Conservative		**NY Independents**	
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
Labour		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillor Names*
1		**1**	BROADBANK, Philip
2		**2**	
Green Group			
1	WHITFIELD, Dave		
2			

Note:

1. *Where a vacancy occurs in the position of any Chief Officer other than the Chief Executive Officer, to appoint a sub-committee (NB Notes 2-5 below).*

2. *Full Council must approve, in advance, any offer of appointment as, or any notice of dismissal to, the Chief Executive Officer.*

3. *Action under 2 above is to be reported to full Council at the first available opportunity.*

4. *NB also Rules 5 and 6 of the Staff Employment Procedure Rules.*

5. *Any Sub-Committee must include at least one member of the Executive.*

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CHIEF OFFICERS DISCIPLINARY PANEL

Membership

Councillors/Independent Persons ( )		
	Names	*Political Group*
1		
2		
3		
4		
5		
6		
7		
8		
Total Membership – ( )		**Quorum – (3)**

Con	**Lib Dem and Lib**	**NY Ind**	**Labour**	**Ind**	**Green Party**	**Total**

NOTE - Where there is a proposal to dismiss the Chief Executive Officer, the Monitoring Officer or the Section 151 Officer, then the matter must be referred to a Chief Officers Disciplinary Panel, including at least two Independent Persons appointed under section 28(7) of the Localism Act 2011, for the Panel's views and recommendations, which must be taken into account by full Council in determining the matter.

The Assistant Chief Executive HR and Business Support makes all appointments to the Chief Officers Disciplinary Panel.

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PENSION FUND COMMITTEE

1. Membership

Councillors (10)		
	Councillors Names	*Political Group*
1	GIBBS, Sam	Conservative
2	JABBOUR, George	Conservative
3	LES, Carl	Conservative
4	LUNN, Cliff	Conservative
5	NOLAND, David	Green Group
6	SWANNICK, Neil	Labour
7	THOMPSON, Angus	Conservative
8	WALKER, Matt	Liberal Democrat and Liberal
9	WEIGHELL, John Chair	Conservative
10	WILLIAMS, Andrew	North Yorkshire Independent

Members other than Councillors (1 and 2) Voting (3) Non-voting		
1	VASSIE, Christian	City of York
2	MULLIGAN, Patrick	North Yorkshire District Councils
3	PORTLOCK, David	Chair of the Pension Board
Total Membership – (10)		**Quorum – (3) Councillors**

Con	**Lib Dem and Lib**	**NY Ind**	**Labour**	**Ind**	**Green Group**	**Other Voting Members**	**Total**
6	**1**	**1**	**1**	**0**	**1**	**2**	**12**

2. Substitute Members

Conservative		**NY Independents**	
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
3		**3**	
4		**4**	
5		**5**	
Labour		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillor Names*
1		**1**	BROADBANK, Philip
2		**2**	
3		**3**	
4		**4**	
5		**5**	
Green Party			
1	FOSTER, Kevin		
2			
3			
4			
5			

3. Substitute Members

1		City of York
2	DALE, Angie	North Yorkshire District Councils
3		

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PENSION FUND COMMITTEE

Delegated Powers

1. To exercise the powers of the Council to invest monies forming part of the North Yorkshire Pension Fund, including:-

♦ to determine and periodically review the Investment Strategy, the Funding Strategy and other governance documents of the Pension Fund;
♦ to appoint investment managers to manage and invest Pension Fund monies on the Council's behalf;
♦ to determine what the Pension Fund requires its investment pooling provider Border to Coast Pensions Partnership to provide, in order to implement its investment strategy;
♦ to receive reports from the appointed investment managers setting out the action they have taken under their appointment;
♦ to receive reports from the Investment Adviser and the Investment Consultant regarding the investment performance of the appointed investment managers and the Pension Fund overall;
♦ from time to time to consider the desirability of continuing or terminating the appointments of any organisations involved in the investment of the monies of the Pension Fund;
♦ to receive regular reports on the budget and cash flow of the Pension Fund;
♦ to receive regular reports on the administration of benefits of the Pension Fund covering member and employer issues;
♦ to approve a Statement of Final Accounts and associated governance statements for submission to the Audit Committee;
♦ to approve the Annual Report of the Pension Fund; and
♦ from time to time reporting to the Executive.

2. To exercise all the Council's powers as administering authority for the North Yorkshire Pension Fund, subject to any specific instructions that might be given from time to time by the Council.

3. To carry out the Council's functions relating to local government pensions scheme (LGPS) under

♦ The Local Government Pension Scheme Regulations 2013;
♦ The Local Government Pension Scheme (Transitional Provisions, Savings and Amendments) Regulations 2014;
♦ The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016;

and any other Regulations that relate specifically to the Council's responsibility to administer the Local Government Pension Scheme.

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Deleted: ♦ to receive regular budget reports regarding the administration of the Pension Fund;¶

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♦ The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended); ¶
♦ The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 (As Amended) and 2008 (As Amended); ¶
♦ The Local Government Pension Scheme (Administration) Regulations 2008 (As Amended);

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Deleted: ♦ The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (As Amended) and 2006 (As Amended); ¶
♦ The Local Government (Discretionary Payments) Regulations 1996 and the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 ¶

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PENSION BOARD

Membership

(9)		
	Names	
1	PORTLOCK, David	Chairman - Independent Member (Non-voting)
2	(Councillor)	Employer Representative
3	HOOK, Anne	Employer Representative
4	BARBERY, Emma	Employer Representative
5	HAWKINS, David	Employer Representative
6	PURCELL, Simon	Scheme Member Representative
7	HOULGATE, David	Scheme Member Representative
8	THOMPSON, Sam	Scheme Member Representative
9	GRESTY, Gordon	Scheme Member Representative

Quorum - The Board shall be quorate if the Chair, one scheme representative and one employer representative are present.

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OFFICIAL

Pension Board

Terms of Reference and Delegated Authorities

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1) Role of the Local Pension Board

The role of the local Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is

- to assist North Yorkshire Council (NYC) as Administering Authority in its role as Scheme Manager

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  - to secure compliance with the Local Government Pension Scheme (LGPS) regulations and any other legislation relating to the governance and administration of the LGPS
  - to secure compliance with the requirements imposed in relation to the LGPS by the Pensions Regulator
  - to secure the effective and efficient governance and administration of the LGPS for the North Yorkshire Pension Fund (NYPF, or the Fund)
  - in such other matters as the LGPS regulations may specify
- to provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest

The terms “Administering Authority” and “Scheme Manager” are used interchangeably in the Regulations but are separately defined in this document (see section 18). NYCC as the Administering Authority has ultimate responsibility for the Fund and has delegated powers to manage the Fund to the Pension Fund Committee (PFC).

These Regulations provide that the Pension Board has the general power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The Pension Board will ensure it effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

The Pension Board will also help ensure that the NYPF is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator, with due regard to guidance issued by Government, the Pensions Regulator and the National Scheme Advisory Board.

The Pension Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively, but not less than four times in any year.

The Pension Board will determine the precise timing of its own meetings, which will take place at suitable intervals between PFC meetings so that PFC activity relevant to the Board can be considered and responses to recommendations reviewed prior to the next meeting of the PFC.

The Pension Board will undertake formal meetings remotely, through an appropriate media platform, and subject to the relevant live broadcast requirements, when circumstances arise that prevent physical meetings from taking place. The Meetings should be wholly remote or physical and should not be undertaken in a hybrid manner.

2) Membership and Appointment Process

The Pension Board shall consist of 9 members and be constituted as follows:

i) 4 scheme member representatives, of whom

a. 2 shall represent and be drawn from active members of the Fund

b. 1 shall represent and be drawn from pensioner and deferred pensioner members of the Fund

c. 1 shall represent and be drawn from either the active or deferred/pensioner members of the Fund

ii) 4 employer representatives, of whom

a. 1 shall be nominated by NYCC who shall meet the requirements of the relevant regulations in relation to avoidance of conflict with the Council's role as Administering Authority

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b. 1 shall be nominated by the City, Borough and District Councils, the Police and Fire bodies and the National Parks which are employers within the Fund

c. 1 shall be nominated by all other employers within the Fund

d. 1 shall be nominated by any employer other than NYCC

iii) 1 independent member, who shall be appointed as Chair of the Pension Board

Elected Members and officers involved in the management and administration of the Fund are not permitted to become Pension Board members.

The Administering Authority will contact employers and members of the Fund to inform them of the Pension Board arrangements and to canvass interest whenever appointments to the Pension Board are required. Active, pensioner and deferred pensioner members will be eligible to nominate themselves as "scheme member representatives". Individuals put forward by the Fund's employers, whether or not those individuals are members of the Fund, will be eligible to stand as "employer representatives".

The position of independent member will be advertised publically. The Administering Authority will seek an independently minded individual with a track record of dealing with governance issues.

Following receipt of nominations/applications the Administering Authority will arrange an independent as possible appointment process. This process will include assessing information supplied by candidates in support of their nomination/application and may be supplemented by interviews as appropriate.

Members in all categories will only be appointed to the Pension Board by the Administering Authority if they either meet the knowledge and skills requirements set out in the relevant

regulations and guidance (see Section 7) or commit to do so within 3 months of the appointment date.

Members of the Pension Board will serve for a term of 4 years following which they may either retire from the Board or seek nomination for an additional term. The term of office may otherwise come to an end

i. for scheme member representatives if they cease to be a member of the relevant group

ii. for employer representatives who are councillors if they cease to hold office as a councillor

iii. for employer representatives who are not councillors when they cease to be employed by their nominating employer

iv. for a councillor member who is appointed to the PFC

v. for a scheme member or employer representative who is appointed to a role with responsibility for the management or administration of the Fund

vi. where there is a conflict of interest which cannot be managed in accordance with the Pension Board's Conflicts of Interest Policy

vii. where a member fails to attend meetings, undertake training or otherwise comply with the requirements of being a Pension Board member

Each Pension Board member should endeavour to attend all Board meetings during the year and is expected to attend at least 3 meetings each year. The chair of the Board is also expected to attend the quarterly meetings of the PFC.

Given the nature of the Pension Board as a supervisory body and the need for appropriate knowledge and skills and the clear avoidance of conflicts of interest, substitute members are not permitted.

In the event of consistent non-attendance by any Board member, then the tenure of that membership should be reviewed by the other Board members in liaison with the Administering Authority.

Other than by ceasing to be eligible as set out above, a Board member may also be removed from office during a term of appointment by the unanimous agreement of all of the other members. The removal of the independent member requires the consent of the Administering Authority.

3) Conflicts of Interest

The policy for identifying, monitoring and managing conflicts of interest is set out in a separate policy document, which should be regularly reviewed by the Pension Board.

4) Standards of Conduct

The role of Pension Board members requires the highest standards of conduct and therefore the "seven principles of public life" will be applied to all Pension Board members and embodied in their code of conduct.

These are:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

5) Knowledge and Skills

A member of the Pension Board must be conversant with:

1. The legislation and associated guidance of the LGPS
2. Any document recording policy about the administration of the LGPS which is for the time being adopted by the NYPF

A member of the Pension Board must have knowledge and understanding of:

a. the law relating to pensions, and

b. any other matters which are prescribed in the regulations

Individual Pension Board members must satisfy themselves that they have the appropriate degree of local knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board. This includes being fully aware of all requirements detailed in these terms of reference for example on standards of conduct and conflicts of interest, and being conversant with the investment strategy of the Fund.

In line with this requirement Pension Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Pension Board members are therefore required to maintain a written record of relevant training and development.

Pension Board members will undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses.

6) Board Review Process

The Board will undertake each year a formal review process to assess how well it and its members are performing with a view to seeking continuous improvement in the Board's performance.

7) Accountability

The Pension Board will be collectively and individually accountable to the Administering Authority.

8) Remit of the Board

The Pension Board must assist the Administering Authority with such matters as the scheme regulations may specify. It is for scheme regulations and the Administering Authority to determine precisely what the Pension Board's role entails. Examples of activity include, inter alia:

- reviewing the Fund's governance and policy documents, such as the Governance Compliance Statement and the Communications Policy Statement
- reviewing the Fund's Annual Report
- reviewing the administrative performance of the Fund
- reviewing shareholder voting and engagement arrangements
- reviewing the Fund's Risk Register
- reviewing the NYPF website
- supporting and challenging PFC actions as a critical friend
- reviewing the governance of the new pooling arrangements, to assist in ensuring compliance, effective and efficient reporting, and the monitoring of investment management.

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9) Decision making

Each Pension Board member who is a scheme member or employer representative will have an individual voting right but it is expected that the Pension Board will as far as possible reach a consensus. The Chair of the Pension Board will not be entitled to vote.

10) Quorum

The Board shall be quorate if the Chair, 1 scheme member representative and 1 employer representative are present.

11) Board Meetings – Notice, Minutes and Reporting

The Administering Authority shall give notice to all Pension Board members of every meeting of the Pension Board and shall ensure that a formal record of Pension Board proceedings is maintained. Following the approval of the minutes by the Chair of the Board, they shall be circulated to all Pension Board members.

The Pension Board is a committee of the Council and as such the Council's rules on notice of meetings, publishing agendas, reports and minutes and that meetings and papers (unless exempt) are open to the public will apply. At the discretion of the Administering Authority items may be edited or excluded on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

The Pension Board shall annually report to the Administering Authority on its nature and activities. The precise content of this report will be subject to consideration and agreement at a meeting of the Board but as a minimum should include

a. details of members attendance at meetings of the Pension Board

b. details of training and development activities made available to Pension Board members and attendance at such activities

c. details of any recommendations made by the Pension Board to the Scheme Manager and the Scheme Manager's response to those recommendations

d. details of costs incurred in the operation of the Pension Board

e. a review of the effectiveness of the Board (see Section 6)

In consideration of items of business at its ordinary meetings the Pension Board shall determine whether it wishes to make recommendations to the Scheme Manager, to which the Scheme Manager shall respond at the subsequent meeting.

The Pension board shall also report as required by the regulations to the Pensions Regulator and the National Scheme Advisory Board.

12) Reporting Breaches

Any breach brought to the attention of the Pension Board, whether potential or actual, shall be dealt with in accordance with the procedure set out in the draft code of practice 14 issued by the Pensions Regulator, *Governance and Administration of Public Service Pension Schemes*.

13) Escalation of matters of serious concern

Where a matter of serious concern arises regarding compliance or a potential breach of the regulations, the Pension Board must inform the Scheme Manager immediately, and may escalate reporting to the Monitoring Officer, to the National Scheme Advisory Board and the Pensions Regulator if considered necessary and appropriate.

14) Publication of Pension Board information

Scheme members and other interested parties will want to know that the NYPF is being efficiently and effectively managed. They will also want to be confident that the Pension Board is properly constituted, trained and competent in order to comply with scheme regulations, and to carry out its role in relation to the governance and administration of the scheme and requirements of the Pension Regulator.

Up to date information will be posted on the NYPF website showing:

- the names of the Pension Board members and other relevant information
- how the scheme members are represented on the Pension Board
- the responsibilities of the Pension Board as a whole
- the full terms of reference and policies of the Pension Board and how they operate

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- the Pension Board appointment process
- any specific roles and responsibilities of individual Pension Board members

The Administering Authority will also consider requests for additional information to be published or made available to individual scheme members to encourage scheme member engagement and promote a culture of openness and transparency.

15) Advice to the Board

The Board will be supported in its role and responsibilities by the Administering Authority through advice and support as appropriate.

16) Expense Reimbursement, remuneration and allowances

The Administering Authority will determine remuneration and allowances to be paid to Pension Board members based on recommendations made by the Independent Panel on Members Remuneration. These arrangements are reviewed annually.

Expenses in connection with fulfilling Pension Board responsibilities will be met by the Fund based on the Council's Members Scheme of Allowances and officers Travel and Expenses Policy as appropriate. The costs of appropriate training will also be met by the Fund.

17) Insurance

The Council's Public Liability Insurance applies to members of the Pension Board.

18) Updating the Pension Board Terms of Reference

Approval for significant amendments must be pursued through the Council's Constitution Working Group. General updating or housekeeping can be carried out without the need to seek formal approval.

19) Definitions

The undernoted terms shall have the following meaning when used in this document:

"Pension Board" or "Board"	Means the Pension Board for the Council as the Administering Authority of the NYPF as required under the Public Service Pensions Act 2013
"Administering Authority"	Means the Council
"Scheme Manager"	Means the PFC of the Council
"Chair"	The individual responsible for chairing meetings of the Pension Board and guiding its debates

"LGPS"	The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013,the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and the The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009
"Scheme"	Means the Local Government Pension Scheme as defined under "LGPS"

OFFICIAL

AREA CONSTITUENCY COMMITTEES

HARROGATE AND KNARESBOROUGH AREA CONSTITUENCY COMMITTEE

Membership

Councillors (14)			
	Councillors Name	*Political Group*	*Electoral Division*
1	ALDRED, Chris	Liberal Democrat	High Harrogate and Kingsley
2	BROADBANK, Philip	Liberal Democrat	Fairfax and Starbeck
3	GIBBS, Sam	Conservative	Valley Gardens and Central Harrogate
4	GOSTLOW, Hannah	Liberal Democrat	Knaresborough East
5	HARRISON, Michael	Conservative	Killinghall, Hampsthwaite and Saltergate
6	HASLAM, Paul	Conservative	Bilton and Nidd Gorge
7	LACEY, Peter	Liberal Democrat	Coppice Valley and Duchy
8	MANN, John	Conservative	Oatlands and Pannal
9	MARSH, Pat Chair	Liberal Democrat	Stray, Woodlands and Hookstone
10	SCHOFIELD, Mike	Liberal Democrat	Harlow and St Georges
11	SLATER, Monika Vice-Chair	Liberal Democrat	Bilton Grange and New Park
12	WALKER, Matt	Liberal Democrat	Knaresborough West
13	WARNEKEN, Arnold	Green Party	Ouseburn
14	WINDASS, Robert	Conservative	Boroughbridge and Claro
Total Membership – (14)		**Quorum – (3)**	

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RICHMOND (YORKS) AREA CONSTITUENCY COMMITTEE

Membership

Councillors (16)			
	Councillors Name	*Political Group*	*Electoral Division*
1	DICKINSON, Caroline	Conservative	Northallerton South
2	FORTUNE, Bridget	Conservative	Hutton Rudby and Osmotherley
3	FOSTER, Kevin	Green Party	Hipswell and Colburn
4	GRIFFITHS, Bryn	Liberal Democrat	Stokesley
5	JONES, Tom	Conservative	Scotton and Lower Wensleydale
6	LES, Carl	Conservative	Catterick Village and Brompton-on-Swale
7	MOORHOUSE, Heather	Conservative	Great Ayton
8	PARSONS, Stuart	NY Independent	Richmond
9	PEACOCK, Yvonne Chair	Conservative	Upper Dales
10	SEDGWICK, Karin	Conservative	Leyburn and Middleham
11	THOMPSON, Angus	Conservative	North Richmondshire
12	WATSON, Steve	Conservative	Northallerton North and Brompton
13	WEBSTER, David	Conservative	Bedale
14	WEIGHELL, John OBE	Conservative	Aiskew and Leeming
15	WILKINSON, Annabel	Conservative	Morton-on-Swale and Appleton Wiske
16	WILKINSON, Peter Vice-Chair	Conservative	Romanby
Total Membership – (16)		**Quorum – (3)**	

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SCARBOROUGH AND WHITBY AREA CONSTITUENCY COMMITTEE

Membership

Councillors (15)			
	Councillors Name	*Political Group*	*Electoral Division*
1	BASTIMAN, Derek	Conservative	Scalby and the Coast
2	BROADBENT, Eric	Labour	Northstead
3	CHANCE, David	Conservative	Danby and Mulgrave
4	COLLING, Liz Vice-Chair	Labour	Falsgrave and Stepney
5	JEFFELS, David	Conservative	Derwent Valley and Moor
6	JEFFERSON, Janet	NY Independent	Castle
7	MAW, Rich	Labour	Weaponnes and Ramshill
8	PEARSON, Clive Chair	Conservative	Esk Valley and Coast
9	PHILLIPS, Heather	Conservative	Seamer
10	RANDERSON, Tony	Labour	Eastfield
11	RITCHIE, John	Labour	Woodlands
12	SHARMA, Subash	Labour	Newby
13	SWANNICK, Neil	Labour	Whitby and Streonshalh
14	SWIERS, Roberta	Conservative	Cayton
15	TRUMPER, Phil	Conservative	Whitby West
Total Membership – (15)		**Quorum – (3)**	

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SELBY AND AINSTY AREA CONSTITUENCY COMMITTEE

Membership

Councillors (15)			
	Councillors Name	*Political Group*	*Electoral Division*
1	ARTHUR, Karl	Conservative	Cliffe and North Duffield
2	CATTANACH, John Vice-Chair	NY Independent	Cawood and Escrick
3	CRANE, Mark	Conservative	Brayton and Barlow
4	DAVIS, Melanie Chair	Labour	Selby West
5	DUCKETT, Stephanie	Labour	Barlby and Riccall
6	GROGAN, Tim	Conservative	Monk Fryston and South Milford
7	JORDAN, Mike	Conservative	Camblesforth and Carlton
8	LEE, Andrew	Conservative	Appleton Roebuck and Church Fenton
9	LUNN, Cliff	Conservative	Thorpe Willoughby and Hambleton
10	McCARTNEY, John	NY Independent	Osgoldcross
11	PACKHAM, Bob	Labour	Sherburn in Elmet
12	PARASKOS, Andy	Conservative	Spofforth with Lower Wharfedale and Tockwith
13	POSKITT, Kirsty	Independent (Unaffiliated)	Tadcaster
14	PROUD, Jack	Labour	Selby East
15	SHAW-WRIGHT, Steve	Labour	Selby West
Total Membership – (15)		**Quorum – (3)**	

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SKIPTON AND RIPON AREA CONSTITUENCY COMMITTEE

Membership

Councillors (15)			
	Councillors Name	*Political Group*	*Electoral Division*
1	VACANCY	Conservative	Masham and Fountains
2	BARRETT, Philip	NY Independent	Glusburn, Cross Hills and Sutton-in-Craven
3	BRODIGAN, Barbara	Liberal Democrat	Ripon Ure Bank and Spa
4	BROWN, Andy	Green Party	Aire Valley
5	BROWN, Nick	Conservative	Wathvale and Bishop Monkton
6	FOSTER, Richard Chair	Conservative	Wharfedale
7	HESELTINE, Robert	Independent (Unaffiliated)	Skipton East and South
8	HULL, Nathan	Conservative	Washburn and Birstwith
9	IRETON, David	Conservative	Bentham and Ingleton
10	MURDAY, Andy	Liberal Democrat	Pateley Bridge and Nidderdale
11	MYERS, Simon	Conservative	Mid Craven
12	NORLAND, David	Green Party	Skipton North and Embsay-with-Eastby
13	SOLLOWAY, Andy Vice-Chair	Independent (Unaffiliated)	Skipton West and West Craven
14	STAVELEY, David	Conservative	Settle and Penyghent
15	WILLIAMS, Andrew	NY Independent	Ripon Minster and Moorside
Total Membership – (15)		**Quorum – (3)**	

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THIRSK AND MALTON AREA CONSTITUENCY COMMITTEE

Membership

Councillors (15)			
	Councillors Name	*Political Group*	*Electoral Division*
1	ANDREWS, Joy	Liberal	Pickering
2	BAKER, Alyson	Conservative	Hillside and Raskelf
3	BURR, Lindsay MBE	NY Independent	Malton
4	CROSS, Sam	Independent (Unaffiliated)	Filey
5	DADD, Gareth	Conservative	Thirsk
6	DONOHUE-MONCRIEF, Michelle	NY Independent	Hunmanby and Sherburn
7	DUNCAN, Keane	Conservative	Norton
8	GOODRICK, Caroline Vice-Chair	Independent (Unaffiliated)	Sheriff Hutton and Derwent
9	JABBOUR, George	Conservative	Helmsley and Sinnington
10	KNAPTON, Nigel Chair	Conservative	Easingwold
11	MASON, Steve	Liberal Democrat	Amotherby and Ampleforth
12	SANDERSON, Janet	Conservative	Thornton Dale and Wolds
13	TAYLOR, Malcolm	Conservative	Huby and Tollerton
14	WHITE, Greg	Conservative	Kirkbymoorside
15	WHITFIELD, David	Green Party	Sowerby and Topcliffe
Total Membership – (15)		**Quorum – (3)**	

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OFFICIAL

AREA CONSTITUENCY COMMITTEES

Membership

The Council will appoint the Area Constituency Committees in accordance with Article 10.

Quorum

The quorum will be not less than 3 Members.

Substitute Members

Substitute Members are not permitted on the Area Constituency Committees.

Terms of Reference

1. In relation to Area Constituency Committees, see also Article 10 of the Constitution.

2. Area Constituency Committees should not make decisions which significantly affect parts of North Yorkshire outside the Committee's area.

3. Area Constituency Committees shall provide for visible local democracy and accountability for Division and Executive Members through public meetings held in each of the Constituency Committee areas.

4. The Area Constituency Committees shall act as a forum for local issues to be raised by the public and/or Community Networks through questions and statements.

5. The Area Constituency Committees shall empower and enable delivery of Community Area Action Plans and other local priorities brought to its attention by Division Members, Community Networks and members of the public.

6. The Area Constituency Committees shall engage in cross boundary discussions whenever appropriate

Delegated Powers

1. To act as consultees in major decisions affecting their area, and to influence policy development and the strategic agenda of the Council.

2. To provide meaningful scrutiny of local issues within their area, complementing the strategic work undertaken by the Council's six Overview and Scrutiny Committees.

3. To receive corporate performance information and to hold the Executive to account by constructively challenging performance data or service delivery in respect of issues with local significance.

4. To engage upon, receive reports and be consulted on, major educational health care and leisure issues affecting their locality.

5. To engage throughout the year with the 6 North Yorkshire MPs to develop a shared understanding of key local issues and opportunities affecting the area.

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Notes: 1. In relation to Area Constituency Committees, see also Article 10 of the Constitution;¶
¶
2. Area Constituency Committees should not make decisions which significantly affect parts of North Yorkshire outside the Committee's area. ¶

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Deleted: 3. To provide meaningful scrutiny of local transport issues within their area, complementing the strategic work undertaken by the Transport, Economy and Environment Overview and Scrutiny Committee.

Deleted: To shortlist Innovation funding decisions referred by the Council's Stronger Communities Team.

6. To engage with relevant partnerships and partner organisations in identifying potential areas for support and issues to challenge and to join up relevant partners in areas of shared interest.

7. To advise the Council on boundary consultations.

8. To monitor and act as a consultee in relation to major projects within the Area Constituency Committee boundary.

9. To make appointments to outside bodies in accordance with paragraphs 2 and 3 of Schedule 5 to Part 3 of the Constitution.

10. To exercise, within the approved budget and policy framework, the following powers and duties:

*(a) aspects of the Private Street Works procedure for which objections have been received;

*(b) the making and enforcement of new street Byelaws and Orders;

*(c) the stopping up or diversion of highways (other than public rights of way) where an objection is received from any person or body entitled under the relevant statute;

*(d) the stopping-up and provision of access to premises from highways;

(e) the promotion of road safety information, advice or training;

*(f)

11. To act as a consultee on Traffic Regulation Orders where it is considered by the Corporate Director of Environment in consultation with the relevant Executive Member(s) that a proposed Traffic Regulation Order meets the criteria for having a wide area impact.

12. To respond to any consultation under the Local Government (Miscellaneous Provisions) Act 1982, Section 3.

13. To consider other matters referred to it by the Council, the Executive or overview and scrutiny committees.

14. To make recommendations to the Corporate Director of Community Development in respect of 'seed funding' or match funding for projects to be allocated from any delegated Area Constituency Committee Budget the Director may have.

15. To lead, consider and make recommendations concerning the promotion of economic development within the Area Constituency Committee area.

16 To promote and encourage enterprise and investment in the Area Constituency Committee area and to maintain and sustain the economic well-being and regeneration of the area.

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*(g) power to licence the use of moveable dwellings and camping sites;¶
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*(j) power to enter into agreements with respect to means of access to the countryside, and to provide access in the absence of agreement under sections 35 and 37 of the Countryside and Rights of Way Act 2000.

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17. To develop a climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area, and excellence in local business.

18. To encourage the growth of existing businesses in the area and access to the skills and training necessary to support them.

19. To consider and make recommendations relating to the promotion, maintenance and enhancement of the vitality and viability of shopping centres / market towns within the area.

20. To make recommendations to the Corporate Director of Community Development on the expenditure of Community Infrastructure Levy and appropriate section 106 expenditure.

21. To consult with the Chamber of Commerce, Federation of Small Businesses, residents and other interested third parties.

22. To promote and encourage tourism and heritage, arts, leisure and culture, and to scrutinise progress of plans and proposals related to this and also decarbonisation, agriculture, transport and the care sector.

23. To consider making recommendations in relation to parking (off street provision in Council owned / leased off street parking places).

24. To consider and review crime and disorder and community safety.

25. To check upon the working of double devolution deals within the ACC boundary.

26. With the agreement of the Chair of the Area Constituency Committee, to make recommendations to the appropriate officer and/or body regarding the following matters as they affect the Area Constituency Committee's area:

    a) Housing
    b) Transport
    c) Estate needs for North Yorkshire Council
    d) Climate change and environmental issues

NB: Items marked * are delegated to Area Constituency Committees by the Council; other items are delegated to Area Constituency Committees by the Executive.

North Yorkshire Health and Wellbeing Board

Membership

Councillors (3)		
1	HARRISON, Michael (Chair)	Executive Member for Health and Adult Services
2	SANDERSON, Janet	Executive Member for Children and Young People's Service
Elected Member District Council Representative (1)		
3	FOSTER, Richard	Leader, Craven District Council
Local Authority Officers (5)		
4	FLINTON, Richard	North Yorkshire Council, Chief Executive
5	WEBB, Richard	North Yorkshire Council, Corporate Director, Health and Adult Services
6	CARLTON, Stuart	North Yorkshire Council, Corporate Director, Children and Young People's Service
7	WALLACE, Louise	North Yorkshire Council, Interim Director of Public Health
8	WAGGOTT, Janet	Chief Executive of Selby District Council and Assistant Chief Executive, North Yorkshire Council (Chief Officer District Council Representative)
Clinical Commissioning Group (3)		
9	BLOOR, Amanda	Chief Operating Officer, Humber and North Yorkshire Integrated Care Board
10	BALMAIN, Wendy	Place Director for North Yorkshire, Humber and North Yorkshire Integrated Care Board
11	O'NEILL MBE, Nancy	Deputy Chief Officer and Chief Operating Officer, Bradford and District and Craven Place (West Yorkshire Integrated Care Board)
Other Members (3)		
12	JONES, Shaun	Interim Locality Director, NHS England and NHS Improvement (NE and Yorkshire)
13	GREEN, Ashley	Chief Executive Officer, Healthwatch, North Yorkshire
14	QUINN, Jillian	Chief Executive of Dementia Forward (Voluntary Sector Representative)
Co-opted Members (5) – Voting		
15	TYRER, Dr Sally	Chair of the North Yorkshire Local Medical Committee (Primary Care Representative)
16	KILMURRAY, Brent	Chief Executive, Tees, Esk and Wear Valleys NHS Foundation Trust (Mental Health Trust Representative)
17	RUSSELL, Steve	Chief Executive, South Tees NHS Foundation Trust (Acute Hospital Representative)
18	BRODIE, Andrew	Chief Fire Officer, North Yorkshire Fire and Rescue Service (Emergency Services Representative)
19	PADGHAM, Mike	Chief Executive, Independent Care Group (Care Providers Representative)
Substitute Members		
	HAIDER, Ali Jano	Strategic Director of Keeping Well at Home, Bradford and District and Craven Place (West Yorkshire Integrated Care Board)
	AYRE, Nigel	Healthwatch
	BALMAIN, Wendy	North Yorkshire CCGs
	BELL-MORRITT, Fiona	Vale of York CCG
	BRAMHALL, Phil	Voluntary Sector
	BROWN, Brendan	Airedale NHS Foundation Trust
	BUTTERWORTH, Lesley	Yorkshire Ambulance Service
	GREEN, Ashley	Healthwatch North Yorkshire
	LONERGAN, Naomi	Tees, Esk and Wear Valleys NHS Foundation Trust
	O'NEILL, Nancy	Airedale, Wharfedale and Craven CCG
	PROCTOR, Bev	Care Providers
	Vacancy	YORLMC Ltd

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	WAUGH, Michelle	Locality Manager, NHS England and NHS Improvement (North East a Yorkshire)

Notes:

1. The Health and Wellbeing Board is exempt from the requirements as to political balance set out in Sections 15-16, Schedule 1 Local Government Housing Act 1989.
2. The Councillor Membership of the Board is nominated by the Leader of the Council. In the event that the number of portfolio holders responsible for health and well related issues increases, the additional portfolio holders will also be a Member of the Board.
3. All members of the Health and Wellbeing Board or any sub committees of the Health and Wellbeing Board are voting Members unless the Council decides otherwise.

North Yorkshire Health and Wellbeing Board

Terms of Reference

1. **Core Functions**

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.

1.2 To promote integration and partnership across the Council's area including promoting joined up commissioning plans across the NHS Social Care and Public Health.

1.3 To support joint commissioning and pooled budgets.

1.4 To assess the needs of the population in the Council's area and lead the statutory Joint Strategic Needs (JSNA) assessment and the Joint Health and Wellbeing Strategy (JHWS).

2. **Key responsibilities**

The main responsibilities of the Board are:

(a) to prepare and implement the Joint Strategic Needs Assessment (including the Pharmaceutical Needs Assessment) based on the needs of the population in the Council's area with the aim of improving healthy life expectancy and reducing health inequalities and to undertake an annual review;

(b) to determine priorities, prepare and publish the (JHWS) for North Yorkshire, and undertake an annual review;

(c) to be mindful of, and include throughout its activities a concern for both adults' and children's health and wellbeing;

(d) to encourage integrated working between health and social care commissioners including the provision of advice, assistance or other support to encourage arrangements under Section 75 National Health Service Act 2006, such as leading commissioning, pooling budgets and or integrated provision in connection with the provision of Health and Social Care Services;

(e) to encourage closer working between commissioners of health related services and the Board;

(f) to encourage closer working between the commissioners of health related services such as housing and other local government services and the commissioners of health and social care services;

(g) to provide strong leadership, system leadership and direction to the health and wellbeing agenda by agreeing priority outcomes for the health and wellbeing strategy;

(h) to provide a platform for partners to work together to ensure the people of North Yorkshire are able to benefit from improvements in health and wellbeing;

(i) to undertake any other functions that are delegated to the Board by the Council under Section 196(2) Health and Social Care Act 2012;

(j) to advise all health and social care commissioners as to whether their commissioning plans observe the JHWS and to express concerns to:-

- the NHS Commissioning Board if the content of CCG commissioning plans and/or
- the local authority if local authority commissioning plans

deviate from JHWS;

(k) to engage with health commissioners in relation to the requirement upon them to agree local priorities with the Board as stated in the NHS planning framework;

(l) to engage with the public health service commissioners to ensure the effective commissioning of services to help to deliver the priorities of the JHWS and to achieve public health outcomes.

(m) to provide advice to commissioners of health related services on meeting the assessed needs of the population through effective interventions to improve health:

(n) to receive reports annually through arrangements agreed by PHE centres and the Director of Public Health on health protection arrangements, including the local agreement of health protection priorities, and to receive such other reports as are necessary for the reporting of serious incidents or areas of concern with a view to ensuring acute and longer term health protection responses and strategies delivered by Public Health England are delivered to properly meets the health needs of the local population;

(o) to report annually to the NHS Commissioning Board as part of their annual assessment of CCGs as to how the CCGs have helped to deliver JHWBS;

(p) to receive the Annual Report of the Director of Public Health and to consider its recommendations in reviewing the priorities for improving population health and reducing health inequalities

3. **Governance and Accountability**

3.1 The Board will be accountable for its actions to its individual member organisations.

3.2 The Board will liaise with key statutory and non-statutory national and local organisations which have a remit to improve health & wellbeing in North Yorkshire. These will include Local Government North Yorkshire and York (LGNYY), the North Yorkshire Children's Trust and the Community Safety Forum.

3.3 The representatives of the Board will be accountable through their own organisations decision making processes for the decisions they take. It is expected that members of the Board will have delegated authority from their organisations to take decisions within the terms of reference of the Board.

3.4 Subject to 3.5 below, decisions within the terms of reference will be taken at meetings and will not normally be subject to ratification or a formal decision process by partner

organisations (provided that at least 10 days notice of forthcoming decisions have been given). However, where decisions are not within the delegated authority of the Board members these will be subject to ratification by constituent bodies.

3.5 The Joint Health and Wellbeing Strategy will be referred to the Council for approval as part of the Council's Policy Framework.

4. **Conduct of Meetings of the Board**

4.1 Meetings of the Board will take place four times each year, and will usually be conducted in public subject to the provisions as to exempt information. In addition two seminars will take place each year. Additional meetings of the Board may be called if agreed by the Chairman to be essential to the effective transaction of business.

4.2 The meetings will be chaired by the Leader of the Council, or the relevant portfolio holder nominated by him, and the Deputy Chairman will be appointed by the Board.

4.3 The quorum for meetings shall be 50% of its statutory membership.

4.4 Decisions shall be made on the basis of a show of hands of a majority of members present.

4.5 Each meeting will have an open forum session where members of the public may ask questions.

4.6 Minutes of meetings will be available on the websites of the Council and partner agencies.

4.7 The Chair shall sign the minutes as a true and accurate record of the meeting.

4.8 The Board may establish sub committees to undertake any of their functions.

4.9 The Board may set up strategy groups or task groups to assist in the undertaking of their functions, but such strategy or task groups will not have decision making powers, and terms of reference for each group will be agreed.

4.10 The Board may hold informal seminars or public engagement conferences to facilitate the environment of the public in their work.

5. **Codes of Conduct and Conflicts of Interest**

5.1 All non Councillor Members of the Board who are entitled to vote are governed by the Council's Members' Code of Conduct and will be required to sign an undertaking to comply with the Code and complete a register of interests, and observe requirements as to the disclosure of pecuniary and other interests. Members of the Board are prohibited from participating in discussion or voting on any matter relating to an interest contained in their register of interests.

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6. **Scrutiny**

6.1 The discharge of functions by Board falls within the remit of scrutiny, but the core functions are not subject to call-in as they are not Executive functions.

6.2 The review and scrutiny of decisions made or other action taken by the Board in connection with discharge of the functions of the Local Authority should not be

undertaken by any Member who is involved in the decision making or actions of the Board. Accordingly Members of the Board should not also be Members of any Overview and Scrutiny Committee undertaking scrutiny of the work and decisions of the Board.

North Yorkshire Police, Fire and Crime Panel

MEMBERSHIP (10)

Councillors Name	Council		Political Group
ASPDEN, Keith	City of York Council		Liberal Democrat
BURR, Lindsay MBE	Ryedale District Council		Independent
CHAMBERS, Michael MBE	Harrogate Borough Council		Conservative
GRANT, Helen	Richmondshire District Council		Independent
GROGAN, Tim	Selby District Council		Conservative
JAQUIN, Eric	Craven District Council		Liberal Democrat
LES, Carl	North Yorkshire Council	Chair	Conservative
MAW, Carl	Scarborough Borough Council		Labour
SMALLEY, Darryl	City of York Council		Liberal Democrat
WILKINSON, Peter	Hambleton District Council	Vice-Chair	Conservative

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VOTING

CO-OPTED MEMBERS (3)

1. FORSYTH, Fraser
2. GODDERIDGE, Mags
3. WALKER, Martin

TERMS OF REFERENCE

The detailed Terms of Reference for the North Yorkshire Police, Fire and Crime Panel are outlined in the 'Rules of Procedure' and 'Panel Arrangements' documents. These have been agreed between the local authorities in the police force area and a copy of both of these documents can be accessed upon request from North Yorkshire Council Democratic Services.

General Licensing and Registration Committee

Membership

The General Licensing and Registration Committee comprises 25 Members of the Council. Of the 25 Members, 15 of those Members will comprise the membership of the Statutory Licensing Committee. Only Members who have received licensing training can sit on the Committee.

Quorum

The quorum will be at least one quarter of the membership but in any case not less than 5 members.

Substitute Members

The appointment of substitute members to the sub-committees is made from the list of substitutes from the General Licensing and Registration Committee.

Proceedings

The Council Procedure Rules as set out in the Constitution shall apply. However the Committee will determine its own hearings procedures.

Delegated Powers

1. To review and make recommendations to Council upon policies in relation to licensing functions set out below.

2. To discharge all the Council's licensing and registration functions as set out in Schedule 1, Part B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except where those matters are reserved to Full Council, another committee, or delegated to an Officer

3. To discharge the Council's other powers or duties set out in Schedule 1, parts B, F and G of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except where those matters are reserved to Full Council, another committee, or delegated to an Officer and including but not limited to power to:

   (a) Keep a list of persons entitled to sell non-medicinal poisons under Section 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (C.66).

   (b) Make, amend, revoke or re-enact byelaws, except making and enforcing new street byelaws under any provision of any enactment (including a local Act), whenever passed, and Section 14 of the Interpretation Act 1978 (c.30).

(c) Promote or oppose local or personal Bills under Section 239 of the Local Government Act 1972.

(d) Carry out functions under the North Yorkshire County Council Act 1991 which involve an application for a licence, approval, consent, permission or regulation; direct regulation of a person; or any related enforcement actions.

4. To exercise the Council's functions in relation to contaminated land, control of pollution and the management of air quality except where those matters are delegated to an Officer.

5. To exercise all the functions of the 'appropriate authority' under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, except the approval of any policies relating to the licensing of establishments under that Act, as amended.

General Licensing and Registration Sub-Committees

There are 3 General Licensing and Registration Sub-Committees. Each Sub-Committee shall comprise three members drawn down from the full General Licensing and Registration Committee. Only Members who have received licensing training can sit on the Sub Committees.

The quorum is 3 members.

Delegated Powers

Each General Licensing and Registration Sub-Committee will discharge all of the functions of the General Licensing and Registration Committee except policy development and matters otherwise reserved to officers.

To determine applications under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009, as set out below:

Refusal of application for a sex establishment licence	All cases
Refusal of an application to renew a licence	All cases
Refusal of an application to transfer a licence	All cases
Refusal of an application to vary a licence	All cases
Revocation of a sex establishment licence	All cases
Application for the grant of a licence for a sex establishment	If a relevant objection received or the Corporate Director of Environment has concerns in respect of the application or characteristics of the locality.
Application for the renewal of a licence for a sex establishment	If a relevant objection received or the Corporate Director of Environment has concerns in respect of the application or characteristics of the locality.
Application for the transfer of a licence for a sex establishment	If a relevant objection received or the Corporate Director of Environment has concerns in respect of the application or characteristics of the locality.
Application for a variation to a sex establishment licence	If a relevant objection received or the Corporate Director of Environment has concerns in respect of the application or characteristics of the locality.
Application for waiver of licence in respect of any type of sex establishment licence.	All cases
Where conditions allow written consent to amend restrictions in relation to opening hours, external	If a relevant objection received or Officers have concerns

appearance, etc.	

General Licensing and Registration Committee and Sub-Committee Procedure Rules

The Sub-Committee is not politically proportionate by resolution of the Council at its Annual Meeting. This decision is reconsidered at each Annual Meeting.

Meetings of the Committee and Sub-Committees will be conducted in accordance with the Council Procedure Rules and the Access to Information Rules contained in the Constitution. However the sub committee will determine its own hearings procedure.

Schedule 2

The Executive

1. Executive Members and their Responsibilities.
2. Register of Executive Committees.
3. Delegation of Executive Functions.
4. Executive Members Delegation Scheme
5. Member Champions

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Executive Members and their Responsibilities

The following Councillors are members of the Executive. All Executive Members in carrying out their duties as a portfolio holder are responsible for equality, diversity and inclusion:

Name	Telephone Number Email address	Electoral Division	Areas of Responsibility
LES, Carl	Tel: 01845 565496 Email: cllr.carl.les@northyorks.gov.uk	Richmondshire Catterick Village and Brompton-on-Swale	**Leader of the Council** Communications, safer communities and emergen planning
DADD, Gareth	Tel: 01845 501222 Email: cllr.gareth.dadd@northyorks.gov.uk	Hambleton Thirsk	**Deputy Leader of the Council** Finance, Assets and Resources and Special Projects
BASTIMAN, Derek	Email: cllr.derek.bastiman@northyorks.gov.uk	Scalby and The Coast	Open to Business, incl economic development, regulatory services, the management of waste disposal and the integration of waste collection. Responsibility for building relationships with businesses, and with the LEP`s infrastructure board. Harbours
CHANCE, David	Tel: 01947 605376 Email: cllr.david.chance@northyorks.gov.uk	Danby and Mulgrave	Corporate Services, incl le and democratic services, committees, partnerships, performance management customer contact, locality budgets, refugee and evacuee reception and support, NYLAF and Household Support Fund, Members support, IT, complaints and compliments, customer services incl the Council`s contact centre
DUNCAN, Keane	Tel: 07794 451202 Email: cllr.keane.duncan@northyorks.gov.uk	Norton	Highways and Transporta both road and rail. Bus services and engagement with Transport for the Nor
HARRISON, Michael	Tel: 01423 536157 Email: cllr.michael.harrison@northyorks.gov.uk	Killinghall, Hampsthwaite and Saltergate	Health and Adult Services

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Kirklington¶
Bedale ¶
North Yorkshire¶
DL8 1DZ¶

Deleted: The Old Black Bull¶
Thormanby¶
York¶
YO61 4NN¶

Deleted: 6 Hamilton Close
Scalby
Scarborough
YO13 0RN¶

Deleted: Adventure House¶
Newholm¶
Whitby¶
YO21 3QY¶

Deleted: 15 Westgate Green
Old Malton
Malton
YO17 7FY¶

Deleted: 18 Sorrel Grove¶
Killinghall Moor¶
Harrogate¶
HG3 2XE¶

Name	Telephone Number Email address	Electoral Division	Areas of Responsibility
MYERS, Simon	Tel: 07801 310126 Email: cllr.simon.myers@northyorks.gov.uk	Mid Craven	Planning for growth, the Council`s present responsibility, and prepari for Culture, Leisure, Sport Housing responsibilities
SANDERSON, Janet	Tel: 01751 474516 Email: cllr.janet.sanderson@northyorks.gov.uk	Thornton Dale and The Wolds County	Childrens and Young Peo Services with responsibilit fostering and adoption, children's social care, safeguarding and prevent
WHITE, Greg	Tel: 01751 242400 Email: cllr.greg.white@northyorks.gov.uk	Pickering	Working in localities, incl Stronger Communities, Ar Constituency Committees Broadband and mobile telephony, and to act as the Council`s digital champion, working with Parish and Town Councils, libraries, and other face to face contact points (Registrars, Coroners and Records), and the Council`s response to Climate Change
WILKINSON, Annabel	Tel: 01677 426744 Email: cllr.annabel.wilkinson@northyorks.gov.uk	Morton-on-Swale and Appleton Wiske	Education, Learning and Skills, including Early Yea Schools, Apprenticeships, colleges and UTC`s and engagement with the Skills part of the LEP

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Airton Road¶
Hellifield¶
BD23 4JR¶

Deleted: Walnut Cottage¶
Priestmans Lane¶
Thornton Dale¶
Pickering¶
YO18 7RT ¶

Deleted: April Cottage¶
Lastingham¶
York¶
YO62 6TJ¶

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Bedale¶
DL8 1EX¶

Register of Executive Committees

There is currently one Committee of the Executive - the Shareholder Committee.

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Delegation of Executive Functions

Any functions which, under Executive arrangements, are the responsibility of the Executive, may be discharged by the Leader personally or allocated by the Leader to the Executive, individual Executive Members, Executive Committees or Officers. Sub-delegations may also be made, e.g to Area Constituency Committees.

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This list is maintained under Article 7.06 of the Constitution, and records delegation of executive functions to:

- committees of the Executive
- individual Executive Members
- Area Constituency Committees
- joint committees
- officers
- other local authorities
- the Appeals Committee (Home to School Transport)

This section also deals with the role of the Corporate Parenting Members' Group.

1. Committees of the Executive

1.1 The Council's Executive arrangements delegate to the committees set out in the Register of Executive Committees the executive functions there specified.

2. Individual Executive Members

2.1 The Council's Executive arrangements delegate to individual Executive Members the Executive functions set out in the Executive Members' Delegation Scheme.

2.2 Before taking decisions within his or her delegated authority, individual Executive Members will seek advice from relevant officers.

2.3 Individual Executive Members exercising decision making powers will ensure that proper records are kept of all decisions they take, in accordance with legal requirements.

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2.4 Where an individual Executive Member has an interest precluding participation (as set out in the Members' Code of Conduct) in relation to any decision, the Member will not take that decision, but will ask the relevant Officer to refer the matter to the Executive for determination.

2.5 Individual Executive Members with decision making powers may delegate decisions to Area Constituency Committees, or to Officers.

2A Leader

2A.1 On an annual basis a formal appraisal of the Chief Executive Officer shall be carried out by the Leader of the Council. The appraisal shall be conducted following consultation by the Leader with the members of the Executive and the leaders of the political groups upon the Council.

2A.1.1 Where the outcome of the appraisal will affect the terms and conditions of the Chief Executive Officer, the matter will be referred to the Chief Officers Appointments and

Disciplinary Committee for it to determine any necessary changes to such terms and conditions (as the power to determine the terms and conditions on which staff hold office is a non-executive function).

Note: for the avoidance of doubt, issues such as the award (or non-award) of an increment within the grade band of the Chief Executive Officer will not amount to a change in his/her terms and conditions necessitating a referral to the Chief Officers Appointments and Disciplinary Committee.

2A.1.2 Where, on appraisal of the Chief Executive Officer, the Leader and/or the Chief Officers Appointments and Disciplinary Committee determines that an increment should not be awarded, the Chief Executive Officer will have a right of appeal to the Employment Appeals Committee.

3. Area Constituency Committees

3.1 The Executive delegates to the Area Constituency Committees named in Article 10 the executive functions listed in the delegated powers of Area Constituency Committees in Part 3 of this Constitution and not marked *. (This marking is to distinguish executive and non-executive functions in the Area Constituency Committees' powers).

3.2 The delegation of these powers operates under Section 18 of the Local Government Act 2000 and all other powers enabling the Executive.

3.3 When Area Constituency Committees are discharging functions which are the responsibility of the Executive, they must do so within the Budget and Policy Framework set by full Council.

4. Officers

4.1 The Council's Executive arrangements delegate to Officers the executive functions which are contained in the Officers' Delegation Scheme and not marked *. (This marking is to distinguish executive and non-executive functions in the Officers' Delegation Scheme).

4.2 The delegation of these powers operates under Section 15 of the Local Government Act 2000 and all other powers enabling the Executive.

4.3 The Executive powers delegated to Officers are subject to the general provisions in the Officers' Delegation Scheme.

5. Other local authorities

5.1 The Executive delegates to the Yorkshire Dales National Park Authority and the North York Moors National Park Authority certain functions in relation to public rights of way which are functions of the Executive. This delegation operates within the areas of the National Parks and in relation to the powers specified in agreement between the Council and the National Park Authorities.

6. Outside Body Appointments

6.1 Insofar as the making of appointments to outside bodies is an executive function, the Executive agrees that those appointments should be made as set out in Schedule 5.

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7. Adoption Panels

7.1 The Executive delegates its statutory functions in relation to adoption panels pursuant to the Adoption Agencies Regulations 2005 to City of York Council as the host local authority for the Regional Adoption Agency "One Adoption North and Humber" in accordance with the terms of the "One Adoption North and Humber Partnership Agreement".

8. Corporate Parenting Members' Group

8.1 The Corporate Parenting Members' Group is not a Committee of the Executive but a non-decision making member working group responsible for supporting the Executive, and the Council as a whole, in its role as corporate parent. The group will regularly report to the Lead Executive Member for Children's Services on a quarterly basis on corporate parenting issues, and at any stage, should any issues arise in the interim which they consider should be drawn to the attention of the Executive. The report of the Corporate Parenting Members' Group shall be reported to the Executive and full Council as part of the quarterly monitoring process.

8.2 The Corporate Parenting Members' Group may refer any issues directly to the Children and Families Overview and Scrutiny Committee.

8.3 The Corporate Parenting Members' Group will present an annual report directly to the Council at the Annual Council meeting.

8.4 The Corporate Parenting Members' Group will comprise between five and ten members, appointed annually by the Executive, and may include members and co-opted members from the Children and Families Overview and Scrutiny Committee. The quorum for this meeting will be three. *(Note that if an item of work for the Children and Families Overview and Scrutiny Committee involves scrutiny of a decision or work that has involved or been significantly influenced by the Corporate Parenting Members' Group, those members of the Corporate Parenting Members' Group who are also members of the Children and Families Overview and Scrutiny Committee will not be able to participate in the scrutiny process for that item).* The Chairman of the Group will be appointed by the Executive.

8.5 The role of the Corporate Parenting Members' Group will include providing advice on all aspects of the Council's responsibilities as a Corporate Parent and in relation to looked after children on any specific issues they are required to consider. This includes:

(a) educational attainment and the work of the "virtual" Head Teacher;

(b) health issues including the provision of advice and education on issues such as relationships, sexual education, teenage pregnancies and life style choices around levels of physical activity, diet, drugs and alcohol abuse and smoking;

(c) crime prevention programmes and the work of the Youth Offending Teams;

(d) safeguarding, sexual exploitation and radicalisation of children; including children missing from home and Looked after Children;

(e) performance against key indicators for the quality, stability and outcomes of Looked After arrangements for all children and young people in the preceding year;

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(f) issues affecting Looked after Children who are disabled;

(g) the transition arrangements for all Looked after Children as they enter adulthood;

(h) how the Council and partners engage with young people, for instance through groups such as Young Person's Council, Flying High;

(i) the recruitment and retention of social workers and staff and the morale of all service staff and officers;

(j) the work of the Young People's Champion;

(k) any other relevant matter considered appropriate by the Lead Member for consideration by the Group.

8.6 The Corporate Parenting Members' Group will undertake inspections under **Regulations 44** of residential homes. This will involve reporting any concerns from the residential homes and receiving any concerns raised by officer inspections of residential schools.

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Executive Members Delegation Scheme

Each individual member of the Executive has the following responsibilities and powers:

1. Developing a detailed understanding of the services which fall within their area of responsibility, and accounting to full Council for them (see Council Procedure Rules 2.3(x), 2.4, 9 and 10).

2. Working with the appropriate Chief Officer(s) to develop policy proposals for submission to the Executive (and subsequently to the Council if they relate to, or are intended to form part of, the policy framework approved by Council).

3. To authorise consultation on proposed new policies/policy changes.

4. To approve proposals for service development which relate to individual services, do not have wider implications for other County Council services and are consistent with the budget and policy framework.

5. To make a formal response on behalf of the County Council, following appropriate consultation, to any White Papers, Green Papers, Government Consultation Papers or other consultative document where it is appropriate that the response should be a member response. Where there is disagreement for responsibility for responding, the relevant Portfolio Holder(s) shall respond.

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 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;

   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.

7. Following consultation with the relevant Corporate Director and the Corporate Director of Resources, to authorise the disposal of any asset(s) for which the estimated disposal value is £100,001 to £200,000 (inclusive). (NB this excludes land and buildings ie "property" – please see the delegation to the Executive Member for Finance and Assets in relation to property matters set out below).

8. To receive reports from scrutiny reviews; to report to the Executive about such reviews (in the light also of Overview and Scrutiny Committee views) and to authorise such action in respect of those reviews as the Executive may direct.

9. To determine any action required following assessments of outcomes against standards and targets set out in Service Performance Plans.

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10. Representing North Yorkshire Council on outside or joint bodies which are relevant to their area of responsibility.

11. The power to approve changes to children's centre provision (where no objections are received) is allocated to the appropriate Executive Member.

12. To authorise non-recovery of overpayments in respect of amounts of £5,000 and above.

13. After consultation with the relevant Chief Officer to determine any Executive matter which is of such urgency that it is not practicable to refer it to the Executive for determination.

The following members of the Executive have the following specific responsibilities and powers:

14. The Executive Member for Finance and Assets (or in their temporary absence such other member of the Executive as they may nominate) has the specific responsibilities and powers in relation to property set out in Council's Property Procedure Rules.

516. The Executive Member with responsibility for Stronger Communities (or in their temporary absence the Leader) has the power to determine Councillor Locality Budget grant recommendations.

16. The Executive Member with responsibility for Education, Learning and Skills, in consultation with the Executive Member for Children and Young People's Services, the Corporate Director for Children and Young People's Service and the Assistant Chief Executive Legal and Democratic Services, has the power to take decisions in relation to school organisation proposals where there are no objections to the statutory notices (where there are such objections, the decision will be made by the Executive).

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Shareholder Committee

1. Membership

County Councillors (3)			
	Councillors Name	Chairman/Vice Chairman	Political Group
1	LES, Carl	Chairman	Conservative
2	DADD, Gareth	Vice Chairman	Conservative
3	CRANE, Mark		Conservative

NOTE – appointments are made by and from the Executive

OFFICIAL

DELEGATION OF DECISION-MAKING POWERS FOR COMPANIES

The Council has shares in or is a member of a number of companies (including but not limited to Companies Limited by Shares and Companies Limited by Guarantee). The Council will exercise its powers and responsibilities as shareholder or member in accordance with the provisions set out below.

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Shareholder Committee

The Shareholder Committee is a committee of the Executive established to provide oversight of the Council's company interests in accordance with any principles agreed by Council and provisions contained within any shareholder and company member agreement.

The Shareholder Committee will:

(a) review and approve business plans and project plans as prepared by the companies' boards of directors, ensure the business plans are reviewed on a regular basis and contain key performance targets and milestones for the year, all in accordance with any objectives or investment criteria as agreed by Council;

(b) monitor the performance of Council companies against the targets and milestones set;

(c) approve or make amendments to the strategic or business plans of the companies.

As it is a Committee of the Executive the same rules of procedure apply to its meetings as apply to the Executive.

Shareholder Representative

As the Council is an organisation rather than an individual, it has appointed the Chief Executive Officer as the Shareholder Representative. The Shareholder Representative is authorised on behalf of the Shareholder Committee and Executive to sign documents on behalf of the Shareholder or Member in the case of companies limited by guarantee so long as the decision process is in accordance with this scheme of delegation.

This includes the power of the Shareholder Representative to approve and sign shareholder resolutions.

Companies are required to have Articles of Association and may also have other governance documents. These documents may set out a list of Reserved Matters which are items that may only be decided on or approved by the Council as shareholder or member of the company. The approval of the Council for these Reserved Matters will be sought in accordance with the Council's scheme of delegation including the following specific delegations:

Decisions reserved to the Executive

1. Setting up a new company in which the Council is to be a member or shareholder.

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2. Approving steps to wind up a company of which the Council is a member or shareholder.

3. The company making loans in excess of (£500k) other than by way of normal trade credit.

Decisions which would fall within the remit of the Shareholder Committee

4. Changes to company governance e.g. changes to Articles, Shareholder Agreements.

5. Approving or making amendments to the strategic or business plans of the companies.

6. Monitoring the strategic and business plans annually or as required by the Shareholder Representative.

7. Acquiring shares in another company, entering into a formal Joint Venture arrangement or merging with any other company or business undertaking.

8. Establishing subsidiary companies or changes to the company structures.

9. Approving disposals of assets valued over (£500k) [subject to the Company's articles of association/governance documents].

10. Approving borrowing in excess of (£500k) [subject to the Company's articles of association/governance documents].

11. Entering, amending or terminating any agreements which create a potential liability for the company in excess of £500k [subject to the Company's articles of association/governance documents].

12. Making changes to the nature of the company's business.

13. Matters relating to the approval of dividends requiring Shareholder consent.

14. Reviewing the decisions of the Chief Executive Officer of NYC and Group (Shareholder Representative) and holding the decisions and that individual to account. Formal decisions made by the Shareholder Representative will be reported back to the Shareholder Committee.

Decisions which fall within the remit of the Chief Executive Officer of NYC as Group (Shareholder Representative)

The Shareholder Representative may refer any matters delegated to them to the Shareholder Committee or Executive if they deem this appropriate in the circumstances.

15. General monitoring of the strategic and business plans and approving emergency amendments.

16. Approving the appointment or dismissal of company Directors including the Chair.

17. Matters relating to the terms and conditions of company Directors, including changes to terms and conditions and/or benefits.

18. Matters relating to the entering into of any contracts with company Directors.

19. Matters relating to the employment of the senior management team of the company.

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20. Changes to share capital and admission of shareholders or agreeing any rights or restrictions attaching to any shares or memberships allocated to new shareholders or options in relation to share capital.

21. Approving changes to the geographical area in which the company works.

22. Altering the company's name or registered office.

23. Where required giving any further specific approval to a matter provided for within the approved business plan.

24. To take appropriate action and decisions as the Shareholder/Member as directed by the Shareholder Committee.

25. To take all other decisions as the Shareholder/Member as provided for by legislation or the company's governance documents.

26. To report back to the Shareholder Committee from time to time on formal decisions made.

27. The approval of an appointment of any agent (not being a subcontractor) to conduct the whole or any part of the business of the company.

28. Entering, amending or terminating any agreements which create a potential liability for the company below £500k [subject to the Company's articles of association/governance documents].

29. Entering into any borrowing, credit facility or investment arrangement (other than in the normal course of trading) below £500k from any third party that is not the Council.

30. Creating or agreeing to create a charge, security or encumbrance below £500k over the company's assets, shares or income.

31. Approving any matter that is reasonably likely to have an adverse effect on the reputation of the Council.

32. Settling any legal matters and insurance claims in excess of £50,000.

33. Any other matter which is not listed above and is a reserved matter (shareholder decision) of a company partly or wholly owned by NYC.

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14. Monitoring the strategic and business plans and approving emergency amendments.¶
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15. Approving the appointment or dismissal of company Directors including the Chair.¶
¶
16. Matters relating to the terms and conditions of company Directors.¶
¶
17. Matters relating to the entering of any contracts with company Directors.¶
¶
18. Matters relating to the employment of senior management team of the company.¶
¶
19. Changes to share capital and admission of shareholders.¶
¶
20. Making changes to the nature of the company's business.¶
¶
21. Approving changes to the area in which the company works.¶
¶
22. Altering the company's name or registered office.¶
¶
23. Where required giving any further specific approval to a matter provided for within the approved business plan.¶
¶
24. To act on behalf of the Shareholder Committee to monitor Performance of the Company.¶
¶
25. To take appropriate action and decisions as the Shareholder as directed by the Shareholder Committee.¶
¶
26. To take all other decisions as the Shareholder as provided for by legislation or the Company's governance documents.¶
¶
27. To report back to the Shareholder Committee from time to time on formal decisions made.¶

Member Champions

Member Champion Role

Member Champions are elected Members who act as an advocate or spokesperson for a specific area of the Council's business. The main responsibility of each Member Champion is to encourage communication and positive action over the issue they represent.

Appointment of Member Champions

The Council may, from time to time, in cases where a Special Responsibility Allowance (SRA) is to be paid, appoint an elected Member as a Champion for a particular issue. Currently, such Member Champion positions attracting an SRA are:

- Young People's Champion
- Older People's Champion
- Climate Change Champion

The SRA based Member Champions are members of Scrutiny Board and take an annual report to the relevant Overview and Scrutiny Committee.

The Leader may, from time to time, in cases where no SRA is to be payable, designate an elected Member as a Champion for a particular issue. Currently, such Member Champions not attracting an SRA are:

- Armed Forces Champion
- Digital Champion
- Flooding
- Cycling/Active Travel
- Road Safety

A register of Member Champions will be kept by Assistant Chief Executive Legal and Democratic Services.

There is no legal requirement to apply the political balance rules to the appointment of Member Champions and as such they will be made based on skills, knowledge and suitability for the role.

Should such Member Champions wish to issue a press release on matters relevant to their role, they should do so in accordance with the Council's Protocol for Official Press Releases in the Constitution.

Responsibilities of each Member Champion

Each Member Champion will:

a) represent their area of interest both within and outside the Council in line with Council policy;
b) contribute to the review and development of policies pertaining to their area of interest;
c) challenge and question the Council, the Executive Members and the Chairs of Committees on issues relevant to their area of responsibility;

d) monitor the Forward Plan and seek information from the Leader, Committee Chairs and officers about forthcoming business and exert influence on behalf of the interest;
a) keep members of all parties up to date with activities in relevant to the area of interest;
b) provide positive support and on occasions constructive challenge to officers on relevant issues; and
c) act as the Council's representative on relevant external bodies where appointed to by the Council.

Scope of Member Champion role

Member Champions are entitled to have appropriate access to information held by the Council relating to the interest being championed and also have access to support from senior officers.

Officers will ensure there is appropriate engagement or consultation with the relevant Member Champion where the issue clearly relates to the interest.

The Member Champion's programme of activities should reflect the Council's overall priorities.

A Member Champion cannot make decisions which bind the Council and must not commit the Council in any way or in a manner that could be interpreted as being contrary to established policy and practice. They may however confirm a position as stated in a published policy.

The Council, Executive, Committee Chairs and Officers will take account of any views offered by the Member Champions prior to making decisions relating to their area of interest.

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.

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Care and Independence and Housing Overview and Scrutiny Committee

1. Membership

Councillors (16)				
	Councillors Name	*Chair/Vice Chair*	*Political Group*	*Electoral Division*
1	ANDREWS, Joy		Liberal Democrat and Liberal	Pickering
2	ARTHUR, Karl		Conservative	Cliffe & North Duffield
3	BARRETT, Philip		North Yorkshire Independent	Glusburn, Cross Hills & Sutton-in Craven
4	BROADBENT, Eric	Vice Chair	Labour	Northstead
5	BROWN, Andy		Green Group	Aire Valley
6	DICKINSON, Caroline		Conservative	Northallerton South
7	FORTUNE, Bridget		Conservative	Hutton Rudby & Osmotherley
8	HESELTINE, Robert		Independent (unaffiliated)	Skipton East & South
9	KNAPTON, Nigel		Conservative	Easingwold
10	LEE, Andrew		Conservative	Appleton Roebuck & Church Fenton
11	MARSH, Pat		Liberal Democrat and Liberal	Stray, Woodlands & Hookstone
12	MOORHOUSE, Heather		Conservative	Great Ayton
13	PROUD, Jack		Labour	Selby East
14	SEDGWICK, Karin	Chair	Conservative	Leyburn & Middleham
15	SWIERS, Roberta		Conservative	Cayton
16	THOMPSON, Angus		Conservative	North Richmondshire

Members other than Councillors – (3)			
Non Voting			
	Name of Member	*Representative*	*Substitute Member*
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 Group**	**Total**
9	**2**	**1**	**2**	**1**	**1**	**16**

2. Substitute Members

Conservative		**NY Independents**	
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
Labour		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillor Names*
1		**1**	LACEY, Peter
2		**2**	MURDAY, Andrew
Green Party			
1	WHITFIELD, David		
2			

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Corporate and Partnerships Overview and Scrutiny Committee

1. Membership

Councillors (16)				
	Councillors Name	*Chair/Vice Chair*	*Political Group*	*Electoral Division*
1	ALDRED, Chris		Liberal Democrat and Liberal	High Harrogate
2	ARTHUR, Karl		Conservative	Cliffe & North Duffield
3	BROWN, Nick		Conservative	Wathvale & Bishop Monkton
4	DONOHUE-MONCRIEFF, Michelle		North Yorkshire Independent	Hunmanby & Sherburn
5	FOSTER, Kevin		Green Group	Hipswell & Colburn
6	FOSTER, Richard		Conservative	Wharfedale
7	GRIFFITHS, Bryn	Vice-Chair	Liberal Democrat and Liberal	Stokesley
8	GROGAN, Tim		Conservative	Monk Fryston & South Milford
9	HESELTINE, Robert		Independent (unaffiliated)	Skipton East & South
10	IRETON, David	Chair	Conservative	Bentham & Ingleton
11	JONES, Tom		Conservative	Scotton & Lower Wensleydale
12	PEACOCK, Yvonne		Conservative	Upper Dales
13	RANDERSON, Tony		Labour	Eastfield
14	SHARMA, Subash		Labour	Newby
15	TAYLOR, Malcolm		Conservative	Huby & Tollerton
16	TRUMPER, Phil		Conservative	Whitby West
Total Membership – (16)		**Quorum – (4)**		

Con	**Lib Dem and Lib**	**NY Ind**	**Labour**	**Ind**	**Green Group**	**Total**
9	**2**	**1**	**2**	**1**	**1**	**16**

2. Substitute Members

Conservative		**NY Independents**	
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
Labour		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillor Names*
1		**1**	WALKER, Matt
2		**2**	BROADBANK, Philip
Green Party			
1	BROWN, Andy		
2			

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Scrutiny of Health Committee

1. Membership

Councillors (16)				
	Councillors Name	*Chair/Vice Chair*	*Political Group*	*Electoral Division*
1	BURR, Lindsay		North Yorkshire Independent	Malton
2	COLLING, Liz	Vice Chair	Labour	Falsgrave & Stepney
3	DICKINSON, Caroline		Conservative	Northallerton South
4	FOSTER, Richard		Conservative	Wharfedale
5	GIBBS, Sam		Conservative	Valley Gardens & Central Harrogate
6	HASLAM, Paul		Conservative	Bilton & Nidd Gorge
7	HULL, Nathan		Conservative	Washburn & Birstwith
8	LACEY, Peter		Liberal Democrat and Liberal	Coppice Valley & Duchy
9	LEE, Andrew	Chair	Conservative	Appleton Roebuck & Church Fenton
10	MANN, John		Conservative	Oatlands & Pannal
11	MAW, Rich		Labour	Weaponness & Ramshill
12	MOORHOUSE, Heather		Conservative	Great Ayton
13	MURDAY, Andrew		Liberal Democrat and Liberal	Pateley Bridge & Nidderdale
14	NOLAND, David		Green Group	Skipton North & Embsay-with-Eastby
15	PEARSON, Clive		Conservative	Esk Valley & Coast
16	SOLLOWAY, Andy		Independent (unaffiliated)	Skipton West & West Craven

1		
2		
3		
4		
5		
6		
7		
Total Membership – (16)		**Quorum – (4)**

Con	Lib Dem and Lib	NY Ind	Labour	Ind	Green Group	Total
9	2	1	2	1	1	16

2. Substitute Members

Conservative		**NY Independents**	
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
Labour		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillor Names*
1		**1**	SLATER, Monika
2		**2**	
Green Party			**Substitutes other than Councillors**

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Deleted: Representation
Deleted: HARDISTY, Kevin
Deleted: Hambleton DC
Deleted: SHAW WRIGHT, Jennifer
Deleted: Selby DC
Deleted: Vacancy
Deleted: Ryedale DC
Deleted: TUCKER, Sue
Deleted: Scarborough BC
Deleted: IRETON, David
Deleted: Craven DC
Deleted: MIDDLEMISS, Pat
Deleted: Richmondshire DC
Deleted: MIDDLEMASS, Nigel
Deleted: Harrogate BC
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1	WARENEKEN, Arnold	**1**	
2		**2**	

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Transport, Economy, Environment and Enterprise
Overview and Scrutiny Committee

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1. Membership

Councillors (16)				
	Councillors Name	*Chair/Vice Chair*	*Political Group*	*Electoral Division*
1	CATTANACH, John		North Yorkshire Independent	Cawood & Escrick
2	CRANE, Mark		Conservative	Brayton & Barlow
3	DAVIS, Melanie		Labour	Selby West
4	GOODRICK, Caroline		Independent (unaffiliated)	Sheriff Hutton & Derwent
5	GOSTLOW, Hannah		Liberal Democrat and Liberal	Knaresborough East
6	HASLAM, Paul		Conservative	Bilton & Nidd Gorge
7	IRETON, David		Conservative	Bentham & Ingleton
8	JEFFELS, David		Conservative	Derwent Valley & Moor
9	JORDAN, Mike		Conservative	Camblesforth & Carlton
10	MASON, Steve		Liberal Democrat and Liberal	Amotherby & Ampleforth
11	PACKHAM, Bob	Vice Chair	Labour	Sherburn in Elmet
12	STAVELEY, David	Chair	Conservative	Settle & Penyghent
13	TRUMPER, Phil		Conservative	Whitby West
14	WARNEKEN, Arnold		Green Group	Ouseburn
15	WATSON, Steve		Conservative	Northallerton North & Brompton
16	WINDASS, Robert		Conservative	Boroughbridge & Claro
Total Membership – (16)		**Quorum – (4)**		

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Con	Lib Dem and Lib	NY Ind	Labour	Ind	Green Group	Total
9	2	1	2	1	1	16

2. Substitute Members

Conservative		**NY Independents**	
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
Labour		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillor Names*
1		**1**	ALDRED, Chris
2		**2**	MARSH, Pat
Green Party			
1	FOSTER, Kevin		
2			

Children and Families
Overview and Scrutiny Committee

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1. Membership

County Councillors (16)				
	Councillors Name	*Chair/Vice Chair*	*Political Group*	*Electoral Division*
1	BAKER, Alyson		Conservative	Hillside & Raskelf
2	BRODIGAN, Barbara		Liberal Democrat and Liberal	Ripon Ure & Spa
3	DUCKETT, Stephanie		Labour	Barlby & Riccall
4	FORTUNE, Bridget		Conservative	Hutton Rudby & Osmotherley
5	HULL, Nathan		Conservative	Washburn & Birstwith
6	JEFFELS, David		Conservative	Derwent Valley & Moor
7	JEFFERSON, Janet		North Yorkshire Independent	Castle
8	JONES, Tom		Conservative	Scotton & Lower Wensleydale
9	LUNN, Cliff		Conservative	Thorpe Willoughby & Hambleton
10	MANN, John		Conservative	Oatlands & Pannal
11	PHILLIPS, Heather	Vice Chair	Conservative	Seamer
12	POSKITT, Kirsty		Independent (unaffiliated)	Tadcaster
13	RITCHIE, John		Labour	Woodlands
14	SCHOFIELD, Mike		Liberal Democrat and Liberal	Harlow and St Georges
15	WHITFIELD, Dave		Green Group	Sowerby & Topcliffe
16	WILKINSON, Peter		Conservative	Romanby

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Members other than Councillors – ( ) 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		
1	STRACHAN, Ross	Secondary Teacher Representative
2	MALTBY, Stephen	Primary Teacher Representative
3	WATSON, David	Voluntary Sector
4	SHARP, David	Voluntary Sector
Total Membership – ( )		**Quorum – (4)**

Con	**Lib Dem and Lib**	**NY Ind**	**Labour**	**Ind**	**Green Group**	**Total**
9	**2**	**1**	**2**	**1**	**1**	**16**

2. Substitute Members

Conservative		**NY Independents**	
	Councillors Names		*Councillors Names*
1		**1**	
2		**2**	
Labour		**Liberal Democrat and Liberal**	
	Councillors Names		*Councillor Names*
1		**1**	ALDRED, Chris
2		**2**	MARSH, Pat

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Green Party			Substitutes other than Councillors
1	NOLAND, David	1	

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Transition (LGR)
Overview and Scrutiny Committee

1. Membership

Councillors (16)		
	Councillors Name	*Political Group*
1	Malcolm Taylor (Chair)	Conservative
2	Nick Brown	Conservative
3	Caroline Dickinson	Conservative
4	Richard Foster	Conservative
5	George Jabbour	Conservative
6	Andrew Lee	Conservative
7	John Mann	Conservative
8	Heather Moorhouse	Conservative
9	Clive Pearson	Conservative
10	Bryn Griffiths	Liberal Democrat and Liberal
11	Philip Broadbank	Liberal Democrat and Liberal
12	Melanie Davis	Labour
13	John Ritchie	Labour
14	Stuart Parsons	North Yorkshire Independent
15	Kevin Foster	Green Group
16	Kirsty Poskitt	Independent (unaffiliated)

Con	**Lib Dem and Lib**	**Labour**	**NY Ind**	**Green**	**Ind**
9	**2**	**2**	**1**	**1**	**1**

2. Substitute Members

Conservative		**NY Independents**	
1		**1**	
2		**2**	
Labour		**Liberal Democrat and Liberal**	
1	Liz Colling	**1**	Pat Marsh
2	Steve Shaw-Wright	**2**	Chris Aldred
Green Party			
1			
2			

Note – this Committee is constituted through to 31 March 2026 with a review after two years (ie after 31 March 2025), to scrutinise Leisure, Culture, Tourism, Arts, Waste Collection, Bereavement Services and Licensing.

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West Yorkshire Joint Health Overview and Scrutiny Committee

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GLENTWORTH, J	Bradford Metropolitan District Council	
JAMIL, R	Bradford Metropolitan District Council	
BLAGBROUGH, H	Calderdale Council	
HUTCHINSON, C	Calderdale Council	
RAMSAY, J	Kirklees Council	
SMAJE, L	Kirklees Council	
HARRINGTON, N	Leeds City Council	
MARSHALL KATUNG, 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 County Council	
SOLLOWAY, Andy	North Yorkshire County Council	

Schedule 4

Officers' Delegation Scheme

1. Introduction

1.1 Local authority decisions are made by elected members but in order for the Council to be able to function on a day to day basis the law enables the various executive and non-executive functions to be delegated to Officers. In addition there are some functions which the law says must be exercised by specific officers. These Officers are known as Statutory Officers or Proper Officers. Proper Officer functions are set out at Article 12.06.

1.2 This part of the Constitution sets out the ways in which Officers of the Council can make decisions and which decisions they have power to make. The powers in this Scheme are delegated to Officers referred to by title and they therefore apply to whoever holds that post at any time and the powers automatically transfer to any successor officers to the post.

1.3 Functions referred to in this Scheme are also to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

1.4 References in this Scheme to any legislation shall include a reference to any amendment or re-enactment of such legislation. To indicate the origin of the delegation to officers then an asterisk is used against all exclusively non-executive functions.

2. The Statutory Officers

By law, the Council must employ the following persons who are given certain powers and duties by statute.

2.1 **The Head of Paid Service – The Chief Executive Officer**

Functions relating to the grant and supervision of exemptions from political restriction. (s3A Local Government and Housing Act 1989)

Duty to prepare a report regarding proposals as to the co-ordination of the authority's functions and the number and grades, the organisation, and the appointment and proper management of the authority's staff. (s4 Local Government Housing Act 1989)

2.2 **The Monitoring Officer – The Assistant Chief Executive Legal and Democratic Services**

Duty to prepare a report if it appears to them that any proposal, decision or omission has or would give rise to any contravention of law or has caused any maladministration or injustice. (s5 and 5A Local Government and Housing Act 1989)

2.3 **The Chief Financial Officer – Corporate Director of Resources**

(a) Responsibility for the administration of the authority's financial affairs.

(b) Duty to prepare a report if it appears to them that any decision will incur unlawful expenditure or any course of action which if pursued to its conclusion would be unlawful and likely to cause a loss or deficiency on the part of the authority.

(s151 Local Government Act 1972)

2.4 **The Director of Children Services – Corporate Director of Children and Young People's Service**

(a) The functions of the authority in their capacity as a local education authority;

(b) social services functions so far as those functions relate to children;

(c) the provision of accommodation and advice and assistance to children to under sections 23C to 24D of the Children Act 1989;

(d) the functions conferred on the authority under sections 10 to 12 and 17 of Children Act 2004 to improve wellbeing and safeguard and promote the welfare of children and to prepare a Children and Young People Plan;

(e) any functions exercisable by the authority on behalf of an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 of the Health Act 1999 so far as those functions relate to children.

(s18 Children Act 2004)

2.5 **The Director of Adult Social Services – Corporate Director of Health and Adult Services**

The functions of the local authority set out in Schedule 1 of the Local Authority Social Services Act 1970 other than those for which the authority's Director of Children's Services is responsible under section 18 of the Children Act 2004.

2.6 **The Scrutiny Officer – (Democratic Services and Scrutiny Manager)**

(a) To promote the role of the authority's overview and scrutiny committee or committees;

(b) to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees;

(c) to provide support and guidance to –

(i) members of the authority,

(ii) members of the executive of the authority, and

(iii) officers of the authority,

in relation to the functions of the authority's overview and scrutiny committee or committees.

(Section 21 ZA Local Government Act 2000)

3. General Notes

3.1 Delegated powers to all Officers must be exercised in accordance with:

(a) Any statutory requirements and restrictions;

(b) the budget and policy framework set by Council, and other Council policies;

(c) any financial limits and procedures set out in the revenue or capital budgets and Financial, Contract and Property Procedure Rules;

(d) the Codes of Member and Officer Conduct; and

(e) any provision contained in this Constitution.

3.2 Any delegation to an Officer does not include:

(a) any matter specifically reserved to full Council;

(b) any matter which by law may not be delegated to an Officer.

3.3 Officers must keep Members properly informed of actions taken within the scope of these delegations in accordance with the Member/Officer protocol set out in Part 4 of this Constitution.

3.4 In exercising delegated powers, Officers shall have regard to any report by the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer under their statutory obligations.

3.5 The Chief Executive Officer can at any time exercise the power delegated to any Officer whether specified in this Scheme or otherwise unless expressly prohibited by law. At any time if the Chief Executive Officer is unavailable or absent then the Officer specified by the Chief Executive can exercise the Chief Executive's powers.

4 Delegation to All Chief Officers

4.1 All Chief Officer must manage and promote the services for which they are responsible. This includes taking and implementing decisions which help to maintain the operational effectiveness of the services within their remit and which fall within a policy decision made by the Executive or the Council. It includes all powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation.

4.2 These powers are to be exercised:

(a) in accordance with any instructions given by the Chief Executive Officer;

(b) within any budgets or policies approved by the Council, and not committing the Council's budget to growth for future financial years;

(c) in accordance with Financial, Contract and Property procedure rules;

(d) having regard to any legal advice from the Assistant Chief Executive Legal and Democratic Services; and

(e) in accordance with any legal requirements and restrictions.

4.3 It shall always be open to an Officer to consult with the appropriate Executive Member on the exercise of delegated powers, or not to exercise delegated powers but to refer the matter to the Council, Executive or the committee/sub-committee which has the necessary powers.

4.4 Subject to complying with the matters set out above, Chief Officers are authorised to enter into contracts to facilitate service delivery or to procure works, services and supplies which are incidental to service delivery.

4.5 The delegation includes authorisation of any document including those which require the common seal of the Council to be affixed.

4.6 A delegation to a Chief Officer includes authority for any officer within their directorate to carry out the delegation of the function on behalf of the Chief Officer. Officers shall devolve responsibilities for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.

4.7 In exercising delegated powers, Chief Officers shall consult with such other Officers as they determine appropriate and shall have regard to any advice given.

5. Delegation to the Chief Executive Officer

5.1 To exercise the functions of the Head of the Paid Service.

5.2 To act as, and exercise the functions of, Electoral Registration Officer under the Representation of the People Act 1983.

5.3 To act as, and exercise the functions of, Returning Officer under the Representation of the People Act 1983 and to appoint such Deputy Returning Officers as the Chief Executive requires to enable the proper exercise of their statutory duties as Returning Officer.

5.4* To manage and co-ordinate budget processes, strategic planning and information.

5.5* To authorise attendance at meetings by Members as an approved duty and the payment of Members' allowances.

5.6 To incur expenditure in the event of a civil emergency.

5.7 In cases of emergency to take any decision which could be taken by the Council, the Executive or a committee. This includes incurring expenditure from working balances or reserves subject to consultation with the Director of Corporate Resources if the Chief Officer reasonably considers it appropriate and feasible and also to notifying any emergency to the Leader as soon as is reasonably practicable.

5.8 To exercise the functions of the Executive for civil aid and emergency planning.

5.9* To make payments or provide other benefits in cases of maladministration under Section 92 of the Local Government Act 2000.

5.10* To exercise all of the functions in relation to elections listed in Part D of Schedule 1 to the Local Authority (Functions and Responsibilities) (England) Regulations 2000 which are functions of the Council, to the extent that they are not delegated to a committee.

5.11* To carry out the County Council's functions relating to local government pensions under Regulations under Sections 7, 12 or 24 of the Superannuation Act 1972.

5.12 In consultation with the Leader of the Council, the Corporate Director of Resources and the Assistant Chief Executive Legal and Democratic Services, to endorse the payment of indemnity to any Member or Officer, up to a maximum of £50,000, where such indemnity is not covered by insurance. Any sums above £50,000 are to be referred to the Executive.

5.13 To approve recommendations from external partnerships in relation to the distribution of funds overseen by those partnerships, in consultation with the relevant Executive Member.

5.14 Except in relation to those matters concerning employee terms and conditions which are decided in accordance with the statutory Pay Policy Statement agreed by full Council, the terms of reference of the Chief Officers' Appointments and Disciplinary Committee, and the Staff Employment Procedure Rules or are otherwise decided in accordance with the Constitution, the Chief Executive Officer, in consultation with the Leader of the Council, the appropriate Executive Member(s), the Corporate Director of Resources, the Assistant Chief Executive Legal and Democratic Services, and the Assistant Chief Executive HR and Business Support, shall have authority to agree the terms and conditions of employment of the Council's workforce, and any changes to them.

5.15 That the Chief Executive Officer, in consultation with the Leader of the Council, the appropriate Executive Member(s), the Corporate Director of Resources, and the Assistant Chief Executive Legal and Democratic Services, shall have authority to agree operational policies regulating the internal operations and working practices of the Council, which shall include, but not exclusively, policies in relation to health and safety, information governance, and IT policies.

5.16 To act as, and exercise all functions of, the Chief Executive Officer of NYC and Group (Shareholder Representative) in relation to the Council's companies and shareholders.

6 Delegation to the Corporate Director Children and Young People's Service

6.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Corporate Director Children and Young People's Service is responsible for the exercise of all powers, duties and functions of the authority in relation to the following:

- Adult Education
- Children and Families
- Inclusion
- Outdoor Education Services
- Schools

6.2 To the extent that any of these delegated functions are executive functions the Corporate Director will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

6.3 Specific Delegations

(a) To exercise the functions of the Council as Local Education Authority and those functions relating to youth and community services, and sport and recreation policy.

(b) *To nominate appointments of local education authority school governors to the governing body of any of its maintained schools. The appointment is determined by the governing body.

(c) To manage the provision of training services in relation to Learning and Skills Council work and vocational education. This power may be exercised in conjunction with the Corporate Director of Health and Adult Services, so far as it relates to adults

(d) To exercise the social services functions of the Council as defined in the Local Authority Social Services Act 1970 so far as those functions relate to children including youth justice;

(e) the provision of accommodation and advice and assistance to children under sections 23C to 24D of the Children Act 1989;

(f) the functions conferred on the authority under sections 10 to 12 and 17 of Children Act 2004 to improve wellbeing and safeguard and promote the welfare of children and to prepare a Children and Young People Plan;

(g) any functions exercisable by the authority on behalf of an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 of the Health Act 1999 so far as those functions relate to children.

(h) To exercise discretion to reopen the adopters' list, as necessary, the action taken to be reported to the Executive.

(i) To approve, after consultation with the Executive Members for Children's Services with responsibility for children's social care, safeguarding and prevention, any notifications to the Department of Health to pool resources under the Health Act Flexibilities so far as they relate to Children.

(j) *To make representations under the Licensing Act 2003 and the Gambling Act 2005 to protect children from harm or being exploited by gambling.

(k) *To appoint local authority Members to the Management Committees of Pupil Referral Units on the nomination of the political group to whom the right of nomination has been allocated.

(l) To appoint Interim Executive Boards to schools.

(m) To appoint Members of Shadow Governing Bodies to Schools and to undertake all other functions of the Local Education Authority under the School Governance (Transition from an Interim Executive Board)(England) Regulations 2010.

(n) To exercise or to delegate to a nominated officer(s), the specified functions of the council as set out in the Regional Adoption Agency "One Adoption North and Humber" partnership agreement and associated documents attached to/referenced within the agreement.

6.4 Matters excluded from the delegation

The following matters are excluded from this delegation:

(a) Major changes in the pattern of provision for meeting special educational needs and/ or educational provision for all age groups falling within the Council's statutory duties or permissive powers.

(b) Making or terminating appointments to governing bodies of outdoor centres and to any outside bodies, except as may be set out elsewhere in this Scheme, unless such power is specifically delegated by the body empowered to make such appointments.

(c) Responding to invitations to bid for education support grants and other specific external funding which do not comply with existing policy and priorities or which require additional expenditure not budgeted for.

(d) Determining priorities for the Adult Learning and Skills Service.

7 Delegation to the Corporate Director of Health and Adult Services

7.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Corporate Director of Health and Adult Services is responsible for the exercise of all powers, duties and functions of the authority in relation to the following:

- Adult Social Care
- Public Health
- Prevention and Service Development

7.2 To the extent that any of these delegated functions are executive functions the Corporate Director will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

7.3 Specific Delegations

(a) To exercise the social services functions of the Council as defined in the Local Authority Social Services Act 1970 other than those for which the authority's Director of Children's Services is responsible under section 18 of the Children Act 2004.

(b) To exercise the Council's powers and responsibilities relating to public health (other than those public health functions for which the authority's Director of Public Health for North Yorkshire is directly statutorily responsible under the NHS Act 2006, the Health and Social Care Act 2012 and related regulations); and the take up of welfare benefits.

(c) To approve, after consultation with the Executive Members for Adult Social Services, any notifications to the Department of Health to pool resources under the Health Act Flexibilities other than those for which the authority's Director of Children's Services is responsible under section 18 of the Children Act 2004.

(d) To act as accountable officer for the Joint Strategic Needs Assessment, pursuant to the Council's responsibilities set out in Section 116 Local Government and Public Involvement in Health Act 2007.

(e) To authorise deprivation of liberty of a person in any case in which the Council is the supervisory body under the Mental Capacity Act 2005 or any successor legislation.

8 Delegation to the Corporate Director of Environment

8.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or officer, the Corporate Director of Environment is responsible for the exercise of all powers, duties and functions of the authority in relation to the following:

- Allotments
- Bereavement services, crematoria, public and private burials, maintenance of closed churchyards and public health funerals
- Coastal management and protection
- Commons and village greens
- Contaminated land
- Control of pollution and air quality
- Coroners service
- Dog warden services
- Environmental health and protection
- Environmental services including low carbon and natural capital services
- Fleet operation
- Flood management
- Footpaths and bridleways
- Harrogate Borough Council Act 1986 and Harrogate Stray Act 1985
- Harbour services for Scarborough, Whitby and Filey Coble Landing
- Highways, road safety, transportation and traffic regulation including winter maintenance and commercial services with the Highways teckal company
- Integrated Passenger Transport
- Licensing
- Managing economic crime unit
- Markets
- Parking Services including civil parking enforcement, penalty charge notices and permit administration
- Parks, playgrounds, public open spaces and grounds maintenance
- Public rights of way
- Registration of births, deaths and marriages
- Regulatory services (including trading standards, food hygiene, noise protection, pest control)
- Seashores and promenades
- Street Scene including street cleansing and litter
- Provision and cleaning of public conveniences
- Waste Services including collection, disposal, recycling, household waste recycling centres, commercial waste collection and closed landfill sites.

8.2 To the extent that any of these delegated functions are executive functions the Corporate Director will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

8.3 Specific Delegations

(a) Highways and Transportation including Integrated Passenger Transport and Parking Services

(i) The exercise of all of the functions of the Council in relation to highways, street works, traffic and vehicle regulation, public transport, car parking, street naming and numbering, street café licences, pavement licences, and road safety together with any related enforcement action, making and entering into agreements pursuant to the Highways Act 1980 and also including but not limited to those Council functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(ii) This includes authorising (including where objections have been received from a person entitled under the relevant statute) traffic regulation orders under the Road Traffic Regulation Act 1984 including but not limited to pedestrian crossings, speed limits, waiting and loading restrictions, weight limits, prohibition of driving and one way traffic and the provision of parking places off and on the highway; provided always that where such an objection is received, the Corporate Director of Environment shall take the decision in consultation with the relevant Executive Member(s) and after consultation with the local Member(s) and that the matter be referred to the Executive for determination where there is an outstanding objection which is supported by a local Member(s).

(iii) Where it is considered by the Corporate Director of Environment in consultation with the relevant Executive Member(s) that a proposed Traffic Regulation Order meets the criteria for having a wide area impact, the Corporate Director of Environment will consult the relevant Area Constituency Committee(s) upon the proposed Order.

(iv) The following matters are excluded from this delegation: where objections have been received from a person entitled under the relevant statute in relation to:

- Stopping up or diversion of highways (excluding public rights of way); and
- Private street works.

(b) **Physical Environment including Public Rights of Way and Open Spaces**

(i) The exercise of all of the functions of the Council relating to the physical environment of the Council, rights of way and open spaces including but not limited to the Wildlife and Countryside Act 1981 the Highways Act 1980 the Town and Country Planning Act 1980;

(ii) The power to make representations to the Secretary of State regarding Definitive Map Modification Orders to which a valid objection has been received following public advertisement of the Order, subject to consultation with the relevant Executive Member(s) and local Member(s).

Deleted: and Public Path Orders

(c)* **Commons Registration**

The exercise all of the functions of the Council in relation to common land and town and village green including but not limited to those Council functions listed in of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(d) **Environmental Services including Low Carbon, Natural Capital and Waste Services**

(i) To exercise all functions of the Council in relation to environmental health and protection

(ii) To exercise the functions of the Council as Waste Collection and Disposal Authority under all legislation relating to waste management.

(iii)* To exercise all of the functions of the Council under legislation relating to control of pollution and management of air quality (regulatory and licensing functions only).

(e) **Flood Management**

To exercise all functions of the Council as Lead Local Flood Authority under the Flood and Water Management Act 2010 and the Land Drainage Act 1991, including (but not limited to) the granting (or otherwise) of land drainage consents for ordinary watercourses.

(f) **Licensing**

(i) The development of the Council's licensing policies and the management of its licensing functions.

(ii)* To exercise all powers and functions in relation to Licensing and Registration including but not limited to those Council functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (including any necessary enforcement action where this is considered expedient). This includes but is not limited to:

- Betting, lotteries, casinos and amusements;
- Caravan and camping sites and moveable dwellings;
- Charitable collections;
- Cinema, cinema clubs and theatres;
- Dangerous wild animals;
- Hackney carriage and private hire vehicles;
- Health and Safety at work;
- Licensing of employment of children
- Market and street trading
- Meat, fish, dairy and egg product establishments and butchers' shops;
- Motor salvage operations;
- Movement and sale of cattle and pigs;
- Movement and treatment of farm animals and livestock;
- Night cafes and take-away food shops;
- Operation of loudspeakers;
- Performances of hypnotism;
- Pet shops and the breeding and boarding of dogs or other animals;
- Pleasure boats and pleasure vessels;
- Premises licences and club premises certificates
- Premises for the preparation of food;
- Premises for acupuncture, tattooing, ear piercing and electrolysis;
- Sale of non-medicinal poisons;
- Scrap yards;
- Smoke-free premises and vehicles;
- Storage of celluloid;
- Solarium sunbeds

(iii) To approve all applications for statutory licences and consents falling within the scope of responsibilities of the General Licensing & Registration Committee where no objection has been submitted in writing by a consultee or a Member of the public.

(iv) In consultation with the Chairman or Vice Chairman of the General Licensing & Registration Committee, to determine all immediate suspensions/revocations where public safety is deemed to be at risk.

(v) In consultation with the Chairman or Vice Chairman of the General Licensing & Registration Committee, to end a suspension if it is discovered that an allegation is unfounded and no further formal action is taken by the relevant body, or the matter is successfully appealed at the Magistrates' Court, each case determined on its own merits.

(vi) To determine applications under the Licensing Act 2003 and Gambling Act 2005 that are not reserved for the Statutory Licensing Sub-committee.

(v) To exercise the powers and duties of the Council under the Anti-Social Behaviour Crime and Policing Act 2014

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The following matter is excluded from this delegation: the issue of a new safety certificate in respect of a sports ground in North Yorkshire, or the withdrawal of an existing certificate.

(g) **Harbours**

(i) To exercise the Council's functions of Harbour Authority and Harbour Management, related to Scarborough Harbour, Whitby Harbour and Filey Coble Landing

(ii) To appoint and/or remove the Harbour Master.

(ii) To act as the Council's Duty Holder to ensure compliance with the Port Marine Safety Code, including, but not limited to, the exercise of the following functions:

- maintaining strategic oversight and direction of all aspects of the harbour operation including marine safety;
- responsibility for the development of policies, plans, systems and procedures for safe navigation;
- ensuring that assessments and reviews are undertaken as required, maintaining and improving marine safety;
- ensuring that the Harbour Authority seeks and adopts appropriate powers for the effective enforcement of their regulations, and for setting dues at a level which adequately funds the discharge of all their duties.

The **Duty Holder functions may NOT be delegated to another officer**.

(iii) To act in accordance with Harbour Master directions in relation to Scarborough Harbour, Whitby Harbour and Filey Coble Landing.

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The following functions are statutory functions which are specifically conferred on the Harbour Master and cannot be exercised by any officer other than the Harbour Master, Deputy Harbour Master or one of the Harbour Master's appointed assistants. They

cannot be withdrawn by the Chief Executive Officer or any other officer. The functions conferred on the Harbour Master by the local enactments for Scarborough Harbour, the Port and Harbour of Whitby, and Filey Coble Landing, including the Harbours, Docks and Piers Clauses Act 1847 and Harbours Act 1964. These include the power to make directions in relation to:

Deleted: n accordance with the powers pursuant to the Harbours, Docks and Piers Clauses Act 1847 (as amended by the Harbour Acts 1964) and subject to compliance with Customs laws and regulations the Harbour Master may give directions in relation to:¶

- regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein;
- regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier;
- regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, for the safety of such vessel and for preventing injury to other vessels, the harbour, dock, or pier, and the moorings;
- removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear;
- regulating the quantity of ballast or dead weight in the hold of each vessel in or at the harbour, dock, or pier;
- removal of wrecks and obstruction to the harbour, dock or pier and recovery of the costs relating thereto from the vessel owners;
- for removal of unserviceable vessels from the harbour or docks at the expense of the owner.

The Harbour Master may also give directions:

- to moor, unmoor, place or remove vessels within the prescribed limits of the harbour as the Harbour Master shall think fit or if there is no person on board to attend to such directions, to cause the same to be carried out and to recover the costs thereof from the owner;
- for dismantling vessels;
- for vessels to have hawsers, towlines or fasts fixed to moorings;
- for the removal of vessels for the purpose of repairing, scouring or cleansing the harbour, dock or pier, and to remove the same if the master thereof neglects or refuses so to do;
- for the discharging of cargo and the placing of discharged vessels within the harbour, including the power to remove the same and recover the costs in the event that the direction is not followed;
- for removal of goods from the quays, in the event that the goods are left lying there longer than allowed by byelaws and to recover the costs thereof;
- for removal of combustible matter on the quays to a place of safety;
- for guarding combustible matter during the night on the quays or works connected with the harbour, docks or pier, and recovering the cost of the same from the owner;
- to enter vessels within the harbour, pier or dock to search for and extinguish fires or lights; to detain vessels of those answerable for damage done by a vessel;
- to erect lighthouses and lay down buoys; and
- to implement such terms and conditions as the Harbour Master thinks fit to regulate the use of services and facilities provided by the Harbour Authority which, in the exercise and performance of statutory powers and duties, they are engaged in improving, maintaining or managing.

(iv) In relation to harbour powers and duties **The Assistant Director Integrated Passenger Transport, Licensing, Public Rights of Way and Harbours** has been appointed to act as the Council's Designated Person under the Port Marine Safety Code, in relation to: Scarborough Harbour, Whitby Harbour and Filey Coble Landing and to exercise the following Designated Person functions including, but not limited to:

- monitoring and auditing the thoroughness of the risk assessment process and the validity of the assessment conclusions;
- monitoring and auditing the thoroughness of the incident investigation process and the validity of the investigation conclusions;
- monitoring the application of lessons learnt from individual and industry experience and incident investigation;
- assessing and auditing the validity and effectiveness of indicators used to measure performance against the requirements and standards in the Port Marine Safety Code;
- assessing the validity and effectiveness of consultation processes used; consulting with external marine consultants to supplement their capabilities and qualities as necessary

(h)* **Regulatory Services**

The exercise of all the functions of the Council as weights and measures and food authority and for trading standards and consumer protection, coronavirus, animal health, sports grounds and explosives licensing, including, but not limited to such of those functions as listed in of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the powers under any 'relevant statutory provision' within the meaning of Part 1 of (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974 to the extent that those functions are discharged otherwise than in the Council's capacity as an employer in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, together with the North Yorkshire County Council Act 1991.

(i) **Enforcement**

(i) To undertake enforcement activities in respect of all functions within the remit of the Corporate Director of Environment in order to regulate any actual, potential or perceived breach of legislation, authorisation, permit, licence, permission or document of a similar nature. This includes but is not limited to taking the following actions:

- Carrying out inspections and/or examinations;
- Exercising any powers of entry;
- Serving any notice or document including penalty notices;
- Undertaking any work in default; and/or
- Seeking a warrant or other order.

(ii) To appoint/authorise any Officer and any person undertaking that task for or on behalf of the Council to be:

- An inspector;
- An authorised officer; and/or
- An enforcement officer

This includes power to authorise any such Officer/person to undertake all action relevant to the performance of such a role in relation to any service or function of the Council provided that in all cases the appointment/authorisation relates wholly or partly to any services or function which the Corporate Director of Environment has responsibility for.

(iii) In consultation with the Assistant Chief Executive (Legal and Democracy) to authorise Officers to prosecute and to appear on the Council's behalf before a Court.

(j) **Registration, Bereavement, Coroners' Service**

(i) The exercise all of the functions of the Council relating to the Registration of Births, Deaths and Marriages, bereavement services, statutory public health funerals, public and private burials, and cremations and maintenance of closed churchyards.

(ii) The power to approve premises for the solemnisation of marriages and civil partnerships and to exercise all functions of the Council.

The following matters are excluded from this delegation:

- Major changes in the pattern of provision for the Registration Service or the Coroners' Service;
- Authorising the making of new byelaws and orders;
- Any other matter which has specifically been delegated for decision by an Area Constituency Committee;
- Approval of the consultation draft or final version of the Sub-Regional Investment Plan (SRIP);
- Response to consultations on relevant strategies from partners;
- Approval of capital programme projects;
- Policy and criteria for grant and loan schemes;
- Grants to outside bodies where no scheme is in place;
- Major changes in the pattern of provision for Trading Standards and Regulatory Services.

9 To the Corporate Director of Community Development

9.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Corporate Director of Community Development is responsible for the exercise of all powers, duties and functions of the Council in relation to the following:

- Archives
- Building Control
- Conservation and archaeology
- Culture and Arts
- Economic Development, Regeneration and Skills
- Housing
- Key Venues – including Harrogate Convention Centre and Scarborough Open Air Theatre
- Leisure services and community sports facilities
- Libraries
- Local Land Charges
- Museums

- Planning and development
- Protection of hedgerows and preservation of trees
- Street naming & numbering
- Support and hosting the two AONB
- Tourism

9.2 To the extent that any of these delegated functions are executive functions the Corporate Director will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

9.3 Specific Delegations

(a) **Planning**

(i) The exercise all of the functions in relation to town and country planning (including minerals and waste planning) and development control including those Council functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (including any necessary enforcement action where this is considered expedient).

(ii) The exercise of all of the functions of the Council in relation to the Planning (Hazardous Substances) Act 1990.

(iii) To sign, on behalf of the authority, notices regarding periodic reviews of quarries after 15 years of the granting of planning permissions in accordance with Schedule 14 of the Environment Act 1995 (and supporting guidance).

(iv) Powers relating to the protection of important hedgerows.

(v) Powers relating to the preservation of trees.

(vi) Powers relating to complaints about high hedges.

The following matters are excluded from this delegation:-

- Matters with the remit of the Strategic Planning Committee;
- Planning applications submitted by or on behalf of the Council for development (excluding minor applications relating to schools or the curtilage of a property or external alterations where no significant extensions are proposed);
- Planning applications submitted by a Councillor or their spouse/partner, or on behalf of a Councillor or spouse/partner;
- Planning applications involving land/premises owned or controlled by a Councillor or spouse/partner;
- Where a senior officer (Corporate Director/Assistant Director/Head of Service or equivalent) of the Council has a pecuniary interest in the outcome of a planning applications;

- Where the Corporate Director of Community Development considers a planning application to raise significant planning issues such that it is to be considered by committee;

- Planning applications required to be accompanied by an Environmental Impact Statement unless recommended for refusal;

- Planning applications on which a Member of the Council has made material planning representations in writing to the Corporate Director of Community Development within the publicity period and in consultation with the Chair the Corporate Director of Community Development is satisfied that it has been demonstrated that it raises significant material planning issues for the application to be considered by Committee.

(b) **Local Land Charges**

(i) The exercise of all of the functions relating to local land charges including but not limited to the maintenance of the local land charges register; and the processing of local authority searches.

(c) **Economic Development, Regeneration and Tourism**

(i) The exercise all of the functions of the Council in relation to economic development, regeneration.

(ii) To lead on setting up the infrastructure to support new tourism arrangements across the region including the creation, management and enhancement of visitor attractions and facilities.

(d) **Culture, Arts, Libraries, Museums, Archives, Key Venues and Leisure**

(i) The exercise of all the functions of the Council, relating to culture, arts, libraries, museums, archives, and leisure including but not limited to:

- The operation, development and management of all leisure services (including leisure contracts with third parties and Council owned entities) and related matters including in consultation with the Corporate Director for Resources concessionary arrangements for the use of the Council's leisure facilities;

- The operation, development and management of all Council's museums, galleries, public libraries, library services and the County Archives and the provision of schools library services.

- The exercise of all the functions of the Council relating to Key Venues.

The following matters are excluded from this delegation:

- Major changes in the pattern of provision of any of the above services, including permanent closures.

(e) **Housing**

(i) The development of the Council's Housing policies and management of all matters required to ensure the Council carries out its statutory duties as a local housing authority.

(ii) In conjunction with the Corporate Director of Resources the maintenance of a Housing Revenue Account in accordance with the Local Government and Housing Act 1989 and any other legislation.

(iii) The exercise of the Council's functions in respect of the preparation and development of appropriate strategies and plans for the Council's housing stock, including the Housing Investment Programme.

(iv) The exercise of all of the functions of the Council relating to social and private housing including but not limited to:

- The provision of services in accordance with the Homeless Reduction Act 2017 and any other legislation relating to homeless prevention and relief of homelessness and the provision of temporary and interim accommodation for homeless people;
- The discharge of the Council's housing duties through the Council's allocations scheme and nomination arrangements with both social and private sector landlords;
- Housing enforcement action and regulation in accordance with the various statutory duties on the Council;
- The licensing of Houses in Multiple Occupation (HMOs);
- The discretionary licensing of private rented sector dwellings;
- Enforcement action relating to long term empty dwellings and properties and the security of unoccupied derelict buildings;
- The discharge of the Council's duties associated with housing in relation to statutory nuisance, prevention of damage by pests, and issuing of statutory notices;
- The provision of mandatory Disabled Facilities Grants;
- The provision of discretionary grants to improve housing conditions;
- Actions to enable the provision of affordable and supported housing, including but not limited to; liaison with housing associations, developers, government funders, community organisations and land owners and the provision of grants to enable the provision of affordable housing and supported housing;
- All matters regarding garage tenancies;
- Actions in relation to addressing breach of tenancy conditions in consultation with the Assistant Chief Executive Legal and Democratic Services;
- Exercising the functions of the Council under the Protection from Eviction Act 1977, the Protection from Harassment Act 1997 and all other enabling powers to regulate and control private landlords;
- Taking action to secure the eviction of trespassers.

(v) To approve and refuse housing grants and approve loan applications and payments with consideration to the terms of the Council's Housing Assistance Policy.

(vi) The service of notices, certificates of disrepair.

(f) Enforcement

(i) To undertake enforcement activities in respect of all functions within the remit of the Corporate Director of Community Development in order to regulate any actual, potential or perceived breach of legislation, authorisation, permit, licence, permission or document of a similar nature including but not limited to

- Carrying out inspections and/or examinations;
- Exercising any powers of entry;
- Serving any notice or document;
- Undertaking any work in default; and/or
- Seeking a warrant or other order.

(ii) To appoint/authorise any Officer and any person undertaking that task for or on behalf of the Council to be:

- An inspector;
- An authorised officer; and/or
- An enforcement officer

including power to authorise any such Officer/person to undertake all action relevant to the performance of such a role in relation to any service or function of the Council provided that in all cases the appointment/authorisation relates wholly or partly to any services or function which the Corporate Director of Community Development has responsibility for.

(iii) In consultation with the Assistant Chief Executive (Legal and Democracy) to authorise Officers to prosecute and to appear on the Council's behalf before a Court).

9.4 Exclusions

The following matters are excluded from this delegation:

- Authorising the making of byelaws and orders
- Any other matter which has specifically been delegated for decision by an Area Constituency Committee

10. Delegation to the Corporate Director of Resources

10.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Corporate Director of Resources is responsible for the exercise of all powers, duties and functions of the Council in relation to the following:

- Business Improvement Districts
- Commercial activities
- Council tax and business rates
- Customer contact including contact centres and the Council's website

- Data governance and security
- Facilities management
- Financial management
- Grants
- Housing and council tax benefit assessment, fraud and verification
- Procurement
- Property
- Revenue and Benefits
- Technology
- Transformation

10.2 To the extent that any of these delegated functions are executive functions the Corporate Director will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

10.3 **Specific Delegations**

(a) **Statutory duties**

To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.

(b) **Financial management**

To manage from day to day the:-

(i) County Fund and all subsidiary accounts.

(ii) Any earmarked or specific funds established from time to time by the Council.

(iii) Pension Fund, including:

- The exercise of the Council's functions as administering authority, subject to any specific instructions that might be given from time to time by the Pension Fund Committee;
- The power to seek professional advice and to devolve day to day handling of the Pension Fund to professional advisors within the scope of the Pensions Regulations; and
- To change the mandate of or the monies allocated to a Pension Fund manager, in consultation with the Chairman and at least one other member of the Pension Fund Committee, in circumstances when not to do so would lead to a real or potential, loss in value of the Pension Fund's investments. Any such action to be reported to the Pension Fund Committee as soon as practicable.

(iv) The administration of revenue, benefits and housing rents including:

- Council tax processing and billing arrangements
- Local council tax support
- National non-domestic rates
- Hardship schemes
- Housing benefits

- Collection of housing rents
- Recovery of any over-payments

NOTE: The Corporate Director of Resources is not empowered to change the investment manager structure of the Pension Fund.

(c)* To operate the Local Government Pension Scheme Regulations and any other regulations that relate specifically to the Council's responsibility to administer the Scheme, including the exercise of discretions.

(d)* To implement increase payments under the Pension Increase Acts.

(e) To implement national and local pay awards.

(f)* To borrow and lend money in accordance with the Treasury Management Statement and annual Strategy.

(h) To manage the Housing Loan Scheme.

(i) To make leasing arrangements.

(j) To manage all insurance and related risk management issues, including insurance to cover liability under the indemnity policy for Members and officers.

(k) To administer and oversee compliance with the Financial Procedure Rules.

(l)* To make in year adjustments to the Special Responsibility Allowances to reflect changes in the numerical strength of the individual groups with effect from the beginning of the month after such a change has taken place.

(m) Under Regulation 7 of the Local Authorities (Contracts) Regulations 1997 to sign certificates under the Local Government (Contracts) Act 1997 and is indemnified against any liability, claims or costs arising out of the signature of any such contract.

(n) To exercise the functions of the Council relating to its small holdings estate.

(o) To authorise the acquisition, disposal or redeployment of property and assets as set out in the Property Procedure Rules and Financial Procedure Rules.

(p) To authorise the submission of bids for grant or other external funding, the acceptance of any grant or other external funding and the agreement of terms and conditions of grant/funding offers up to and including (but not exceeding) £100,000, in accordance with Rule 8 of the Financial Procedure Rules, and subject to the implications for the Council being consistent with the budget and policy framework

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11 Delegation to the Assistant Chief Executive Legal and Democratic Services

11.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Assistant Chief Executive Legal and Democratic Services is responsible for the exercise of all powers, duties and functions of the Council in relation to the following:

- Constitution

- Democratic Services
- Ethical and governance frameworks
- Electoral registration and elections
- Legal services

11.2 The Assistant Chief Executive will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

11.3 Specific Delegations

(a) To exercise the functions of Monitoring Officer.

(b) To exercise the functions of Deputy Returning Officer and to assist the Chief Executive Officer in delivering local elections and electoral matters.

(c) To ensure the lawful, effective and sound decision-making and achievement of objectives by the Council and the promotion and maintenance of sound ethical and governance frameworks.

(d) To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal.

(e) To authorise officers of the Council to represent the Council before any Court, Tribunal or Inquiry and to instruct Counsel or external legal advisers to undertake legal work, advise or represent the Council.

(f) To make appointments, on the nomination of political groups, to Valuation Tribunals

(g) To maintain the list of politically restricted posts.

(h)* In relation to allegations made against the Chief Executive Officer relating to capability issues, disciplinary action and proposals for dismissal (for any reason other than redundancy, permanent ill health and, unless its renewal has been promised, failure to renew a fixed term contract):

(i) To receive, in the first instance, such allegations against the Chief Executive Officer and to decide, in consultation with the Chair of the Chief Officers Appointments and Disciplinary Committee, whether the complaint is such that it should be referred to the Chief Officers Appointments and Disciplinary Committee for consideration;

(j) Subject always to the legal requirements regarding such suspension, to suspend the Chief Executive Officer immediately in an emergency if an exceptional situation arises whereby such allegations against the Chief Executive Officer are such that their remaining presence at work poses a serious risk to the health and safety of others or to the resources, information or reputation of the Council, and/or where the circumstances are such that the issue of suspension needs to be addressed prior to any scheduled meeting of the Chief Officers Appointments and Disciplinary Committee and will not await the scheduling of a special meeting of that Committee;

(k) Where the Chief Officers Appointments and Disciplinary Committee so directs, to agree the specific appointment of a named individual as Independent Investigator with the Chief Executive Officer;

(l) To agree the terms of remuneration and working methods for the Independent Investigator with the individual appointed.

(m) To exercise all functions in respect of the publication of Standards and Governance Committee Independent Person vacancies in consultation with the Chair of the Standards and Governance Committee.

(n) To grant dispensations to Members and voting co-opted Members, after consultation with the Independent Person for Standards, where the timescales are such that a Standards and Governance Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards and Governance Committee, all of whom consent to the granting of the dispensation.

(o) Establish and maintain registers of Members' Interests and Gifts and Hospitality;

(p) To provide internal authorisations and renewal authorisations for covert investigations by Veritau Limited and all directorate departments (with the exception of Trading Standards) under the Regulation for Investigatory Powers Act 2000 as amended, and to represent the Council in respect of such authorisations when seeking judicial approval of them before the Magistrates' Court.

(q) Following consultation with the Chair of the Appeals Committee (or another Member of that Committee nominated by the Chair), to appoint lay and independent members to the panels of Members (from which they will be drawn by the Assistant Chief Executive Legal and Democratic Services) to consider appeals against decisions relating to admission of pupils to schools, selection for admission to schools (where relevant), permanent exclusion from a school and reinstatement to a school.

(r) To take all decisions in relation to the Legal and Democratic Services Alternative Business Structure company, subject to the controls given to the Council by the Shareholders' agreement, and to exercise day to day control of the Alternative Business Structure attached to the company.

(s) To exercise all necessary powers to implement the Executive's resolutions regarding the governance arrangements for the Council's companies and shareholdings, including reviewing the terms of the Companies governance documents.

12 Delegation to the Assistant Chief Executive HR and Business Support

12.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, Assistant Chief Executive HR and Business Support is responsible for the exercise of all powers, duties and functions of the Council in relation to the following functions:

- Business Support across all directorates
- Directorate HR Teams
- Equality, Diversity & Inclusion
- Health & Well Being
- HR Shared Service Team
- Organisational Development
- Pay & Reward
- Payroll

12.2 The Assistant Chief Executive will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

12.3 Specific Delegations

(a) To manage the provision of training contracts awarded by the Employment Training Services and those of a related nature aimed at skilling individuals for employment.

(b)* To make all appointments to the Chief Officers Disciplinary Panel (the independent panel convened as and when required to consider and advise on proposals to dismiss the Chief Executive Officer, Monitoring Officer or Section 151 Officer).

13 Delegation to the Director of Public Health for North Yorkshire

13.1 The statutory functions of the Director of Public Health in relation to public health, including, but not limited to, those set out in the Public Health (Control of Disease) Act 1984, NHS Act 2006, Health and Social Care Act 2012 and related regulations; including, but not limited to:

(a) Council health improvement functions under the Health and Social Care Act 2012;

(b) the exercise by the Council of any public health functions of the Secretary of State which they require the local authority to exercise by regulations under section 6C of the NHS Act 2006 (this relates to functions outside England);

(c) any public health activity undertaken by the Council in pursuance of arrangements with the Secretary of State;

(d) Council functions that relate to planning for, or responding to, emergencies involving a risk to public health;

(e) Council functions under section 325 of the Criminal Justice Act 2003 in relation to co-operating with police, probation and prison services in relation to assessing risks of violent or sexual offenders;

(f) such other functions relating to public health as may be prescribed for the Director of Public Health by the Secretary of State (including, but not limited to, making representations about the grant of a licence to use premises for the supply of alcohol);

(g) the provision of an annual report.

14 Delegation to the Assistant Chief Executive Local Engagement

14.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Assistant Chief Executive Local Engagement is responsible for the exercise of all powers, duties and functions of the Council in relation to the following functions:

- Communications
- Community Safety including CCTV
- Corporate policy including the Council Plan, the Sustainable community strategy, Community engagement, Equality and Diversity, the Compact and

thriving voluntary and community sector, Localism and Environment sustainability and climate change
- Emergency Planning including emergency planning and service continuity
- Locality structure
- Policy and Performance
- Refugees & Asylum seekers

14.2 The Assistant Chief Executive will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

14.3 **Specific Delegations**

(a) **Communications**

The development, implementation and maintenance of a communications strategy for the Council.

(b) **Locality**

(i) The development, implementation and maintenance of the Council's strategy for Locality working.

(ii) The promotion and development of collaborative working arrangements with stakeholders and partners in the voluntary sector.

(iii) The registration and all of the processes for determining the community right to challenge and nominating assets of community value under the Localism Act 2011.

(c) **Emergency Planning**

(i) The provision of support to the Chief Executive Officer in the exercise of civil aid and emergency planning and service continuity management capability functions in accordance with the Civil Contingencies Act 2004 and other relevant legislation.

(ii) The development, implementation and maintenance of the Council's Emergency Plan and Business Continuity Plans.

(d) **Policy and Performance**

(i) The development of the Council's policy agenda.

(ii) The development of the Council's Council Plan setting out the Council's vision, values and key ambitions.

(iii) The development of the Council's use of evidence to generate insight and inform decision making and drive improvements across service delivery.

(iv) The development and implementation of the Council's performance framework including service key performance indicators and reporting thereon.

(f) **Community Safety**

(i) All powers and duties conferred by legislation in connection with community safety functions which are not within the purview of any other Director including but not limited to:

- The management and operation of Closed Circuit Television (CCTV);
- The functions of the Council relating to anti-social behaviour, harassment and community protection including public spaces protection orders and identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption

Schedule 5

Appointment to Outside Bodies

1. PARTNER BODIES

Those appointed to these bodies should be Members of the Council.

- Appointments will be made corporately.
- Some officer briefing or other support will be provided.
- There will be a requirement to report back, perhaps to an officer who may report onwards.
- Expenses will be paid to NYC Councillors unless they are payable by the body appointed to.

A	B	C	D	E	F
Outside Body	**No of Seats**	**Appointed By**	**Appointed (Members and Subs)**	**Appointed until**	**Report back by/to**
Airedale NHS Foundation Trust Council of Governors	1	Executive	R Foster	May 2027	
Border to Coast Pensions Partnership	1	Executive	[TBC]	May 2027	
Breckenbrough School Limited	2	Executive	A Baker D Webster	May 2027	Member/CD-CYPS
Citizens Advice Mid-North Yorkshire	2	Executive	C Les C Goodrick	May 2027	
County Councils Network	4	Executive	C Les G Dadd J Sanderson M Harrison	May 2027	
Doncaster/Sheffield Airport Consultative Committee	1 + Sub	Executive	J Cattanach Sub: M Jordan	May 2027	
Drax Power Station Consultative Committee *	4 + Subs	Executive	M Jordan C Lunn K Arthur T Grogan	May 2027	CD-E
Durham Tees Valley Airport Consultative Committee	1 + Sub	Executive	H Moorhouse Sub: D Chance	May 2027	
Eggborough Power Limited Consultative Committee	2 + Subs	Executive	C Lunn	May 2027	CD-E

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A	B	C	D	E	F
Outside Body	**No of Seats**	**Appointed By**	**Appointed (Members and Subs)**	**Appointed until**	**Report back by/to**
			J McCartney Sub: M Jordan		
Foster Panel (East)	1	Executive	J Jefferson	May 2027	
Foster Panel (West)	1	Executive	B Fortune	May 2027	
Harrogate and District NHS Foundation Trust	1	Executive	N Brown	May 2027	
Humber Coast and Vale Integrated Care System	1	Executive	M Harrison	May 2027	
Leeds Bradford International Airport Cons Committee	1 + Sub	Executive	A Paraskos Sub: P Haslam	May 2027	Member/CD-CD
Local Government Association (LGA)	4	Executive	C Les G Dadd D Bastiman D Chance	May 2027	Member/Executive
Local Government North Yorkshire and York	1 (Leader) + Sub	Executive	C Les Sub: G Dadd	May 2027	Member/Executive
Local Government Yorkshire and Humber Employers' Committee	1 + Subs	Executive	C Lunn Sub: G Dadd	May 2027	
North Eastern Inshore Fisheries and Conservation Authority	2	Council	D Chance T Randerson	May 2027	Member/CD-E
North York Moors Historical Railway Trust Limited	2	Executive	D Chance C Pearson	May 2027	
North York Moors National Park Authority	9	Council	Currently but will need to be confirmed: D Jeffels H Moorhouse C Pearson J Ritchie	May 2027	Member/Council
North York Moors National Park Local Aess Forum	1 + Sub	Executive	G Jabbour Sub: D Chance	May 2027	
North Yorkshire Local Aess Forum	2	Executive	R Heseltine D Jeffels	May 2027	
North Yorkshire Youth Limited Board of Trustees	1	Executive	J Sanderson	May 2027	Member/CD-CYPS
NYNet Ltd Board and NYNet 100 Ltd	1 + 1 observer/ Sub	Executive	G White Observer: S Watson	May 2027	
Outdoor Learning Service Consultative Committee	3 + Sub	Executive	A Baker	May 2027	

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A Outside Body	B No of Seats	C Appointed By	D Appointed (Members and Subs)	E Appointed until	F Report back by/to
			A Wilkinson T Jones Sub: G Jabbour		
Rail North	2	Executive	C Les (Director) K Duncan (Deputy Director)	May 2027	
Reserve Forces and Cadets Association for Yorkshire and the Humber	2	Executive	D Jeffels A Lee	May 2027	
Rural Services Network (SPARSE Rural Special Interest Group)	1 + Sub	Executive	R Heseltine Sub: D Ireton	May 2027	
Scarborough Theatre Trust	1 (+ 1 observer)	Executive	D Chance Observer: H Phillips	May 2027	
South Tees Hospitals NHS Foundation Trust	1	Executive	S Watson	May 2027	
Standing Advisory Council on Religious Education	5	Executive	J Jefferson G Jabbour A Baker R Heseltine A Wilkinson	May 2027	Member/CD-CYPS
St Camillus Trust	1 + officer	Executive	J Sanderson Officer: Jane le Sage	May 2027	
Tees, Esk and Wear Valleys NHS Foundation Trust Council of Governors	1	Executive	A Thompson	May 2027	
Transport for the North Board and Partnership Board	1 + Sub	Executive	C Les Sub: K Duncan	May 2027	
Transport for the North General Purposes Committee	1	Executive	C Les	May 2027	
Transport for the North Scrutiny Committee	1	Executive	P Haslam	May 2027	
University of Leeds - Court	1	Executive	P Haslam	May 2027	Member/CD-CYPS/ CD-CD
University of York - Court	2 (Chairman of NY and Exec Member for Ed)	Executive	Vacancy A Wilkinson	May 2027	Member/CD-CYPS/ CD-CD

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A	B	C	D	E	F
Outside Body	**No of Seats**	**Appointed By**	**Appointed (Members and Subs)**	**Appointed until**	**Report back by/to**
Veritau Ltd (shared Internal Audit Service) Board of Directors	1 (Executive Member for Corporate Services) + Sub	Executive	G Gadd Sub: D Chance	May 2027	
West Yorkshire and Harrogate Integrated Care System	1	Executive	A Lee	May 2027	
York Archaeological Trust for Excavation and Research Limited	1	Executive	D Chance	May 2027	
York and North Yorkshire Local Enterprise Partnership Infrastructure Board	1	Executive	D Bastiman	May 2027	
York and North Yorkshire Local Enterprise Partnership Overview and Scrutiny Board	1 + Sub	Executive	C Goodrick Sub: R Windass	May 2027	
York, North Yorkshire and East Riding Strategic Housing Partnership (nycyerhousing.co.uk)	1	Executive	D Bastiman	May 2027	
York Teaching Hospitals NHS Foundation Trust	1	Executive	L Colling	May 2027	
Yorkshire Agricultural Society	1	Executive	Vacancy	May 2027	
Yorkshire and Humber Joint Scrutiny of Health Committee	1	Executive	A Lee	May 2027	
Yorkshire Dales National Park Authority	10	Council	Currently but will need to be confirmed: R Foster D Ireton A Murday Y Peacock K Sedgwick	May 2027	Member/Council
Yorkshire Purchasing Organisation Management Committee	1 + Sub	Executive	G White Sub: A Thompson	May 2027	Member/CD-R
Yorkshire Purchasing Organisation Procurement Holdings Ltd	1	Executive	G White	May 2027	
Yorkshire Regional Flood and Coastal Committee	1 + Sub	Executive	D Bastiman Sub: D Chance	May 2027	Member/CD-R
Yorventure Management Group	1 + Sub	Executive	D Bastiman Sub: D Staveley	May 2027	
Yorwaste Limited and SJB Recycling Ltd	2	Executive	A Lee J Weighell OBE	May 2027	Member/Executive

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A	B	C	D	E	F
Outside Body	**No of Seats**	**Appointed By**	**Appointed (Members and Subs)**	**Appointed until**	**Report back by/to**
[Additional Outside Bodies from the Districts that need appointing for the new authority]			To be appointed by the Executive		
Airedale Internal Drainage Board		Executive		May 2027	
Bradford District Care Trust's Council of Governors		Executive		May 2027	
Community First Yorkshire		Executive		May 2027	
Community Safety Partnership		Executive		May 2027	
DANVM Drainage Board		Executive	Cllr Mark Crane	May 2027	
East Integrated Care Community for the Morecambe Bay Clinical Commissioning Grp (G)		Executive		May 2027	
Employee Joint Consultative Committee (S'Bro)		Executive	Cllrs Derek Bastiman, Janet Jefferson	May 2027	
First Ainsty Drainage Board		Executive		May 2027	
Harrogate and District Community Action - Board of Trustees		Executive	Cllr Sam Gibbs	May 2027	
Internal Drainage Boards (One appointee represents all the IDB's)		Executive		May 2027	
Local Government Flood Forum		Executive	Cllr Derek Bastiman	May 2027	
Local Government Grp - General Assembly		Executive	Cllr Richard Foster	May 2027	
Local Government Grp - Rural Services Partnership		Executive	Cllr David Ireton, Richard Foster	May 2027	
Local Government North Yorkshire & York Strategic Housing Board		Executive	Cllr David Webster, Caroline Goodrick	May 2027	
Local Government North Yorkshire & York Transport and Planning Board		Executive	Cllr Peter Wilkinson, Cllr Caroline Goodrick	May 2027	
Local Government York, North Yorkshire and East Riding Housing Partnership		Executive		May 2027	
National Association of Councillors - National and Northern Branch		Executive		May 2027	
North Yorkshire Building Control Partnership		Executive	Cllr Caroline Goodrick	May 2027	
North Yorkshire District Councils Network - Executive Board		Executive	Cllr Richard Foster	May 2027	
North Yorkshire Forum for Older People + (NYFOP+)		Executive		May 2027	
North Yorkshire Older Peoples' Partnership Board		Executive		May 2027	
North Yorkshire Outbreak Advisory Management Board		Executive		May 2027	

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A	B	C	D	E	F
Outside Body	**No of Seats**	**Appointed By**	**Appointed (Members and Subs)**	**Appointed until**	**Report back by/to**
North Yorkshire Strategic Housing Partnership		Executive	Cllr Richard Foster	May 2027	
North Yorkshire, City of York and East Riding Strategic Housing Board		Executive	Cllr Mark Crane	May 2027	
North Yorkshire, York and East Riding Local Enterprise Partnership		Executive	Cllr Richard Foster	May 2027	
North Yorkshire, York and East Riding Local Enterprise Partnership: Infrastructure Programme Board		Executive	Cllr Mark Crane, Richard Foster	May 2027	
Ouse and Derwent Internal Drainage Board		Executive	Cllr J Cattanach, S Duckett	May 2027	
PATROL (Parking and Traffic Regulations Outside London)		Executive	Cllr Tony Randerson	May 2027	
Public Service Executive		Executive	Cllr Liz Colling	May 2027	
Selby Area Internal Drainage Board		Executive	Cllr J Cattanach, M Crane	May 2027	
Swale & Ure Drainage Board		Executive	Cllr A Paraskos	May 2027	
The Esk Valley Railway Development Company		Executive		May 2027	
THE LOCAL FUND		Executive		May 2027	
Tourism Advisory Board		Executive		May 2027	
Trans-Pennine Trail Board		Executive	Cllr Mike Jordan	May 2027	
Transport for the North Board and Partnership Board		Executive		May 2027	
Transport for the North General Purposes Committee		Executive		May 2027	
Vale of Pickering Internal Drainage Board		Executive		May 2027	
West Yorkshire Combined Authority - Business Innovation and Growth Panel		Executive	Cllr Simon Myers Cllr Richard Foster	May 2027	
West Yorkshire Combined Authority - The Place Panel		Executive	Cllr Mark Crane	May 2027	
West Yorkshire Combined Authority Partnership Committee		Executive		May 2027	
White Rose Home Improvement Agency Partnership		Executive		May 2027	
York and North Yorkshire Economy and Skills Board		Executive		May 2027	
Yorkshire & Humber Local Authority Employers' Association		Executive	Cllr Mark Crane, Richard Foster	May 2027	
Yorkshire Coast and Ryedale Disability Forum		Executive	Cllr Donohue-Moncrieff (sub)	May 2027	
Yorkshire Coast Community Rail Partnership		Executive		May 2027	
Yorkshire Coast Tourism Advisory Board		Executive			
Yorkshire Dales LEADER Partnership Management Programme		Executive	Cllr Simon Myers	May 2027	
Yorkshire Leaders' Board		Executive		May 2027	
Yorkshire Regional Flood and Coastal Committee		Executive		May 2027	

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* In making appointments to Drax Power Station Consultative Committee, the Executive should ensure that the Chairman or Vice-Chairman and at least three Members of the Planning and Regulatory Functions Committee be nominated to serve, and that there is representation from the local area.

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2. LOCAL BODIES (appointments by Area Constituency Committees)

- Those appointed to these bodies should be NYC Councillors.
- The appointments will be made by the Area Constituency Committee(s) concerned.
- Some officer briefing or other support may be provided.
- Any report back will be to the Area Constituency Committee (which may report to the Executive on it, if appropriate).
- Expenses will be paid to NYC Councillors unless they are payable by the body appointed to.

	No of seats	
Citizens Advice Scarborough and District	1 + Sub	R Swiers
Craven and Harrogate Districts Citizens Advice Bureau Combine to N Yorks Citizens Advice & Law Centre ? (inc Ryedale, Ripon, Richmond etc. etc.)	2 (1 Craven and 1 Harrogate)	P Lacey R Heseltine
Forest of Bowland AONB Joint Advisory Committee	1 + Sub	S Myers Sub: D Ireton
Gouthwaite Reservoir Board of Management	1	A Murday
Hambleton Community Action	1	C Dickinson
Harrogate District Community Safety Local Delivery Team	1	C Aldred
Hartlepool Power Station Local Community Liaison Council	1	H Moorhouse
Howardian Hills AONB Joint Advisory Committee	2 + Subs	C Goodrick G Jabbour
Knaresborough Community Centre Committee	1	H Gostlow
National Coal Mining Museum for England Liaison Committee	1 (+1 sub)	S Shaw-Wright
Nidderdale AONB Joint Advisory Committee	3 + Subs	Vacancy A Murday N Hull Sub:
North Yorkshire and Cleveland Coastal Forum Executive Committee	2	D Bastiman D Chance
Renaissance Knaresborough Management Committee	1	H Gostlow
Safer Craven Local Delivery Team	1	A Solloway
Safer Hambleton Steering Group for Community Safety	1	H Moorhouse
Safer Richmondshire Community Safety Local Delivery Team	1	C Les
Safer Ryedale Delivery Team	1 + Sub	Vacancy J Andrews is sub
Safer Selby Local Delivery Team	1	S Duckett
Scarborough United Scholarships Foundation with the John Kendal Trust	1 + Sub	J Jefferson
Selby District Association for Voluntary Services	1 + Sub	K Arthur

Additional OB's Needing Appointing To		Current Appointment (as a District or Borough Cllr)
Bond End Air Quality Steering Group (NY)	1	Cllr Andy Paraskos
British Destinations	1	

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British Ports Association	1	
Community and Police Consultation Group - Ryedale	TBC	
Community Client Group (Malton, Norton and Old Malton Flood Alleviation Scheme)	3	
Creative Industries Centre Trust	1	
Esk Valley Railway Development Company	1	
Fairfax Community Centre	1	Cllr Chris Aldred
Friends of Craven Museum	1	
Greatwood and Horse Close Estate Committee	2	Cllr Robert Heseltine, Andy Solloway
Groundwork (North Yorkshire)	2	
Hambleton Over 50s Forum	1	
Harrison Collection Trust	1	
Harrogate International Festival Board of Governors	1	
Harrogate White Rose Theatre Trust - Board	2	
Heysham Power Station Local Liaison Council	1	
Hospital of James Knowles Trust	1	
Humber Strategy Forum	2	
Jennyfield Styan Community Centre Joint Management Committee	2	
Leeds-Morecambe Community Rail Partnership	1	
Limited Liability Partnership	1	Cllr Steve Watson
Malton & Norton Area Partnership Board	2	
Malton and Norton Infastructure and Connectivity Steering Group	1	
Malton Community Sports Centre Finance and Premises Governors	1	
Mazars Yorkshire and Humber Governance Forum for Members	1	
Milton Rooms Management Committee	2	
National Park Management Plan Steering Group	1 + sub	
Nidd Gorge Advisory Partnership	6	Cllrs Phillip Broadbank, Paul Haslam
Nidderdale Strategic Partnership	3	
North Bank Local Enterprise Partnership	1	Cllr Derek Bastiman
Parishes Liaisons Group	TBC	
Pateley Bridge Quarry, Greenhow - Board of Trustees	1	
Raincliffe Woods Community Enterprise	2	Cllr Subash Sharma
Richmondshire Leisure Trust Board	1	
Ryedale Community Transport – Ryecat	1	
Ryedale Folk Museum	1	
Ryedale Tourism Advisory Board	2	
Ryedale YMCA Board of Management	1	
Scarborough & District Sports Council	3	Cllr Janet Jefferson
Scarborough and Ryedale Joint Home Improvement Agency Committee	2	
Selby and District Housing Trust	2	Cllr Stephanie Duckett
Selby and District Rail Users Group	1	
Selby College Corporation Board	1	Cllr Cliff Lunn
Settle Area Swimming Pool Committee	1	
Settle Freight Quality Partnership	1	
Settle Victoria Hall Trustees	1	
Settle/Carlisle Railway Development Company	1	
Staithes Harbour Commissioners	1	
Starbeck Community Fund	3	Cllrs Chris Aldred, Phillip Broadbank, Pat Marsh Cllr Bridget Fortune

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Stokesley and District Community Care Association (Trustee)	1	Clllrs Eric Broadbent,
The Scarborough Municipal Charity	4	Rich Maw,Janet Jefferson, Subash Sarma
Whitby United Charities	3	Cllr Robert Heseltine
Yorkshire Housing Group - Craven Area Committee	1	

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3. LOCAL BODIES (appointee expected to be a member of the local community (but may be the local Member) nominated by the local Member)

- The person appointed is expected to be a member of the local community, but may be the local Member.
- The local Member will make a nomination to the relevant Area Constituency Committee.
- The relevant Area Constituency Committee will make the appointment.
- There will be no officer support.
- There will be no report back (unless the local Member deems it necessary). Any report back will be to the Corporate Director - Resources.
- Expenses will not be paid by the NY Council.

NB: The following outside bodies are not Partnerships for the purpose of Partnership Governance as they do not meet the relevant criteria.

	No of seats	
Amotherby Educational Foundation	1	Mrs H Woodall
Appleton Wiske Educational Foundation	1	David Hugill
Atkinson and Clarke Educational Foundation (Newton-le-Willows/Patrick Brompton)	1	Graham Shepherd
Bellerby School Foundation	1	Mrs E Scott
Boyle and Petyt Foundation (Bolton Abbey)	1	Mrs M Longden
Carleton Endowed School Trust (Skipton)	2	Mrs E K Brown Mrs M Mason
Castle Bolton and Redmire Education Foundation	1	Mr D Morton
Christopher Wharton Educational Foundation	1	C Goodrick
Clarke's Old School Foundation Wigglesworth	1	Mr P Raper
Constance Elizabeth Beckwith Bequest (Easingwold and Husthwaite)	1	Vacancy
Coulthurst Sandylands Sports Centre Management Committee	1	A Solloway
Cridling Stubbs Educational Charity	1	J McCartney
Edward Atkinson Charity	1	M Jordan
Elizabeth Barnett Charity (East Witton)	1	Mr G Rhodes
Eskdaleside-cum-Ugglebarnby Educational Foundation	1	Clive Pearson
Greenhow Enhancement Fund	1	Mr J Fort BEM
Hargraves and Green Educational Foundation (Giggleswick/Austwick)	1	Mr C Fryer
Heber Charity (Thornton-le-Beans)	1	Robert Baker
Horsehouse School Charity (Carlton Highdale)	1	Roger Harrison-Topham
Horton-in-Ribblesdale Exhibition Foundation Governors	1	Mr James Davis
Horton-in-Ribblesdale Foundation Governors	1	Mrs Linn Booth
John Dakyn Trust, East Cowton Fund	1	H Dudman
John Dakyn's Educational Charity at Kirby Hill	2	A Thompson Vacancy
John Stockton Education Foundation (Kirkbymoorside)	3	Mr Nick Holroyd Mrs Julia Bretnam Mrs M Gamble
King James's Foundation at Knaresborough	1	M Walker
Kirkby Overblow Educational Foundation	1	Vacancy
Lady Lumley's Educational Foundation (Pickering)	1	J Andrews
Langcliffe Educational Foundation	1	Mrs M Lodge
Longstaffe Educational Foundation (High Bentham)	1	D Ireton

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	No of seats	
Lupton Foundation (High and Low Bishopside)	2	J Fort Mrs Hilary Jefferson
Mary Waud Foundation (Cliffe School Charity)	1	K Arthur
Middleton School Foundation	1	Vacancy
Oglethorpe and Dawson Educational Foundation	3 (at least 1 women)	D Mackay Mrs J Marshall Bea Rowntree
Old Meeting House Trust, Helmsley	1	Cllr S Arnold
Olive and Norman Field Charity	1	C Les
Oswaldkirk and Ampleforth Education Foundation	1	S Mason
Poad's Educational Foundation (Newton upon Rawcliffe)	1	Vacancy
Preston Education Foundation (Stokesley)	3	S Robertson Dr M Faulkner Dr S B Tawse
Prowde's Educational Charity	1	The Lord Crathorne KCVO
Raikes Foundation (Pateley Bridge)	2	Hilary Jefferson Christine Skaife
Rev James Graves' Foundation at Thorpe Bassett	1	Vacancy
Rev Michael Sydall Educational Foundation (Catterick)	1	C Les
Richard Taylor's Educational Foundation Trust	1	P Haslam
Richmond School Trust	5	Mrs J Walker S Parsons Mr Keith Hall Cllr C World Cllr L Hodgson
Ripon Grammar School Foundation Governors	4	M Chambers MBE S Martin MBE Mr B Bateman MBE City Cllr L Barnes OBE
Sir John Horsfall Exhibition Foundation (Glusburn and Sutton-in-Craven)	1	P Barrett
Staintondale Educational Trust	1	C Pearson
Sylvester Petyt's Foundation (Skipton)	1	Gordon Bell
Thirsk and Sowerby Swimming Baths Charity Management Committee	1	Mr Robert Baker
William Cockin Educational Foundation (Melsonby)	1	A Thompson
William Hardcastle Charity	2	Mrs P Hutchinson Mrs Sally Harrison
Wistow Church of England School Charity	1	J Cattanach
Yorebridge Education Foundation	5	Mr J Hodgson Mr M Fleming Mr M Teasdale Y Peacock Ros Cadman

Additional OB's Needing Appointing To

Prince Henry's Grammar School, Otley	1	

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4. MECHANISMS FOR APPOINTMENTS/NOMINATIONS

These are bodies in which the Council has no direct interest but is asked to make appointments or provide nominations. There will be no officer support, no need for any report back and no expenses will be paid by the NYC, though these may be paid by the body concerned. Appointments should be made by the Executive, except Valuation Tribunal appointments which are to be made jointly by the Assistant Chief Executive Legal and Democratic Services and the President of the Tribunal, in response to nominations from the Secretaries of the groups to which seats have been allocated.

There are none.

5. SCHOOL GOVERNING BODIES

Primary Schools/Nurseries (780 primary school and 6 nursery governorships)

Governing appointments to be made by the Corporate Director – Children and Young People's Service, in response to nomination from the Secretary of the group to which the governorship has been allocated. No requirement to report back. No expenses will be paid by the NYC. Governing bodies may consider paying out of pocket expenses to Governors.

Secondary Schools/Special Schools (203 secondary school and 28 special school governorships)

Governor appointments to be made by the Corporate Director – Children and Young People's Service, in response to nominations from the Secretary of the group to which the governorship has been allocated. No requirement to report back. No expenses will be paid by the NYC. Governing bodies may consider paying out of pocket expenses.

6. INSPECTIONS OF CHILDREN'S HOMES

Corporate Parenting Members' Group – See "Delegation of Executive Functions" in Schedule 2 to Part 3 of the NYC's Constitution.

7. INDEMNITIES

The Council has an agreed policy in relation to the indemnification of officers and Members carrying out activities as part of their official role. Where a Member or officer is acting on behalf of another organisation then the activities covered will be deemed to have arisen in the capacity as a "member or officer of the authority" for the purposes of the Council's Indemnity Policy for Officers and Members, where:

(a) the appointment to that outside body was made by the authority; or

(b) the nomination to that outside body was made by the authority; or

(c) such appointment to that outside body was specifically approved for the purpose of these indemnities.

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All appointments, nominations and approvals made or given by the Council to the bodies in this Schedule or any other external bodies to which appointments, nominations and approvals are or have been made from time to time, shall be deemed to be appointments and nominations, and approvals for the purposes of the Indemnity Policy.

OFFICIAL

Council Procedure Rules

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Deleted: ***EXPLANATORY NOTE*** *re application of Council Procedure Rules to virtual meetings held during the Covid-19 pandemic.*¶

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These Rules constitute the Council's Standing Orders in relation to the regulation of Council proceedings and business under paragraph 42 of Schedule 12 to the Local Government Act 1972 and (to the extent specified in Rule 22) constitute the Council's Standing Orders as respects Committees, under Section 106 of that Act.

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing

The annual meeting of the Council shall be held on the third Wednesday in May each year or, in an election year, on such other day as the Council shall determine.

1.2 Election of Leader and Appointment of Executive

At the annual meeting of the Council in an election year, the Council will:

(a) elect the Leader, to hold office for a four year period (until the day of the post-election annual meeting following /their election as Leader). The Leader will agree the number of Members to be appointed to the Executive and appoint those Members.

1.3 Appointment of Members to serve on Committees

(a) As soon as possible after the election in an election year the Assistant Chief Executive Legal and Democratic Services shall:

(i) provide each Member with a questionnaire to be returned to the Secretary of their political group (or if the Member chooses not to be a member of a Group to the Assistant Chief Executive Legal and Democratic Services) asking on which of the committees they would prefer to serve.

(ii) convene a meeting, chaired by the Chair or Vice-Chair of the Council, of the Leaders and the Secretaries of those political groups which Members have declared to the Assistant Chief Executive Legal and Democratic Services by the date of the meeting. The meeting shall be held no later than the day before the Annual Meeting of the Council in that year to review the number of seats on committees and sub-committees and to allocate seats to the groups, in proportion to the relative numbers of seats on the Council held by the members of each Group, and proportionally to any Member who is not a member of any Group.

(iii) submit to the Annual Meeting of the Council the recommendations of the meeting of Group Leaders and Secretaries, (which shall be referred to as the Allocations Committee), as to the number of seats proposed for each of the Council's committees and sub-committees and the proportional allocation of those seats between the political groups (and any Member of the Council who is not a member of any group), having regard to the composition of the Council following such election. That report shall include, if necessary, any minority recommendations from dissenting groups subject to these also reflecting proportional representation.

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¶
Re application of the Council Procedure Rules to virtual meetings held during the Covid-19 pandemic¶
¶
Following on from the Prime Minister's announcement on 23 March 2020 about fundamental restrictions on public travel and movement, the Leader of the Council stopped all formal committee meetings of the Council for the foreseeable future, pending the introduction of legislation to allow for virtual meetings. Committee business has continued via the Chief Executive Officer making urgent decisions that would previously have been made by the Council's committees under his emergency decision making powers in the Officers' Delegation Scheme, in consultation with other Officers and Members as appropriate.¶
¶
The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into effect on 4 April 2020. The Regulations:¶
¶
remove the requirement for an Annual General Meeting to be held during the pandemic; and¶
¶
allow formal meetings of the Council, Executive and their committees and sub-committees held on or before 7 May 2021 to take place virtually (and to permit remote attendance at, and remote access to, such meetings).¶
¶
The Regulations enable the Council to hold such meetings without all, or any, of the Councillors being physically present in a room and allow for remote meetings through electronic and digital means at virtual locations using video and telephone conferencing, live webcast and live interactive streaming. Councillors need not be physically present, as long as they are able to hear and be heard (and where practicable, see and be seen by) other Councillors and members of the public attending remotely or in person.¶
¶
On 7 April 2020 the Chief Executive Officer agreed, under his emergency delegated powers and in consultation with Executive Members (Decision Record 2020/CEO Emergency Powers/14), that:¶
¶
i. The Annual General Meeting of the Council that was scheduled for 13 May 2020 be postponed. The situation to be kept under review, depending upon the progress of the pandemic and rescheduled for either 22 July 2020 or 18 November 2020, such decision to be made by the Chief Executive Officer under his emergency delegated powers in consultation with the Executive.¶
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(b) The allocation of seats on committees and sub-committees to groups having been agreed, the appointment of Members (and substitute Members, if any) to serve on each committee and sub-committee shall take place in the following manner:- the names of the Members nominated by the political groups to serve on a committee or sub-committee, together with the name of any Member who has been allocated a seat who is not a member of a group, having been proposed and seconded (in one motion), any group may propose as an amendment any other Member or Members of the same group for service on that committee or sub-committee, within the proportional allocation of seats to that group. Any such amendments and the resulting substantive motion shall be voted upon by the Council without debate. Appointments to sub-committees by committees shall be carried out in the same manner.

If appointments are to be made to any committee other than in accordance with the current law relating to the proportional allocation of seats, such proposals will be moved as a separate motion so that it can be ascertained whether any Member of the Council votes against.

(c) Subject to any statutory provision:-

(i) the Council shall not appoint any member of a committee so as to hold office later than the annual meeting of the Council in the next election year;

(ii) from the day of retirement of Councillors in an election year until the annual meeting of the Council in that year the duties of each committee shall be discharged by such Councillors as were Members thereof prior to the said day and have been re-elected, whether or not such number of Members is the quorum of the committee;

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(iii) the Council may at any time dissolve or alter the membership of a committee or add to or remove members from a committee;

(iv) the Council may make arrangement for substitute membership of committees in accordance with such schemes as it may approve;

(v) any delegation to a committee may be subject to such general or special restrictions or conditions as may from time to time be agreed by the Council, and such delegations may at any time be revoked by the Council;

(vi) the foregoing paragraphs of this Council Procedure Rule shall with any necessary modification apply to sub-committees.

(d) On occasions other than that of the first appointment of committees and sub-committees after a quadrennial election, appointments of Members (and substitute Members, if any) to serve on committees shall be made in accordance with para (b) of this Council Procedure Rule except that nominations shall be reported by representatives of the political groups. Appointments of Members (and substitute Members, if any) to serve on sub-committees shall be made in the same manner by the relevant Committee. When changes to appointments arise as a result of a change in the number of seats held by a political group, the Secretaries (or other representatives) of those groups whose number of seats on the Council have changed shall meet

to agree a reallocation of the seats held by their groups, as necessary, in order to reflect the changed relative proportions of the groups.

(e) In making recommendations to the Council or committees as to the appointment of Members (and substitute Members, if any) to serve on committees and sub-committees respectively, the political groups shall have regard to the desirability of ensuring that all Members of the Council shall, so far as is practicable, be appointed to serve on approximately the same number of committees and sub-committees.

(f) Should any Member choose to resign from membership of any committee or sub-committee, it is the duty of the resigning Member (or the Secretary of that Member's Political Group, if any) to advise the Assistant Chief Executive Legal and Democratic Services, so that the resulting vacancy can be brought to the attention of the Council or the appropriate committee.

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2. ORDINARY MEETINGS

2.1 Timing of Meetings

Meetings of the Council shall be held in every year on the third Wednesday in February, the penultimate Wednesday in July, the second Wednesday in November or on such other dates as the Council shall determine. The fourth Wednesday in February shall be reserved in the diary, each year, for a further meeting, if necessary, to deal with business left outstanding from the meeting held the previous week.

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.

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2.3 Order of Business

(a) The order of business at Council meetings shall be:

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(i) if both the Chair and the Vice-Chair are absent to choose a person to preside at the meeting;

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(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;

(iv) to receive any communication from the Chair;

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(v) to elect the Leader at the annual meeting in an election year;

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

(vi) the statement by the Leader and any questions from Members to the Leader;

(vii) 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.

(viii) 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;

(ix) any business remaining from the previous meeting;

(x) 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;

(xi) 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.

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

(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;

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Deleted: from Members to that portfolio holder. 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:¶
¶
Budget and external organisations;¶
Central and Financial Services including assets, IT and procurement¶
Schools, 16-19 year old education and early years provision;¶
Highways and planning services;¶
Children's services, special needs, youth justice, youth service and adult learning;¶
Public Health and prevention;¶
Rural services, waste disposal, public passenger transport, trading standards, economic development and Library Services;¶
Adult social care and health integration.

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(f) Transition (LGR) Overview and Scrutiny Committee.

(xiii) Council Procedure Rule 10 questions;

(xiv) 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. The Chair should seek to bring such a debate to an end by 1.00 pm or as soon as convenient thereafter;

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

(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.

3. EXTRAORDINARY MEETINGS

3.1 **Calling extraordinary meetings**

Those listed below may request the Assistant Chief Executive Legal and Democratic Services to call Council meetings in addition to ordinary meetings:

(a) the Council by resolution;

(b) the Chair of the Council;

(c) the Monitoring Officer or the Chief Finance Officer; and

(d) any five members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;

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Deleted: Members of the Council may, without notice, ask the Member who made the statement questions arising from matters raised in that statement or may ask any questions on matters in that portfolio not mentioned in the statement, but unless notice has been given by 10 am the previous day the person to whom the question has been put may respond in writing, with a copy being placed in Members' Group Rooms.

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Deleted: No Member shall speak more than once or for more than two minutes on any statement made by the Leader or a portfolio holder or Chairman of the Scrutiny Board or of an Overview and Scrutiny Committee, except that one representative of each Group may speak for 5 minutes when responding to the statement made by the Leader. The Leader or portfolio holder or Chairman of the Scrutiny Board or of an Overview and Scrutiny Committee making the statement is not limited in the time allowed to make the statement or limited in time or frequency of speaking when responding to questions.

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and any such request shall specify one or more items of business to be transacted at the meeting.

3.2 **Business**

The notice for any extraordinary meeting must specify the business proposed to be transacted at the meeting.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Save as provided elsewhere in the Constitution, political groups may nominate some or all their Members to be substitutes for appointed Members of committees, joint committees, sub-committees, working groups and panels. The Assistant Chief Executive Legal and Democratic Services shall have authority to give effect to those nominations in accordance with this Procedure Rule, provided that in the case of the:

(a) Regulatory committees and sub-committees, substitutes must have received the required training; and

(b) Overview and Scrutiny Committees, Audit and Standards and Governance Committee, all Members except Executive Members are permitted to be substitutes.

4.2 Arrangements for any substitute Member shall be made by the Member for whom the substitution is being sought or if that Member is unavailable or it is not practical for them to do so then by their political group leader by giving notice to the Assistant Chief Executive Legal and Democratic Services as soon as practicable before the meeting to which the substitution relates. In the event of notification not being provided/received before the start of the meeting then the substitute shall not be treated as a member of the committee or sub-committee for the purposes of being able to speak or vote.

4.3 Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

5. TIME AND PLACE OF MEETINGS

5.1 **Council Meetings**

Meetings of the Council shall be held at County Hall, Northallerton, commencing at 10.30 am, or such other hour as the Council may from time to time determine; provided that in exceptional circumstances the Chair or, if the Chair position be vacant, the Vice-Chair may direct that a meeting shall be held at such other place, or such hour and on such date as they may deem expedient.

5.2 **Other Meetings**

The time and place of Executive and committee meetings will be determined by the Assistant Chief Executive Legal and Democratic Services and included on the summons for the meeting.

5.3 **Special Meetings of Committees**

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Deleted: The Council, in addition to appointing Members (hereafter called "the normal Members") to serve on a committee, may also appoint, on the nomination of each of the political groups represented on the Council, County Councillors to act as substitute Members in the circumstances set out below…
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Deleted: For each committee other than the Appeals Committee (Home to School Transport), the number of Members who may be nominated as substitute members shall not exceed four for the Conservative Group and Liberal Democrat Group and shall not exceed three for each of the other political groups.
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Deleted: For the Appeals Committee (Home to School Transport), each Group which nominates members shall each be entitled to nominate up to six substitute members. (The number of substitute Members which each group is entitled to nominate shall be reviewed by the Council after the County Council elections and at any other time when, in the opinion of the Council, there has been a significant change in the political balance on the Council).¶
Deleted: (c) In addition to appointing Members as named substitute Members for each committee etc, each political group shall be entitled to nominate a "standing substitute list" comprising all or some of its Members, listed in the order in which they are to be invited to act as substitute for all committees, sub-committees etc on which they are neither a normal Member nor a named substitute.¶
¶
(d) A normal member of a committee shall, if he/shethey wishes a substitute Member to attend the meeting of that committee in his/hertheir place, make the necessary arrangements with any available Member named in the list of substitute Members of his/hertheir political group, subject to the substitute having received any necessary training, and shall either give, or shall arrange for the nominated substitute Member, or any other member of his/hertheir political group, to give the Assistant Chief Executive (Legal and Democratic Services) notice of the substitution before the commencement of the meeting, either in written or in oral form.¶
¶
(e) The substitute Member named in the substitution notice shall be the substitute Member whose name appears first in the list of substitute Members of the sar…
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The Chair of a Committee, or the Chair of the Council, may summon a special meeting of a committee at any time, and either of them shall summon a special meeting on the requisition in writing of not less than one quarter of the members of the committee. The summons shall specify the business to be considered at the special meeting, and no business other than that specified shall be considered at the meeting.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Assistant Chief Executive Legal and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days* before a meeting, the Assistant Chief Executive Legal and Democratic Services will send a summons signed by them by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIR AND VICE-CHAIR

7.1 The Council

(a) The Chair of the Council shall be elected annually by the Council from among the Councillors, which shall be the first business transacted at the annual meeting.

(b) The Council shall appoint a Member of the Council to be Vice-Chair.

(c) The Chair shall, unless they resign or become disqualified, continue in office until their successor becomes entitled to act as Chair and the Vice-Chair, unless they resign or become disqualified, shall continue in office until immediately after the election of Chair at the next annual meeting of the Council.

7.2 Committees

(a) Every committee shall have a Chair and may have a Vice-Chair, provided that the Chair and the Vice-Chair, if any, shall be a Member of the Council and the Chair and Vice-Chair of any Overview and Scrutiny Committee shall be appointed by the Council save that, in the absence of the Chair and also of the Vice-Chair, if any, at any meeting of a Committee a Chair for that meeting shall be appointed.

(b) The Council may, at its annual meeting in every election year, having considered nominations by the representatives of the Groups, appoint a Chair (and may appoint a Vice-Chair) of every committee and, in the event of either office being vacated at any time, any such committee shall elect a Chair (and may elect a Vice-Chair) at its next meeting.

(c) A Chair and Vice-Chair may be appointed or elected either for one year or for such longer period up to the appointment or election of Chair following a quadrennial election as the Council or the committee, as appropriate, may determine.

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

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(d) A person who was Chair of any committee immediately before annual meeting, in an election year shall continue to be Chair of that committee until the first meeting of the committee following the annual meeting of the Council if re-elected a Councillor and if appointed a member of that committee by the Council.

(e) The Council may appoint, in any year when Council elections are not held, a Chair to a committee where the committee has failed to reach agreement (for example where, at the committee's meeting, equal numbers of votes are cast for two Members each nominated for appointment as Chair).

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8. QUORUM

8.1 Council Meetings

If during any meeting of the Council the Chair declares that there is not a quorum present (one quarter of the whole number of Members) the meeting shall stand adjourned. (If at any time more than one third of the Members have an interest precluding participation (as set out in the Members' Code of Conduct), the quorum shall be one quarter of the Members remaining).

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8.2 Other Meetings

The quorum of any other meeting will be one quarter of the total voting membership of the body or three voting members, whichever is the larger. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

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8.2.1 Regarding formal Council, Executive, Committee or Sub-Committee meetings, "present" means physical presence, in person at the meeting (in order to be able to count towards the quorum and to vote). Electronic 'attendance' via the internet may be permissible for other informal meetings - please liaise with Legal and Democratic Services re any such queries.

8.3 Committee Quorum List

Current Committee quorum are set out below:

Planning and Regulatory Functions Committee - Quorum (3) voting Members

Planning and Regulatory Functions Sub-Committee - Quorum (3) voting Members

Standards and Governance Committee - Quorum (3) voting Members

Audit Committee - Quorum (3) voting Members

Appeals Committee (Home to School Transport) - Quorum (3) voting Members

Employment Appeals Committee - Quorum (3) voting Members

Chief Officers Appointments and Disciplinary Committee - Quorum (3) voting Members

Pension Fund Committee - Quorum (3) voting Members

Harrogate and Knaresborough Area Constituency Committee - Quorum (3) voting Members

Richmond (Yorks) Area Constituency Committee - Quorum (3) voting Members

Scarborough and Whitby Area Constituency Committee - Quorum (3) voting Members

Selby and Ainsty Area Constituency Committee - Quorum (3) voting Members

Skipton and Ripon Area Constituency Committee - Quorum (3) voting Members

Thirsk and Malton Area Constituency Committee - Quorum (3) voting Members

Care and Independence Overview and Scrutiny Committee - Quorum (4) voting Members

Corporate and Partnerships Overview and Scrutiny Committee - Quorum (4) voting Members

Scrutiny of Health Committee - Quorum (4) voting Members

Transport, Economy and Environment Overview and Scrutiny Committee - Quorum (4) voting Members

Young People Overview and Scrutiny Committee - Quorum (4) voting Members

9. QUESTIONS AND STATEMENTS BY THE PUBLIC

9.1 **General**

Members of the public may ask questions or make statements at ordinary meetings of the Council, and meetings of the Executive and of committees.

9.2 **Order of Questions/Statements**

Questions will be asked (or statements made) in the order notice of them was received, except that the Chair may group together similar questions or statements. The Chair has discretion when grouping together similar questions to limit the time for asking such questions.

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.

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(b) Copies of all public questions received for a meeting of Council will be circulated to all Members in the Council Chamber.

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9.4 **Number of Questions/Statements**

At any one meeting no person may submit more than one question or statement and no more than one such question may be asked or statement made on behalf of one organisation.

9.5 **Scope of Questions/Statements**

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

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- is not about a matter for which the local authority has a responsibility or which affects the county;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; 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.

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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 the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

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(b) The Chair will invite the person to make their statement. If they are unable to be present they may ask the Chair to make the statement on their behalf. The Chair has discretion whether or not to do so.

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(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.

9.8 **Supplemental Question**

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

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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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9.9 **Written Answers**

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.

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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;

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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.

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.

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:

- Budget and external organisations;
- Central and Financial Services including assets, IT and procurement
- Schools, 16-19 year old education and early years provision;
- Highways and planning services;
- Children's services, special needs, youth justice, youth service and adult learning;
- Public Health and prevention;
- Rural services, waste disposal, public passenger transport, trading standards, economic development and Library Services;
- Adult social care and health integration.

(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).

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(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.

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(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**

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(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.

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(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.

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(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**

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(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**

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

(b) 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.

(c) Copies of all written Member questions received for a meeting of full Council will be circulated to all Members in the Council Chamber.

(d) 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.

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 cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is supplied to the Member asking the question as soon as reasonably possible and copies shall at the same time be placed in the Members' Group Rooms.

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Deleted: (a) In addition to his/hertheir right under Council Procedure Rule 2.4 to put questions or statements to the Leader or a portfolio holder or Chairman of an overview and scrutiny committee or in any report, a Member may ask the Chairman of any committee, other than an overview and scrutiny committee, any questions relating to the business of the Council.¶
¶
(b) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.¶
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(c) With the consent of the Chairman of the Council, the Member who has asked a question may ask a supplementary question arising out of the reply. In these circumstances the speaking time will be limited to thirty seconds or such longer time as the Chairman might agree.¶
¶
(d) Where the information asked for in a question is contained in any of the Council's publications, it shall be deemed a sufficient reply if the publication containing the information is indicated.¶
¶
(e) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is supplied to the Member asking the question as soon as reasonably possible and copies shall at the same time be placed in the Members' Group Rooms.¶
¶
(f) The Chairman shall call on Members to ask questions under this Council Procedure Rule in the order of respondent set out below and, within that order, in the order in which notice of questions was given to the Assistant Chief Executive (Legal and Democratic Services) by noon the previous day. In the absence of prior notice having been given, Members must inform the Chairman of their wish to ask a question and these will be called in the order received, but after questions of which prior notice was given. Copies of all written Member questions received for a meeting of County Council will be circulated to all Members in the Council Chamber.¶
¶
(g) The time limit for questions under this Council Procedure Rule for each respondent will be 5 minutes. Once the time allocated for any respondent has expired at any meeting, the Chairman shall not permit any further questions to be asked of that respondent under this Council Procedure Rule but, if a question or response has been started it may be completed, irrespective of the time limit, as may any response to any question being asked when the time limit is reached. ¶
¶
Order of questions¶
¶
(i) to the Chairman of the Standards and Governance Committee;¶
¶
(ii) to the Chairman of an aArea cConstituency cCommittee;¶
¶
(iii) to the Chairman of any other of the Council's committees.¶

11. MOTIONS ON NOTICE

11.1 Council Meetings

(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

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responsibilities or terms of reference it comes, in the view of the Chair, or as the Council may determine.

(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.

(h) If a motion is referred to the Executive or one committee only, the Executive or that committee shall report to the Council upon that motion together with its recommendation. If a motion is referred to more than one committee, the Executive shall report to the Council 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.

(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 Council. 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.

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.

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12. MOTIONS WITHOUT NOTICE

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

(a) Appointment of a Chair of the meeting at which the motion is made.

(b) Motions relating to the accuracy of the minutes, closure, adjournment, order of business, or next business.

(c) Reference to the Executive or to a committee.

(d) Motion to exclude the public and press under Section 100A of the Local Government Act 1972.

(e) Appointment of members of a committee or outside body, so far as arising from an item mentioned in the summons for the meeting.

(f) Adoption of reports and recommendations of the Executive, committees or Officers and any consequent motions.

(g) Amendment to motions.

(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.

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(c) Whenever the Chair rises during a debate, any Member who is speaking or standing shall resume his seat and all Members shall be silent.

(d) The ruling of the Chair on points of procedure or order and their interpretation of Council Procedure Rules shall be conclusive and no debate upon their ruling shall be allowed.

(e) Every motion or amendment shall be moved and seconded and, unless the Chair agrees otherwise shall be handed in writing to the Chair, or to the Assistant Chief Executive Legal and Democratic Services, and shall be read before it is discussed or to put to the meeting.

(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),

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and after the proposer has asked for consent to withdraw an amendment, no Member shall speak upon it unless such consent is refused.

(l) A Member shall not speak more than once on any motion or amendment, except in

- the exercise of the right of reply, given by paragraph (p) of this Council Procedure Rule, or
- on a point of order, or
- by way of personal explanation, or
- to move any of the motions specified in paragraph (m) of this Council Procedure Rule.

(m) At the conclusion of a speech of another Member, a Member may move without comment one of the following and, if seconded, the Chair shall proceed as follows:-

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(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;

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(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;

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(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.

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(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.

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(o) During the same debate, no Member shall propose or second more than one motion for adjournment of the debate or for the adjournment of the Council, or that the Council do proceed to the next business, or that the question be put.

(p) The mover of an amendment has no right of reply, but the proposer of a motion (other than a motion proposed under paragraph (m) of this Council Procedure Rule) shall have the right of reply and may speak for up to 5 minutes:-

(i) at the close of the debate on the motion and immediately before it is put to the vote (except where paragraph (m) of this Council Procedure Rule requires it to be put to the vote forthwith);

(ii) immediately before any motion to proceed to next business is put to the vote.

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

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

(q) When a motion is under debate only the following may be moved:-

(i) that the motion be amended;

(ii) that consideration of the motion be postponed;

(iii) that the meeting be adjourned;

(iv) that the debate be adjourned;

(v) that the Council proceed to the next business;

(vi) that the question be now put;

(vii) that a Member be not further heard;

(viii) that a Member leave the meeting;

(ix) that the public be excluded under Section 100A of the Local Government Act 1972;

(x) that the Council debate this matter in committee.

(r) The rules of debate set out in this Council Procedure Rule shall be suspended for any debate for which the Council has resolved, either on a motion for which notice has been given in the printed agenda or on a motion moved without notice under the relevant Council Procedure Rule "that the Council debate this matter in committee".

14. PREVIOUS DECISIONS AND MOTIONS

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

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not be competent for any Member to propose a similar motion within a further period of 12 months.

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

15. VOTING

15.1 Voting In General

(a) Every question shall be determined by a show of hands.

If the majority is less than seven, the Chair, or not less than 10 Members, may require a division by name, in which case the Assistant Chief Executive Legal and Democratic Services will call the roll of the Council, and each Member present will reply either "for" or "against" or "abstain". The Assistant Chief Executive Legal and Democratic Services will record and count the votes, and inform the Chair, who will then announce the result. The names of the Members and the manner in which they have voted shall be recorded in the Minutes.

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(b) There will be a division by name if at least 20 Members stand in their places and so require.

(The requirements of this Council Procedure Rule will be deemed to have been complied with if any Member who, as a result of a disability, would find it difficult or impossible to stand, indicates their wish by raising their hand.)

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(c) Where, immediately after a vote is taken at a meeting of the Council, a committee, sub-committee or joint committee, any member of that body so requires, the minutes shall record whether that person cast their vote for or against the proposal or abstained from voting.

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(d) All matters shall be decided by a majority of Members present and voting. In the case of equality of votes the person presiding at the meeting shall have a casting vote.

15.2 Voting on Appointments

(a) <u>To Fill a Single Vacancy</u>

Where more than two persons are nominated and the first voting does not produce an absolute majority of votes in favour of any one of them, the name of the person having the least number of votes shall be removed from the list and a further vote must take place, and so on until a voting produces an absolute majority of those voting in favour of one of the persons. The appointment of that person shall then be proposed by motion.

(b) <u>To Fill Two or More Vacancies</u>

Where there is more than one vacancy and the number of persons nominated exceeds the number of positions to be filled, the following procedure shall be adopted:-

(i) each Member may vote for any number of persons, not exceeding the number of vacancies to be filled, by signing and delivering to the person presiding at the meeting a notice of the names of the person for whom they vote;

(ii) the person presiding at the meeting shall announce the number of votes cast for each nominee;

(iii) the name of the person having the least number of votes shall be removed from the list and each of the Members who voted for that person will be asked by the Chair, individually by name, whether they wish to transfer that vote to one of the remaining nominees. The process will be repeated until the number of nominees remaining is the same as the number of vacancies. The appointment of those persons will then be proposed by motion.

(c) The procedures contained in this Council Procedure Rule shall, so far as possible, be followed when appointments (including the appointments of Officers) are made by a committee or sub-committee.

16. MINUTES

(a) The minutes of the meetings of the Council will be recorded on loose leaves consecutively numbered and shall be entered in a book. Copies will be circulated with the summons for the next meeting.

(b) The minutes, having been taken as read, the Chair shall put the question "That the minutes of the meeting of the Council held on be signed as a correct record".

(c) No discussion shall take place upon the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised, or so soon as all such questions raised have been disposed of, the Chair shall sign the minutes and initial each leaf comprising those minutes.

(d) Where the next meeting of the Council is an extraordinary meeting, the next ordinary meeting will be treated as the suitable meeting for signing minutes.

17. RECORD OF ATTENDANCE

At every meeting of the Council an attendance book shall be provided for signature by members attending the meeting.

18. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

19. MEMBERS' CONDUCT

(a) If the Chair informs the Council that, in their opinion, a named Member is persistently disregarding the ruling of the Chair, or behaving irregularly, improperly, or offensively, or wilfully obstructing the business of the Council, the

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Chair or any other Member may move "That (the Member named) be not further heard", or "That (the Member named) do leave the meeting". If seconded the motion shall be put and voted on without discussion and if carried, the Chair shall direct the Member accordingly. If, having been directed by the Chair to leave the meeting, the Member does not leave forthwith, or having left returns to the meeting, the Chair may give directions for their removal, and such other directions as are necessary for restoring order to the proceedings.

(b) If, after a motion under (a) has been carried, the misconduct or obstruction is continued, and, in the opinion of the Chair, makes the proper despatch of business impossible, the Chair may adjourn or suspend the sitting of the Council for whatever period they consider expedient.

(c) Members must at all times observe the Members' Code of Conduct set out at Part 5 of this Constitution. If a Member is present at a meeting when a matter is to be considered or is being considered, in which they have an interest precluding participation (as set out in the Code), they must declare the existence and nature of that interest, speak if they are permitted under the Code but not participate in the discussion or vote and leave the meeting room (subject to the granting of a dispensation by the Standards and Governance Committee or Monitoring Officer). If a Member is relying on a dispensation to participate, they should still declare the existence and nature of the interest and state that they are relying on a dispensation. Whilst observance of the Code is the individual responsibility of each Member, advice may be sought from Officers (in particular the Monitoring Officer, Chief Finance Officer, Chief Executive Officer, Assistant Chief Executive Legal and Democratic Services or any Director) as to the requirements of the Code.

20. DISTURBANCE BY PUBLIC

If a member of the public interrupts the proceedings at any meeting the Chair shall warn them. If they continue the interruption the Chair may order their removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public the Chair may order that that part shall be cleared.

21. AMENDMENT OF COUNCIL PROCEDURE RULES

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

22. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

These Council Procedure Rules, in so far as they are applicable, 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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Access to Information Procedure Rules

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OFFICIAL - SENSITIVE

Access to Information Procedure Rules

North Yorkshire Council believes in public access to information in order to ensure that citizens can exercise their rights to have a say about decisions, and can understand what decisions have been taken and why. Although some information has to remain private, for example to respect personal privacy, commercial confidentiality or for legal reasons, the Council has adopted a presumption of openness that information will be available unless there is a substantial lawful reason why not. This is consistent with access to information legislation.

These Access to Information Procedure Rules are based on current access to information legislation: should any provision conflict with the legislation, the latter will prevail.

1. SCOPE

1.1 Except where indicated, these Rules apply to all meetings of the Council, its committees and sub-committees and formal meetings of the Executive and any Committees of the Executive (together called meetings).

1.2 Certain parts of these Rules apply to decisions by individual Members of the Executive and to decisions by individual officers. Further information is given in Rules 19 and 19A.

2. RIGHTS TO INFORMATION

These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law. Executive Members and Council staff will give effect to the rights of Council Members and of citizens to information, and where there is a right to such information, requests for access to it will be dealt with in an accurate and timely fashion.

3. RIGHTS TO ATTEND MEETINGS

3.1 Members of the public may attend all meetings subject only to the exceptions in these Rules.

3.2 While a meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded facilities for taking their report in accordance with the provisions set out in the Council's Protocol on Audio/Visual Recording and Photography at Meetings.

4. NOTICES OF MEETING

Public Meetings

4.1 The Council will give notice of the time and place of any public meeting by posting details of the meeting at County Hall and at the venue for the meeting (if different) and on the Council's website. At least five clear days before the meeting or, where the meeting is convened at shorter notice, at the time that the meeting is convened.

4.2 "Clear days" means all days the notice is available for public inspection (not including the day of the notice or the day of the meeting/decision).

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Private Meetings

4.3 At least 28 clear days before a private meeting (a meeting, or part of a meeting, of the executive decision making body during which the public are excluded) the executive decision-making body must give notice of its intention to hold the meeting in private (including a statement of the reasons for holding it in private) by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website.

4.4 At least five clear days before a private meeting, the executive decision making body must give further notice of its intention to hold the meeting in private including:

- a statement of the reasons for holding it in private;
- details of any representations received about why the meeting should be open to the public; and
- a statement of its response to any such representations

by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website.

Urgent Private Business

4.5 Where the date by which a meeting must be held makes compliance with Rules 4.3 and 4.4 impracticable, the meeting may only be held in private where the executive decision making body has obtained agreement that the meeting is urgent and cannot reasonably be deferred from the chair of the relevant overview and scrutiny committee; or, if there is no such person, or if s/he is unable to act, the chair of the Council; or where there is no chair of either, the vice-chair of the Council.

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4.6 As soon as reasonably practicable after agreement is given under Rule 4.5 to hold a private meeting, the executive decision making body must give notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

5.1 The Council will make copies of the agenda, and reports which are open to the public, available for inspection at County Hall and on the Council's website at least five clear days before the meeting. If an item is added to the agenda copies of which are open to inspection by the public, the Assistant Chief Executive Legal and Democratic Services shall make the revised agenda and the report concerning the item available to the public as soon as the report is completed and sent to Members) and subject to the report containing no confidential or exempt information as described in Rule 10.

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5.2 Where a meeting is convened at shorter notice, a copy of the agenda and any associated reports to which the public have access will be available for inspection at the time the meeting is convened.

6. SUPPLY OF COPIES

6.1 The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the Assistant Chief Executive Legal and Democratic Services thinks fit, copies of any other documents supplied to Members in connection with an item to any person on payment of a charge for postage and any other costs.

6.2 Subject to Rule 6.3, any member of the public may, in any publicly available medium, reproduce, or provide commentary in relation to, any document supplied to that person or made available for inspection by members of the public under these Rules.

6.3 Rule 6.2 does not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the Council, nothing done pursuant to that paragraph constitutes an infringement of the copyright.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

7.1 Draft minutes of a collective decision are only confirmed as a correct record of the decision when approved as a correct record at the next convenient meeting of the Council, Executive, committee or sub-committee to which it relates.

7.2 The Council will make available for public inspection (at County Hall and on the Council's website) copies of the following for six years after a meeting:

(a) the minutes of the meeting (or records of decisions taken, together with reasons), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

7.3 Where a request on behalf of a media organisation is made for a copy of any of the documents available for public inspection under 7.2 above, those documents must be supplied for the benefit of the organisation by the Council on payment by the organisation to the Council of postage, copying or other necessary charge for transmission.

8. BACKGROUND PAPERS

8.1 **List of background papers**

The Assistant Chief Executive Legal and Democratic Services will ensure that there is set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

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(b) which have been relied on to a material extent in preparing the report,

but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of a political adviser or assistant.

8.2 **Public inspection of background papers**

The Council will make available for public inspection (at County Hall and on the Council's website), both from the date from which the relevant report was made available for public inspection, and for four years after the date of the meeting, one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at County Hall, Northallerton. These Rules constitute that summary.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 **Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information (see 10.4) would be disclosed.

10.2 **Exempt information – discretion to exclude public**

10.2.1 The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information (see 10.5) would be disclosed.

10.2.1 The public may also be excluded under 10.1 and 10.2 for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

10.3 **Information marked "not for publication"**

No Member or member of staff shall:

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(a) disclose any information which has been reported to Council, to the Executive or to a committee or sub-committee and which is confidential information; or

(b) without the permission of the Council, the Executive or the relevant committee or sub-committee, disclose any information which is identified as exempt information in a resolution by the Council, the Executive or a committee or sub-committee to exclude the public in accordance with the provisions of section 100A of the Local Government Act 1972, except:

- in so far as that is necessary to provide a public summary of information considered in private; or

- if authorised by the Monitoring Officer as reasonable and in the public interest.

The following considerations may be relevant in assessing the public interest in the disclosure or otherwise of information:

- The public interest in disclosure is particularly strong where the information in question would assist public understanding of an issue that is subject to a current national debate.
- The issue has generated public or parliamentary debate.
- Proper debate cannot take place without wide availability of all the relevant information.
- The issue affects a wide range of individuals or companies.
- The public interest in a local interest group having sufficient information to represent effectively local interest on an issue.
- Facts and analysis behind major policy decisions.
- Known reasons for decisions.
- Accountability for proceeds of sale of assets in public ownership.
- Openness and accountability for tender processes and prices.
- Public interest in public bodies obtaining value for money.
- Public health.
- Contingency plans in an emergency.
- Damage to the environment.

10.4 **Meaning of confidential information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.5 **Meaning of exempt information**

Exempt information means information falling within the following 7 categories (subject to any qualifications). Please note that even if the information falls within a category of exempt information, a public interest test re disclosure or exemption must still be applied (see Part 2, paragraph 10 below).

PART 1
DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

1. Information relating to any individual.

2. Information which is likely to reveal the identity of an individual.

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes –

   (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

   (b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

PART 2
QUALIFICATIONS: ENGLAND

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under –

   (a) the Companies Act 1985;

   (b) the Friendly Societies Act 1974;

   (c) the Friendly Societies Act 1992;

   (d) the Industrial and Provident Societies Acts 1965 to 1978;

   (e) the Building Societies Act 1986; or

   (f) the Charities Act 1993;

9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

10. Information which –

(a) falls within any of paragraphs 1 to 7 above; and

(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Assistant Chief Executive Legal and Democratic Services thinks fit, they may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

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12. APPLICATION OF RULES TO THE EXECUTIVE

12.1 These Access to Information Procedure Rules apply to meetings of the Executive, any Committees it may establish, and joint committees (and their sub-committees) where all the members of the joint committee are members of a local authority executive.

12.2 Rules 13, 14, 15 and 16 also apply to decisions by individual Executive Members.

12.3 Subject to Rules 15 and 16, any report on which a decision by the Executive, a committee of the Executive, or an individual Executive Member, is to be based will be available five clear days in advance of the decision, and will be copied by the Chief Executive Officer or the relevant Corporate Director to the Chair and Vice-Chair of the relevant Overview and Scrutiny Committee(s).

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13. PROCEDURE BEFORE TAKING KEY DECISIONS

13.1 Some executive decisions are classed as being significant and are known as "key decisions" (as defined in Article 13). Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be made until a document (called here a Forward Plan) has been published in connection with the matter in question.

13.2 At least 28 clear days before a key decision is made, the Forward Plan must be made available for inspection by the public at County Hall and on the Council's website.

13.3 Where the key decision is to be taken at a meeting of the Executive or its committees or by an Area Constituency Committee, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

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14. THE FORWARD PLAN

14.1 **Period of Forward Plan**

(a) The Forward Plan is prepared by the Assistant Chief Executive Legal and Democratic Services and published every working Monday. Each Plan covers the forthcoming 12 month period.

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(b) On the day of publication of the Plan, the Assistant Chief Executive Legal and Democratic Services will send a link to the Plan to all Members by e-mail.

(c) Items can be added to the Forward Plan directly via the Democratic Services Committee Management System or by notifying Legal and Democratic Services using the form attached in the Appendix to these Rules (which is also published on the Intranet). The Forward Plan itself is included on the Intranet and Council website.

14.2 **Contents of Forward Plan**

(a) The Forward Plan is published online via the Democratic Services Committee Management System and contains matters which will be the subject of a key decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, Officers, Area Constituency Committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the Plan.

(b) Other important (but non-Executive) decisions should also be included on the Plan, even if they are not 'key' decisions as defined in Article 13.03(b).

(c) The Forward Plan will describe the following particulars in so far as the information is available or might reasonably be obtained:

(i) that a key decision is to be made on behalf of the authority;

(ii) the matter in respect of which the decision is to be made;

(iii) where the decision maker is an individual, their name and title, if any, and where the decision maker is a body, its name and a list of its members;

(iv) the date on which, or the period within which, the decision is to be made;

(v) a list of the documents submitted to the decision-maker for consideration in relation to the matter;

(vi) address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(vii) that other documents relevant to those matters may be submitted to the decision-maker; and

(viii) the procedure for requesting details of those documents (if any) as they become available.

Where, in relation to any proposed key decision, the public may be excluded from the meeting as otherwise confidential or exempt information may be disclosed, then the Forward Plan must contain particulars of the matter but not the confidential/exempt information itself.

15. GENERAL EXCEPTION

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15.1 If the publication of the intention to make a key decision is impracticable and a matter which is likely to be a key decision has not been included in the Forward Plan for the requisite period as set out in Rule 13.2, then subject to Rule 16 (special urgency), the decision may still be taken if:

(a) the Assistant Chief Executive Legal and Democratic Services has informed the Chair of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;

(b) the Assistant Chief Executive Legal and Democratic Services has made copies of that notice available to the public at the offices of the Council and on the Council's website; and

(c) at least five clear days have elapsed following the day on which the Assistant Chief Executive Legal and Democratic Services complied with (a) and (b).

15.2 As soon as reasonably practicable after the Assistant Chief Executive Legal and Democratic Services has complied with (a) to (c) above, they must make available at the Council's offices a notice setting out the reasons why compliance with Rule 13.2 is impracticable and publish that notice on the Council's website.

15.3 Where such a decision is taken collectively, it must be taken in public, subject to any confidential or exempt information not being made available to the public.

16. SPECIAL URGENCY

16.1 Where the date by which a decision must be made makes compliance with Rule 15 (general exception) impracticable, then the decision can only be made if the decision maker (if an individual) or the Chair of the body making the decision, obtains the written agreement of the Chair of a relevant overview and scrutiny committee that the making of the decision is urgent and cannot reasonably be deferred. If there is no Chair of a relevant overview and scrutiny committee, or if the Chair of the relevant overview and scrutiny committee is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice-Chair will suffice.

16.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.1 above, s/he must make available at the Council's offices a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred and publish the notice on the Council's website.

17. REPORT TO COUNCIL

17.1 **When an overview and scrutiny committee can require a report**

17.1.1 Where an executive decision has been made and was not treated as a key decision and a relevant overview and scrutiny committee is of the opinion that the decision should have been treated as a key decision, then the committee may require the Executive to submit a report to the Council within such reasonable period as the committee specifies.

17.1.2 A report under 17.1.1 must include details of -

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(a) the decision and the reasons for the decision;

(b) the decision maker by which the decision was made; and

(c) if the Executive is of the opinion that the decision was not a key decision, the reasons for that opinion.

17.2 **Executive's report to Council**

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that.

17.3 **Reports on special urgency decisions**

17.3.1 The Leader will submit to the next meeting of the Council, a report on any executive decisions taken in the circumstances set out in Rule 16 (special urgency). The report must include particulars of the decision, a summary of the matters in respect of which the decision was made, the reasons for it and the reasons for use of the special urgency procedure.

17.3.2 The Leader must submit at least one report under 17.3.1 annually to Council.

18. RECORD OF DECISIONS

18.1 **Executive Decisions Made Collectively at Meetings**

As soon as reasonably practicable after any meeting of the Executive or any of its committees, or any meeting of any other decision making body at which an executive decision has been made, whether held in public or private, the Assistant Chief Executive Legal and Democratic Services or, where no Officer was present, the person presiding at the meeting, will produce a record of every executive decision taken at that meeting usually within two working days of the meeting (usually in the form of minutes of the meeting). The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, along with details of any conflict of interest declared by any member of the decision making body and any dispensations granted by the Standards and Governance Committee or Monitoring Officer in respect of such conflict.

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18.2 Copies of those Minutes/Decision Records will then be circulated, by e-mail, to:

- All Members of the Council
- All Management Board
- All Management Board Personal Assistants
- All Senior Managers
- All Democratic Services Officers
- All Corporate Development Officers
- Senior Press Officer
- Communications Officer

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19. EXECUTIVE DECISIONS BY INDIVIDUAL OFFICERS OR INDIVIDUAL MEMBERS OF THE EXECUTIVE

(For the decision making powers of individual Executive members and Officers, see the Executive Members' and Officers' Delegation Schemes in Part 3).

19.1 **Reports intended to be taken into account**

Where:

- an individual member of the Executive receives a report which they intend to take into account in making any executive decision; or
- an Officer (either alone or in consultation with an Executive Member) receives a report which they intend to take into account in making any key decision,

then (subject to Rule 16) they will not make the decision until at least five clear days after receipt of that report.

19.2 **Provision of copies of reports to Overview and Scrutiny Committees**

On the giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

19.3 **Record of individual decision**

(a) As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or by an Officer, (either alone or in consultation with an Executive Member) they will prepare a record of the decision, via the Democratic Services Committee Management System, including the date it was made, a statement of the reasons for it and any alternative options considered and rejected, a record of any conflict of interest declared by any Executive Member who is consulted in relation to the decision, and a note of any dispensation granted in respect of any declared conflict of interest; alternatively the decision record may be produced in the format contained in the Appendix to these Rules and emailed to Legal and Democratic Services for publication via Democratic Services Committee Management System.

Guidance points:

Regarding executive decisions by Officers, those executive decisions which are purely administrative or operational in nature will not usually be subject to the decision record recording and publication requirements. The authority has agreed to categorise as administrative/operational those executive decisions which are not key decisions and which:

- *are routine, day to day operational decisions under general delegations; and*
- *are within approved budget and policy; and*
- *have financial implications of £50,000 or less;*

HOWEVER, each matter should be considered in light of its particular circumstances and with regard to the likely level of public interest in it.

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DCLG has offered guidance on what should and should not be recorded:

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The decisions that should be not recorded might include the following examples:

- *Decisions to allocate social carers to particular individuals, or for example, to provide walking aids;*
- *decisions to allocate a social housing unit to an applicant or to send someone to carry out repairs;*
- *decisions to review the benefit claims of an individual applicant and*
- *decisions to allocate market stalls to individual traders.*

Where officers have been empowered to act on behalf of their council's executive, examples of decisions that should be recorded could include:

- *Decisions about awarding contracts above specified individual or total values;*
- *decisions to exercise powers of Compulsory Purchase;*
- *decisions on disposal of and/or provision of allotment land and green spaces;*
- *awarding a Discretionary Rate Relief;*
- *the opening hours of local libraries; and*
- *the holding of car boot sales/markets on council-owned land.*

(b) Copies of the decision record will be sent electronically, as soon as possible, to:

- All Members of the Council
- All Management Board
- All Management Board Personal Assistants
- All Senior Managers
- All Democratic Services Officers
- All Corporate Development Officers
- Senior Press Officer
- Communications Officer

(c) The Assistant Chief Executive Legal and Democratic Services will be responsible for forwarding the record to all Members, and will publish the record on the Council's website on the day of receipt.

(d) Any record containing confidential and/or exempt information, must be marked "not for publication" in the top right hand corner. Where possible, the Assistant

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Chief Executive Legal and Democratic Services will remove any confidential and/or exempt information before publishing it on the Council's website.

(e) The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of executive decisions by individual members of the Executive and officers. This does not require the disclosure of exempt or confidential information.

19A IMPLEMENTATION OF EXECUTIVE DECISIONS

19A.1 After a decision record has been produced and published (whether in the form of Minutes of a meeting or in the decision record format), there will be a period of 5 clear working days before the decision will take effect if not called in within that time, in accordance with Overview and Scrutiny Procedure Rule 16. (NB: please note that regarding decisions by officers, only *key* decisions by officers are subject to the call in period).

19B OTHER DECISIONS BY INDIVIDUAL OFFICERS

19B.1 An officer must produce a written record of any decision which they make which falls within paragraph 19B.2.

19B.2 A decision falls within this paragraph if it would otherwise have been taken by North Yorkshire Council, or a committee, sub-committee of the Council (or a joint committee in which the Council participates), but it has been delegated to an officer of the Council either -

(i) under a specific express authorisation; or

(ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to -

- grant a permission or licence;
- affect the rights of an individual; or
- award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

Guidance points:

Regarding non-executive decisions by Officers, examples of such decisions which should normally be recorded include:

- *those made in pursuance of a specific delegation made at a formal committee meeting;*
- *those granting planning/development control/licensing permissions;*
- *those awarding a contract or incurring expenditure of more than £50,000.*

Regarding non-executive decisions by Officers, those decisions which are purely administrative or operational in nature will not usually be subject to the decision record recording and publication requirements. The authority has

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agreed to categorise as administrative/operational those non-executive decisions of the type specified in 19B.2(ii) above which:

- *are routine, day to day operational decisions under general delegations; and*
- *are within approved budget and policy; and*
- *have financial implications of £50,000 or less:*

HOWEVER, each matter should be considered in light of its particular circumstances and with regard to the likely level of public interest in it.

DCLG has offered guidance on what should and should not be recorded:

…

Examples of decisions that should be recorded could include:

- *Decisions about awarding contracts above specified individual or total values (the values will vary according to the relevant council or local government body);*
- *a decision to carry out major road works;*
- *determination of licensing applications, building control decisions and notices; and*
- *decisions to give listed building consents.*

Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published includes the date the decision was taken and the reasons for the decision.

Decisions that do not need to be recorded might include the following examples:

- *Routine administrative and organisational decisions such as giving permission to a local society to use the authority's premises;*
- *decisions on operational matters such as day to day variations in services;*
- *decisions to give business relief to individual traders;*
- *decisions to review the benefit claims of an individual applicant; and*
- *decisions taken in response to requests under Data Protection Act 1998 or the Freedom of Information Act 2000.*

19B.3 As soon as reasonably practicable after a recordable decision at 19B.2 has been taken by an individual Officer, they will prepare a record of the decision including the date it was made; a statement of the reasons for it and any alternative options considered and rejected; and, where the decision falls under paragraph (i) of 19B.2, the names of

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any Member of the relevant local government body who has declared a conflict of interest in relation to the decision.

19B.4 The duty imposed by paragraph 19B.1 is satisfied where, in respect of a decision, a written record containing the following information is already required to be produced in accordance with any other statutory requirement -

- the date the decision was taken; and
- a record of the decision taken along with reasons for the decision.

19B.5 Where an officer makes a decision which falls within paragraph 19B.2, they will, as soon as reasonably practicable after the record is made -

- make the decision record, together with any background papers, available for inspection by members of the public, at all reasonable hours, at the offices of the relevant local government body; and

- forward a copy of the decision record, together with any background papers, to the Assistant Chief Executive Legal and Democratic Services who will publish the decision record, together with any background papers, on the website of the relevant local government body, if it has one, and email copies of the decision record, as soon as possible, to the Members and officers listed in paragraph 19.3(b) of the Council's Access to Information Procedure Rules,

subject to the exclusion of any document or part of a document which the Proper Officer is of the opinion contains, or may contain, confidential or exempt information.

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20. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

20.1 **Rights to copies**

20.1.1 Subject to Rule 20.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to:

(a) any business transacted at a public or private meeting of the Executive or its committees or other executive decision making body; or

(b) any executive decision taken by an individual member of the Executive; or

(c) any executive decision taken by an Officer.

20.1.2 Subject to Rule 20.2, where a member of an overview and scrutiny committee requests a document which falls within Rule 20.1.1, the Executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the Executive receives the request.

20.2 **Limit on Rights**

20.2.1 An overview and scrutiny committee Member will not be entitled to a copy of:

(a) any document that is in draft form;

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision that Member is reviewing or scrutinising or relevant to any review contained in any programme of work of such a committee or sub-committee of such a committee; or

(c) the advice of a political adviser.

20.2.2 Where the Executive determines that a member of an overview and scrutiny committee is not entitled to a copy of a document or part of any such document for a reason set out above, it must provide the overview and scrutiny committee with a written statement setting out its reasons for that decision.

21. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

21.1 **General provisions**

(a) A Member may inspect any document (other than a document containing confidential information as defined in Rule 10.4 above, which will be provided to Members on a need to know basis only) which has been considered by the Council, a committee or sub-committee, including any reports, correspondence or other document which is circulated after the agenda or at the meeting, and if copies are available shall on request be supplied with a copy of such document, in electronic form if practicable, provided that a Member shall not knowingly inspect, and shall not call for a copy of, any document relating to a matter in which they have an interest precluding participation within the meaning of the Members' Code of Conduct. This does not affect:

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(i) the right of inspection given by section 228 of the Local Government Act 1972;

(ii) the right to inspect and make or be supplied with copies of documents given by Part VA of the Local Government Act 1972;

(iii) such additional rights in regard to the making available of minutes of meetings to members of the Council who are not members of the body in question;

(iv) the right of the Assistant Chief Executive Legal and Democratic Services to decline to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

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(b) Any Member is also entitled to inspect any document in the possession of or under the control of the Executive which contains material relating to any business to be transacted at a public meeting. Such a document must be available for inspection for at least five clear days before the meeting, except that where the meeting is convened at shorter notice, the document must be available for inspection when the meeting is convened; and where an item is added to the agenda at shorter notice, a document which would be required to be available in relation to that item, must be available for inspection when the item is added to the agenda.

(c) Any Member is also entitled to inspect any document in the possession of or under the control of the Executive which contains material relating to any business transacted at a private meeting; or to any executive decision made by an individual Executive Member or Officer. Such a document must be available when the meeting concludes or immediately after the decision has been taken by the individual Member or Officer as the case may be and in any event within 24 hours of the conclusion of the meeting or the individual decision being made. Such documents do not have to be available for inspection where they contain certain categories of exempt information or disclose advice from a political adviser or assistant.

21.2 **Inspection of minutes**

All minutes kept by the Executive and by any committee or sub-committee shall be open to the inspection of any member of the Council or of the committee or sub-committee during office hours unless the committee or sub-committee, for exceptional reasons, specified in a resolution passed by it, directs to the contrary.

21.3 **Information provided in confidence**

(a) If a Member requests that advice or factual information given to them by Officers be treated confidentially, this request should be respected and neither the fact that the Member has asked for the advice or information, nor the advice or information given, shall be related to another Member or Members.

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(b) The fact that a Member has asked for and received advice or factual information in confidence shall not override the duty of Officers to provide the same advice/factual information to any other Members, if that advice or information is relevant to the exercise of their functions.

(c) All letters sent to Members shall bear on their face an indication of which other Members (if any) have been sent copies.

21.4 **Press releases**

Any member of the Council may issue a press release in their individual capacity. Political groups represented on the Council have the right to use County Hall equipment, on behalf of the group to issue press releases on matters relating to the business of the Council. All press releases issued on behalf of the Council itself, or any committee of the Council, must comply with any relevant protocol on press releases contained in Part 5 of this Constitution.

22. RIGHTS OF MEMBERS NOT SERVING ON A BODY TO ATTEND AND SPEAK

(a) Members have the right to attend any meeting of a formal Member level body of the Council, including the Executive, including for items which are to be discussed in private because they contain exempt information, but not for items which contain confidential information, as defined in the access to information legislation, and not if the Member(s) has an interest precluding participation as defined in the Members' Code of Conduct.

(b) Members have the right to attend and address, for not more than five minutes, any meeting of a formal Member level body of the Council on any matter on the

agenda for that meeting, subject to having no interest precluding participation in the matter to be discussed, and may be invited to speak again, or for a longer period, at the discretion of the Chair of that body.

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(c) Members of the public have a right to attend any meeting of the Council its committees, and the Executive, or that part of the proceedings which is held in public; to have access to any public report or other public papers and to ask questions or make statements relating to the business of that body in accordance with Council Procedure Rule 9.

A table summarising the procedural requirements set out in these Rules, relating to Executive and non-Executive decisions, is included in the Appendix to these Rules.

Appendix to the

Access to Information Procedure Rules

Explanatory Note

[This note does not itself form part of the Constitution, but seeks to present the rules about decision making and access to information in an easily accessible way]

CURRENT RULES APPLYING TO TYPES OF DECISION

Decision type		***Taken by***	***28 clear calendar[10] days' publication on Forward Plan?***	***28 and 5 clear days' notices of exempt information? [10]***	***5 clear days' notice and report? [3]***	***Decision record?***	***Subject to call-in?***
Executive decisions	***Key decisions***	***Member body [1]***	*YES*	*YES [9]*	*YES*	*YES [5]*	*YES*
		Individual Executive Member	*YES*	*NO*	*YES*	*YES*	*YES*
		Individual Officer	*YES*	*NO*	*YES*	*YES*	*YES*
	Other Executive decisions	***Member body [1]***	*NO*	*YES [9]*	*YES*	*YES [6]*	*YES*
		Individual Executive member	*NO*	*NO*	*YES*	*YES*	*YES*
		Individual Officer	*NO*	*NO*	*NO*	*YES [8]* *(Unless purely administrative – see footnote 8)*	*NO*
Non-executive decisions	***Major decisions***	***Member body [2]***	*YES [4]*	*NO*	*YES*	*YES [6]*	*NO*
		Individual Officer	*YES [4]*	*NO*	*NO*	*CASE DEPENDENT* *7 (See footnote 7)*	*NO*
	Other non-executive decisions	***Member body [2]***	*NO*	*NO*	*YES*	*YES [6]*	*NO*
		Individual Officer	*NO*	*NO*	*NO*	*CASE DEPENDENT* *7 (See footnote 7)*	*NO*

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Notes:

1. *Either the Executive, Committee of the Executive or an Area Constituency Committee.*

2. *The Strategic Planning Committee, Area Planning Committees, Statutory Licensing Committee and Sub-Committees, General Licensing and Registration Committee and Sub-Committees, Area Constituency Committees, Standards and Governance Committee, Standards and Governance Committee Hearings Panel, Audit Committee, Appeals Committee (Home to School Transport), Chief Officers Appointments and Disciplinary Committee, Pension Fund Committee and the Council.*

3. *Five clear days' notice and report – this requirement will be met in relation to member bodies by the publication of agenda papers. For Executive Members it will be met by the requirement that if there is a report which is to be taken into account in making any executive decision, it will be made available to the relevant Overview and Scrutiny Committee Chair and Vice-Chair and be available for public inspection. The same will apply to key decisions to be taken by officers. For the purpose of counting five clear days, only days when County Hall is open should be counted, i.e. not weekends or bank holidays.*

4. *Publication of these matters in the Forward Plan is a locally adopted practice and not a statutory obligation.*

5. *By minutes of Executive (or Committee of Executive) meeting or by decision record for Area Constituency Committees.*

6. *By way of minutes of meetings.*

7. *A decision record must be produced, published on the website, and made available for public inspection, where the decision has been made by an individual officer either -*

   (i) under a specific express authorisation; or

   (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to -

   - *grant a permission or licence;*
   - *affect the rights of an individual; or*
   - *award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.*

   Examples of such decisions which should normally be recorded include:

   - *those made in pursuance of a specific delegation made at a formal committee meeting;*
   - *those granting planning/development control/licensing permissions;*
   - *those awarding a contract or incurring expenditure of more than £50,000.*

   Non-executive decisions which are purely administrative or operational in nature will not usually be subject to the decision record recording and publication requirements, for example those which:

   - *are routine, day to day operational decisions under general delegations; and*
   - *are within approved budget and policy; and*

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- *have financial implications of £50,000 or less.*

HOWEVER, each matter should be considered in light of its particular circumstances and with regard to the likely level of public interest in it.

NB: No need to publish non-executive decision record where the decision already has to be published under other legislation (provided it includes date of decision and reasons for it).

Where a non-Executive decision by an individual Officer does not fall into one of the above descriptions, a decision record is not required.

8. *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require the recording of **executive** decisions made by individual members or officers under delegated arrangements (this changed the previous provision that only key decisions by officers needed to be the subject of a decision record). However, those executive decisions which are purely administrative or operational in nature will not usually be subject to the decision record recording and publication requirements. The authority has agreed to categorise as administrative/operational those executive decisions which are not key decisions and which:*

   - *are routine, day to day operational decisions under general delegations; and*
   - *are within approved budget and policy; and*
   - *have financial implications of £50,000 or less;*

   HOWEVER, each matter should be considered in light of its particular circumstances and with regard to the likely level of public interest in it.

9. *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require the publishing of notices of any exempt/confidential items **by executive decision making bodies** at least 28 clear calendar days and, subsequently, 5 clear working days' before the meeting. This does NOT apply to individual decisions by individual Executive Members or officers.*

10. *For longer publication requirements such as 28 days, this is a reference to clear calendar days. For shorter publication requirements eg 5 days, this is a reference to clear working days (see note 3 above).*

Reference Number:

NORTH YORKSHIRE COUNCIL

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DECISION RECORD

Re: *[insert title of record]*

This record is produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

This form should be used to record:

- **EXECUTIVE decisions (key or otherwise) taken by an individual Executive MEMBER; and**
- **EXECUTIVE decisions (key or otherwise) taken by an OFFICER (either alone or in consultation with an Executive Member), but not those executive decisions of a purely administrative/operational nature;**
- **A non-Executive decision taken by an OFFICER which falls into one of the following descriptions:-**
  - **(i) under a specific express authorisation; or**
  - **(ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to**
    - **grant a permission or licence;**
    - **affect the rights of an individual; or**
    - **award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position;**

  but not those non-executive decisions of a purely administrative/operational nature.

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(One form per decision)

The following decision has been taken: -

By whom:

……..

(insert name of Meeting, Member or Officer)

On:

……

(insert date decision taken)

Was this an executive decision?	***YES/NO***
If an executive decision, was it also a key decision?	***YES/NO***
Does the call-in period apply?	***YES/NO***

Reasons for decision: -

Details of any alternative options considered and rejected: -

Conflicts of Interest

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards and Governance Committee or Monitoring Officer in respect of that conflict.

Conflict	Dispensation?

Background Papers

Please attach to this decision record, for publication, the background papers that disclose any facts or matters on which this decision, or an important part of the decision, was based and which were relied on to a material extent in making the decision, but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

Name

……

Publication Date: ***[to be inserted by the relevant Directorate Governance contact officer]***

Directorate

……

Note 1: regarding executive decisions by Executive/Committees/Executive Members: This decision will come into force, and may then be implemented, on the expiry of 5 clear working days after publication, unless any 6 members of the Council object to it and call it in by notice in writing (including e-mail) to The Assistant Chief Executive Legal and Democratic Services.
Note 2: non-executive and non-key executive decisions by Officers are not subject to call in.

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Deleted: *PA to the Assistant Chief Executive (Legal and Democratic Services)]*

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Contact for further information: …(insert email address if possible)

Contact for copy of report considered …(insert email address if possible)

To: PA to the Assistant Chief Executive Legal and Democratic Services - for onward circulation to:

All Members of the Council; All Management Board; All Management Board Personal Assistants; All Senior Managers; All Democratic Services Officers; All Corporate Development Officers; Senior Press Officer; Communications Officer

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NORTH YORKSHIRE COUNCIL

NOTIFICATION OF ITEM FOR FORWARD PLAN

PLEASE NOTE:-

In accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012, at least **28 clear calendar days' notice**, excluding the day of notification and the day of decision taking, must be published on the Forward Plan of any intended key decision. It is also a requirement that **28 clear days' notice** is published of the intention to hold a formal meeting of an executive decision making body 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.

PLEASE SPECIFY THE FOLLOWING INFORMATION:

LEAD MEMBER:

LEAD DIRECTOR:

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¶
Publication Date: …… (nearest working day to 14th of month) (Last updated ……) ¶
¶
Period covered by Plan: up to ……¶

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FUTURE DECISIONS

Likely Date of Decision	Decision Taker (including name and title where applicable) (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	Description of Matter - including an indication if the report is likely to contain any exempt (not for publication) information and the reasons for this.	Key Decision YES/NO	Decision Required	Consultees (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process (ie the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (tel 01609 780780 unless specified otherwise)	Relevant documents already submitted to Decision Taker

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Budget and Policy Framework Procedure Rules

CONTENTS

1. The framework for executive decisions
2. Process for developing the framework
3. Determining the budget and policy framework.
4. Decisions outside the budget or policy framework
5. Urgent decisions outside the budget or policy framework
6. Virement
7. In-year changes to policy framework
8. Review of decisions outside the budget or policy framework

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Budget and Policy Framework Procedure Rules

(Note: These Rules do not apply to the operation by Schools of their delegated budgets).

1. **The framework for executive decisions**

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

2. **Process for developing the framework**

The process by which the budget and policy framework shall be developed is:

(a) Any committee of the Council (including any overview and scrutiny committee) may propose:

- The addition of a new plan or strategy to the policy framework (as set out in Article 4); or
- The amendment of any existing plan or strategy which forms part of the policy framework;

and all such proposals shall be referred to the Executive, for its consideration, together with the results of any consultation which has taken place on the proposals.

(b) The Executive will publicise by including in the forward plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms or is proposed to form part of the budget and policy framework, and its arrangements for consultation in developing those proposals. This will include the Executive's own proposals, as well as those referred to it under paragraph (a) above. The chairs of overview and scrutiny committees will also be notified.

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(c) At the end of the consultation period, the Executive will draw up its recommendations having regard to the responses to consultation. In the case of proposals referred to the Executive under paragraph (a) above, the Executive's recommendations will be that the proposals should be supported (with or without modifications), or that they should not be supported. If a relevant overview and scrutiny committee wishes to respond to the Executive in that consultation process then it may do so. As the overview and scrutiny committees have responsibility for fixing their own work programme, it is open to the overview and scrutiny committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Executive will take any response from an overview and scrutiny committee into account in drawing up its recommendations for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive's response.

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(d) Once the Executive has drawn up its recommendations, the Assistant Chief Executive (Legal and Democratic Services) will refer them at the earliest opportunity to the Council for decision. The Council may adopt the recommendations, refer them back to the Executive for further consideration, or raise any objections under the procedure in Rule 3 below. Recommendations may not be referred back to the Executive more than once.

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(e) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 6 and 7 of these Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

3. **Determining the Budget and Policy Framework**

(a) Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph (b).

(b) Before the Council –

(1) amends the draft plan or strategy;

(2) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(3) adopts (with or without modification) the plan or strategy;

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to the Leader instructions requiring the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

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(c) Where the Council gives instructions in accordance with paragraph (b), it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may:–

(1) submit a revision of the draft plan or strategy as amended by the Executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or

(2) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

(d) When the period specified by the Council, referred to in paragraph (c) has expired, the Council must, when:–

(1) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

(2) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(3) adopting (with or without modification) the plan or strategy;

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

(e) Subject to paragraph (i) where, before 8 February in any financial year, the Executive submits to the Council for its consideration in relation to the following financial year:–

(1) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;

(2) estimates of other amounts to be used for the purposes of such a calculation;

(3) estimates of such a calculation; or

(4) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992;

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph (f).

(f) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (e)(1), or issues a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Executive's estimates or amounts and must give to the Leader instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

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(g) Where the Council gives instructions in accordance with paragraph (f), it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may:–

(1) submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or

(2) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

(h) When the period specified by the Council, referred to in paragraph (g), has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph (e)(1), or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, take into account:–

(1) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(2) the Executive's reasons for those amendments;

(3) any disagreement that the Executive has with any of the Council's objections; and

(4) the Executive's reasons for that disagreement;

which the Leader submitted to the Council, or informed the Council of, within the period specified.

(i) Paragraphs (e) to (h) shall not apply in relation to:–

(a) calculations or substitute calculations which an authority is required to make in accordance with Section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

(b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.

4. **Decisions outside the budget or policy framework**

(a) Subject to the provisions of paragraphs 5, 6 and 7 the Executive, committees of the Executive, individual members of the Executive and any Officers, Area Constituency Committees or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. Any decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, may only be taken by the Council.

(b) All decision making persons or bodies shall consider whether any decision they wish to take is within the budget and policy framework; and if in doubt they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 5 (urgent decisions outside the budget and policy framework) shall apply.

5. **Urgent decisions outside the budget or policy framework**

(a) The Executive, a committee of the Executive, an individual member of the Executive or Officers, Area Constituency Committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

(i) if it is not practical to convene a meeting of the full Council; or

(ii) if the Chair of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a meeting of full Council and the Chair of the relevant overview and scrutiny committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant overview and scrutiny committee the consent of the Chair of the Council, and in the absence of both, the Vice-Chair, will be sufficient.

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(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

6. **Virement**

(a) When the Council sets its overall revenue budget for a given financial year it will approve a series of net budgets for divisions of service within each Directorate, as set out in Financial Procedure Rule 6.3.

(b) Steps taken by the Executive, a committee of the Executive, an individual member of the Executive or Officers, Area Constituency Committees or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each division of service. However, such bodies or individuals shall be entitled to vire across divisions of service in accordance with Financial Procedure Rules 6.18 to 6.24.

7. **In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, a committee of the Executive an individual member of the Executive or Officers, Area Constituency Committees or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

(a) which the Chief Executive Officer (or in their absence the Corporate Director of Resources) determines are necessary to deal with an unforeseen emergency; or

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(b) which the Monitoring Officer determines are necessary to ensure compliance with the law, ministerial direction or government guidance;

and any such change shall be reported to the next meeting of the Council, which may decide to adopt the change as a permanent change to the policy framework.

8. **Review of decisions outside the budget or policy framework**

(a) Where an overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer, who shall prepare a report.

(b) The Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's and/or Chief Finance Officer's report. In the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure then unless the Executive can, and do, rescind the decision, the Executive shall prepare a report to Council.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, and the Executive has not rescinded the decision, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 15 working days of the meeting of the Executive. At the meeting the Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

(i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

or

(ii) amend or suspend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

or

(iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend or suspend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

Deleted: *Note: Depending on the terms of Regulations yet to be made by DETR, the procedure at (b) and (c) above may also be appropriately applied to other reports by the Monitoring Officer/Chief Finance Officer.* ¶

Executive Procedure Rules

CONTENTS

1. How does the Executive operate?
2. How are Executive meetings conducted?

Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make executive decisions?

Functions which are the responsibility of the Executive may be discharged by:

(a) the Leader;

(b) the Executive as a whole;

(c) a committee of the Executive;

(d) an individual member of the Executive;

(e) an Officer;

(f) an Area Constituency Committee;

(g) joint arrangements; or

(h) another local authority or its executive.

Arrangements for such discharge of executive functions are set out below.

1.2 Delegation by the Leader

The Leader may discharge any functions which, under executive arrangements adopted by the Council (see Part 3 of the Constitution), are executive functions or may arrange for the discharge of any of those functions by:

(a) the Executive as a whole;

(b) a committee of the Executive;

(c) an individual member of the Executive;

(d) an Officer;

The Leader will maintain a written record of delegations made by them for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document maintained by the Leader will contain the following information about executive functions:

(a) the names, addresses and electoral divisions of the people appointed to the Executive;

(b) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;

(c) the terms of reference and Constitution of such Executive committees as the Leader appoints and the names of Executive Members appointed to them;

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(d) the nature and extent of any delegation of executive functions to Area Constituency Committees (collectively or individually), any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and

(e) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

1.3 **Sub-delegation of Executive Functions**

(a) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an executive function, they may delegate to an Area Constituency Committee, another local authority or its executive, joint arrangements or an Officer.

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(b) Unless the Leader directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an Officer.

(c) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.

(d) Unless the Leader directs otherwise, an individual Member of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.

(e) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.4 **The Council's Scheme of Delegation and Executive Functions**

(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

(b) As the Leader is able to decide whether to delegate executive functions, they may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

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(c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when they have served it on its Chair.

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1.5 **Conflicts of Interest**

(a) Where the Leader or any other member of the Executive has an interest in a matter this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

(b) If so great a proportion (so as to impede the transaction of business) of the members of the Executive have an interest precluding participation as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution, the Standards and Governance Committee or Monitoring Officer may give a dispensation to allow those Members to participate in consideration and determination of the business. Dispensations may also be granted where each member of the Executive would be prohibited from participation in any particular business to be transacted by the Executive.

(c) If the exercise of an executive function has been delegated to a committee of the Executive, an individual Member or an Officer, and should an interest precluding participation arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 **Executive meetings – when and where?**

The Leader shall decide the schedule for meetings of the Executive. The Executive shall meet at County Hall, Northallerton or another location to be agreed by the Leader.

1.7 **Meetings to be in public**

All meetings of the Executive will take place in public, except in relation to any business in respect of which a resolution to exclude the public has been passed because confidential or exempt information is to be considered.

1.8 **Quorum**

The quorum for a meeting of the Executive, or a committee of it, shall be one half of the total number of members of the Executive or committee or 3 whichever is the larger.

1.9 **How are decisions to be taken by the Executive?**

(a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution.

(b) Where executive decisions are delegated to a committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

(a) If the Leader is present, they will preside at meetings of the Executive.

(b) The Leader may appoint one of the Executive members to be Deputy Leader of the Executive and any person so elected will preside at meetings of the Executive when the Leader is not present, and may also exercise the other functions of the Leader set out in these Rules in any case where the Leader is unavailable or unable to act.

(c) In the absence of the Leader and of the Deputy Leader (if any) the members of the Executive present at the meeting shall elect one of their members to preside.

2.2 Who may attend?

(a) Any person may attend a meeting of the Executive, unless and until excluded by a resolution to exclude the public, passed in accordance with the Access to Information Procedure Rules.

(b) Members of the Council have the right to attend any meeting of the Executive, including for items which are to be discussed in private because they contain exempt information, but not for items which contain confidential information. Members so attending may address the Executive for not more than five minutes, on any item on the agenda, and may be invited to speak again, or for a longer period, at the discretion of the person presiding. These rights are subject to the Member not having an interest precluding participation under the Members' Code of Conduct in any matter for which they are present or on which they wish to speak.

(c) Where the Executive is considering a report of an overview and scrutiny committee, the Chair of that committee may address the Executive for not more than ten minutes by way of introduction of the report, and for not more than five minutes at the conclusion of the debate, to answer any point which may have been raised.

2.3 What business?

At each meeting of the Executive the following business will be conducted:

(a) consideration of the minutes of the last meeting;

(b) receive any declarations of interest;

(c) any resolution to exclude the public because it is likely that confidential or exempt information would be disclosed (see Access to Information Procedure Rule 10);

(d) any questions or statements by members of the public of which proper notice has been given (see Council Procedure Rule 9);

(e) issues arising from Area Constituency Committees (see Article 10.02(e));

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(f) issues arising from overview and scrutiny (see Overview and Scrutiny Procedure Rule 12(a));

(g) matters referred to the Executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

(h) matters included in the agenda under Rule 2.5 below;

(i) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

2.4 **Consultation**

All reports to the Executive from any member of the Executive or an Officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 **Who can put items on the Executive agenda?**

(a) The agenda for meetings of the Executive will be based on the Forward Plan (see Rule 16 of the Access to Information Procedure Rules), including all items which the Forward Plan indicates are to be decided by the Executive at the meeting in question.

(b) Any member of the Executive may require the Assistant Chief Executive Legal and Democratic Services to place an item on the agenda of the Executive for consideration. If he/she receives such a request the Assistant Chief Executive Legal and Democratic Services will comply.

(c) The Assistant Chief Executive Legal and Democratic Services will make sure that an item is placed on the agenda of the Executive where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the Executive.

(d) Any member of the Council may ask the Leader to put an item on the agenda of the Executive for consideration, and if the Leader agrees the item will be considered by the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered.

(e) The Head of Paid Service, Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require the Assistant Chief Executive Legal and Democratic Services to call such a meeting in pursuance of their statutory duties.

2.6 **Transaction of Business**

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(a) The Executive shall have power to decide how its business is transacted, subject to the provisions of these Executive Procedure Rules and such other provisions of the Constitution as apply to meetings of the Executive.

(b) All matters coming before the Executive shall be determined by a majority of those present and voting. In the event of an equality of votes, the person presiding shall have a second or casting vote.

OFFICIAL - SENSITIVE

Overview and Scrutiny Procedure Rules

CONTENTS

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2. Who may sit on Overview and Scrutiny Committees?
3. Co-optees.
4. Education representatives.
5. Meetings of Overview and Scrutiny Committees
6. Quorum.
7. Who chairs Overview and Scrutiny Committee Meetings?
8. Work programme.
9. Agenda items.
10. Policy review and development.
11. Reports from Overview and Scrutiny Committee.
12. Making sure that Overview and Scrutiny reports are considered by the Executive.
13. Rights of Overview and Scrutiny Committee Members to documents.
14. Members and officers giving account.
15. Attendance by others.
16. Call-in.
17. Key Decisions.
18. The Party Whip.
19. Procedure at Overview and Scrutiny Committee Meetings.
20. Matters within the remit of more than one Overview and Scrutiny Committee.
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OFFICIAL - SENSITIVE

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for Overview and Scrutiny Committees?

The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such Committees may appoint sub-committees and/or task groups. Overview and scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

The broad approach to overview and scrutiny is:

- To have thematically based Overview and Scrutiny Committees.
- Chairs and Vice-Chairs of those Committees may meet informally, but have no formal role or functions, other than when acting as the Scrutiny Board.
- Cross cutting issues to be looked at by task groups, established jointly by two or more Overview and Scrutiny Committees.
- One task group would be established for each cross cutting issue which is to be looked at. The task group would be time limited; its function would be to examine the issue, and then report back to the Overview and Scrutiny Committees which established it. The task groups would not themselves be overview and scrutiny committees.
- To fulfil statutory requirements in relation to specific overview and scrutiny functions.

2. Who may sit on Overview and Scrutiny Committees?

All Councillors except members of the Executive may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision which they have been directly involved. Should a member be present at a meeting of an Overview and Scrutiny Committee which is considering a decision made or action taken by another committee or sub-committee of which they are also a member and at which they were present when the decision in question was taken, that member must regard themself as having an interest in the matter, must disclose that interest, and (subject to any dispensation granted by the Standards and Governance Committee or Monitoring Officer and/or right to speak under the Members' Code of Conduct) must withdraw from the meeting. The Assistant Chief Executive Legal and Democratic Services shall record any such disclosure in a book to be kept for the purpose.

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3. Co-optees

Each Overview and Scrutiny Committee or sub-committee or task group shall be entitled to recommend to its parent body the appointment of non-voting co-optees.

4. Education and Crime and Disorder representatives

4.1 The Children and Families Overview and Scrutiny Committee (and any sub-committee dealing with education matters) shall include in its membership the following voting representatives:

(a) one Church of England diocese representative;

(b) one Roman Catholic diocese representative;

(c) two parent governor representatives; and

(d) one representative of non-conformist churches.

Voting rights of the above representatives are limited to education matters.

4.2 Where a task group is examining an issue which includes education matters, the task group will seek the views of the Children and Families Overview and Scrutiny Committee in relation to such education matters.

4.3 The Corporate and Partnerships Overview and Scrutiny Committee (and any sub-committee dealing with Crime and Disorder matters) may include in its membership co-opted representatives, who may be voting representatives if the Committee so determines, but shall not be members of the Executive.

5. Meetings of Overview and Scrutiny Committees

There shall be at least four ordinary meetings of each Overview and Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chair of the relevant Overview and Scrutiny Committee, by any three members of the Committee or by the Proper Officer if they consider it necessary or appropriate.

6. Quorum

The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

7. Who chairs Overview and Scrutiny Committee Meetings?

Chairs of Overview and Scrutiny Committees/sub-committees will be drawn from among the Councillors sitting on the Committee/sub-committee. A Councillor who is not a Member of the main political group will chair one Overview and Scrutiny Committee, and each may nominate a spokesperson for the Committees they do not chair. Chairs and Vice-Chairs of Overview and Scrutiny Committees (including the Scrutiny of Health Committee) will be appointed by the Council.

8. Work programme

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The Overview and Scrutiny Committees/sub-committees will be responsible for setting their own work programme.

9. Agenda items

9.1 Any member of the Council shall be entitled to give notice to the Democratic Services and Scrutiny Manager that they wish an item relevant to the functions of any Overview and Scrutiny Committee or sub-committee to be included on the agenda for the next available meeting of that Committee or sub-committee for consideration for inclusion into the Committee's work programme. On receipt of such a request the Democratic Services and Scrutiny Manager will ensure that it is included on the next available agenda.

9.1.1 **Councillor Call for Action**

9.1.1.1 Any Member of an Overview and Scrutiny Committee or sub-committee may refer to the Committee/sub-committee for inclusion in an agenda and discussion at a meeting, any matter which is relevant to that Committee/sub-committee's functions.

9.1.1.2 Any Member of the Council may refer to an Overview and Scrutiny Committee of which they are not a member, for inclusion in an agenda and discussion at a meeting, any local government matter which is relevant to the functions of the Committee.

9.1.1.3 A "local government matter" is one which relates to the discharge of any function of the authority, affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and is not an "excluded matter".

9.1.1.4 Excluded matters are:

(a) any matter relating to a planning decision;

(b) any matter relating to a licensing decision;

(c) any matter relating to an individual or entity in respect of which that individual has a right of recourse to a review or right of appeal conferred by or under any enactment (other than the right to complain to the Local Government Ombudsman);

NB: a matter does not fall within (a)-(c) above (and is therefore not excluded) if it consists of an allegation that a function has not been discharged or the discharge has failed or is failing on a systemic basis.

(d) any matter which is considered to be vexatious, discriminatory or not reasonable to be included in the agenda for, or discussions at, the meeting of the Overview and Scrutiny Committee/sub-committee;

(e) a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters).

9.1.1.5 Councillor Call for Action gives all Members the opportunity to refer an issue to an Overview and Scrutiny Committee where local problems have arisen and where other methods of resolution have been exhausted.

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9.1.1.6 In considering whether to make such a referral, Members must have regard to any Guidance issued by the Secretary of State and any Council Protocol concerning the Councillor Call for Action process.

9.1.1.7 In considering whether or not to exercise any of its powers (see Article 6 of this Constitution) in relation to the matter, the Overview and Scrutiny Committee may have regard to:

(a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors), and

(b) any representations made by the Member as to why it would be appropriate for the Committee to exercise any of its powers in relation to the matter.

9.1.1.8 If the Committee decides not to exercise any of those powers in relation to the matter, it must notify the Member of its decision and the reasons for it.

9.1.1.9 The Committee must provide the Member with a copy of any report or recommendations which it makes to the Council or the Executive in relation to the matter.

9.2 The Overview and Sscrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Executive and Council. The Council and/or the Executive shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

9.3 Where the Chief Finance Officer has produced a report under Article 12.04(a), or the Monitoring Officer has produced a report under Article 12.03(b), and such report relates to action taken or omitted to be taken by the Executive, the relevant Overview and Scrutiny Committee(s) should consider whether it would be appropriate to hold a short inquiry into the matter which is the subject of that report prior to the Executive's consideration of it.

10. Policy review and development

(a) The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

(b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Committees or sub-committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.

(c) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

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11. Reports from Overview and Scrutiny Committee

11.1 In relation to any matter within its terms of reference, an Overview and Scrutiny Committee may prepare a formal report and submit it to the Assistant Chief Executive Legal and Democratic Services for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Executive and the Council (if the recommendation would require a departure from or a change to the agreed budget and policy framework).

11.2 Where any such formal report is prepared by an Overview and Scrutiny Committee, any three or more members of that Committee who disagree with the formal report or any part of it may prepare a minority report and submit it to the Assistant Chief Executive Legal and Democratic Services. Such minority reports shall be considered by the Executive/the Council at the same time as the Committee's formal report, unless they are not received by the Assistant Chief Executive Legal and Democratic Services in time to permit this.

11.3 Where any formal or minority report falls to be considered by the Executive and by the Council, it shall be considered first by the Executive. The report(s), and the Executive's comments on them, shall then be referred to the next available Council.

12. Making sure that Overview and Scrutiny reports are considered by the Executive

(a) The reports of Overview and Scrutiny Committees referred to the Executive shall be included immediately after feedback from Area Constituency Committees on the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within one month of the Overview and Scrutiny Committee completing its report/recommendations. The reports (and the Executive's comments on them) shall then be referred to the next available Council by the relevant Overview and Scrutiny Committee(s).

(b) Where an Overview and Scrutiny Committee or sub-committee prepares a report for consideration by the Executive in relation to a matter in respect of which an Executive Member has delegated decision making power then the Overview and Scrutiny Committee will submit a copy of their report to that individual for consideration. At the time of doing so, the Overview and Scrutiny Committee shall give a copy to the Assistant Chief Executive Legal and Democratic Services and the Leader. If the Member with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee then they must refer the matter to the next available meeting of the Executive for debate before exercising their decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Executive Member to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee within one month of receiving the report. A copy of their written response to it shall be sent to the Assistant Chief Executive Legal and Democratic Services and they will attend a future meeting of the Overview and Scrutiny Committee to respond.

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13. Rights of Overview and Scrutiny Committee Members to Documents

(a) In addition to their rights as Councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

(b) Nothing in this paragraph prevents more detailed liaison between the Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

14. Members and Officers giving account

(a) Any Overview and Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Head of Paid Service and/or any senior Officer to attend before it to explain in relation to matters within their remit:

(i) any particular decision or series of decisions;

(ii) the extent to which the actions taken implement Council policy; and/or

(iii) their performance;

and it is the duty of those persons to attend if so required.

(b) Where any Member or Officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Assistant Chief Executive Legal and Democratic Services. The Assistant Chief Executive Legal and Democratic Services shall inform the Member or Officer in writing giving at least five working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

(c) Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

(d) Any power of an Overview and Scrutiny Committee to require or request the attendance of any person, or the production of any document, may be exercised by the Chair of that Committee.

15. Attendance by others

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and

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Members and Officers in other parts of the public sector and may invite such people to attend.

Attendance is of course entirely optional.

16. Call-in

Note: Powers of call-in apply only to functions which are the responsibility of the Executive.

(a) When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or an executive decision is made by an Area Constituency Committee or under joint arrangements or a key decision is made by an Officer, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. Chairs and Vice-Chairs of all Overview and Scrutiny Committees will be sent copies of the records of all such decisions as relate to the terms of reference of their Committee within the same timescale, by the person responsible for publishing the decision.

(b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless any six members of the Council object to it and call it in by notice in writing to the Assistant Chief Executive Legal and Democratic Services, setting out their reasons for calling in the Executive decision for consideration. *(Note: this means five clear days, i.e. five working days not including the day the notice of the decision is given.)*

(c) Upon receipt of such a notice, the Assistant Chief Executive Legal and Democratic Services, shall notify the decision-taker and the Democratic Services and Scrutiny Manager and all Members of the Council, by email, of the call-in. The Assistant Chief Executive Legal and Democratic Services shall call a meeting of the Committee on such date as they may determine, where possible after consultation with the Chair of the Committee, and in any case within 10 working days of the decision to call-in, or such later date as the Leader may agree to, subject to it being practicable for any reference back under paragraph (d) to be included, for reconsideration, on the agenda for the second meeting of the Executive, in the Council Diary of meetings, following receipt of the call-in request.

(d) If, having considered the decision, the Overview and Scrutiny Committee wishes to do so, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision maker they shall then consider the matter, amending the decision or not, before adopting a final decision.

(e) If following an objection to the decision, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting.

(f) Where the matter has been referred to full Council, but the Executive decides that the matter must be determined prior to the next Council meeting, they may proceed to determine the matter, and shall report the matter to the next Council meeting.

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(g) Subject to (f) above, if the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, (note: it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget) the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

(h) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interest. The Chair of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent shall be required. In the absence of both, the Head of Paid Service or their nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

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(i) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

17. Key Decisions

(a) Where an executive decision has been made and:

- it was not treated as being a key decision (as defined in Article 13) and
- a relevant Overview and Scrutiny Committee are of the opinion that the decision should have been treated as a key decision

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that Overview and Scrutiny Committee may require the Executive to submit a report to the Council within such reasonable period as the Committee may specify.

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(b) Any such report shall include details of:

- the decision and the reasons for it;
- who made the decision; and
- if the Executive believe it was not a key decision, their reasons.

18. The party whip

In meetings of Overview and Scrutiny Committees, there will be no whipping on voting. (Note: The meaning of "whipping" is defined in Article 8).

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19. Procedure at Overview and Scrutiny Committee Meetings

(a) Overview and Scrutiny Committees and sub-committees shall consider the following business:

(i) minutes of the last meeting;

(ii) declarations of interest;

(iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;

(iv) responses of the Executive to reports of the Overview and Scrutiny Committee; and

(v) the business otherwise set out on the agenda for the meeting.

(b) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

(i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;

(ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and

(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(c) Following any investigation or review, the Committee/sub-committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

20. Matters within the remit of more than one Overview and Scrutiny Committee

Where a matter for consideration under overview and scrutiny falls within the remit of two or more Overview and Scrutiny Committees:

(a) the Committees may decide to appoint a joint sub-committee in accordance with Article 6.06(c); but, if they do not

(b) the decision as to which Overview and Scrutiny Committee will consider the matter will be resolved by the Scrutiny Board (or in the case of call-in, because of time constraints, by agreement between the Chairs of the Committees concerned. In the absence of such agreement, the matter shall be determined by the Chair of the Council. The Committee Chairs may agree, or the Chair of the Council may recommend, that the Overview and Scrutiny Committee which is to consider the matter should invite the Chair and spokespersons of any other relevant Overview and Scrutiny Committees to attend its meetings when the matter is under consideration.)

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21. Scrutiny of Crime and Disorder Matters

(a) The Corporate and Partnerships Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) may make a report or recommendations to the Council with respect to any local crime and disorder matter in relation to a Member of the Council. A local crime and disorder matter in relation to a Member means any matter concerning:

- crime and disorder (including, in particular, forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment);
- the misuse of drugs, alcohol or other substances which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area).

(b) Any Member of the Council may give notice to the Democratic Services and Scrutiny Manager that they wish an item which they consider to be a crime and disorder matter to be included on the agenda for discussion at the next meeting of the Corporate and Partnerships Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee).

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(c) On receipt of the request, the Democratic Services and Scrutiny Manager will ensure that the item is included on the next available agenda for consideration by the Corporate and Partnerships Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee), and the following shall apply:

(i) The subject matter considered will be the subject of a report from the relevant Corporate Director, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Committee meeting to provide that information, make representations and answer questions;

(ii) The matter will be considered by the Committee in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules;

(iii) The Member who referred the matter under sub-paragraph (b) above may address the Committee in respect of the matter for up to 10 minutes;

(iv) The Committee may also consider representatives from any residents of the electoral division affected by the matter, subject to the discretion of the Chair of the Committee;

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(v) If the matter concerns issues that fall within the remit of the Executive, the relevant Executive Member shall also attend the Committee to answer questions and make any representations.

(d) If the Corporate and Partnerships Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) decides not to make a report or recommendation to the Council in relation to the crime and disorder matter, it must notify the Member who referred the matter of its decision and the reasons for it.

(e) Where the Committee makes a report or recommendations to the Council it must:

(i) provide a copy of the report or recommendations to the Member who referred the matter to the Committee; and

(ii) provide a copy of the report or recommendations to such of:

- the responsible authorities (within the meaning of Section 5 Crime and Disorder Act 1998); and
- the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) Crime and Disorder Act 1998);

as it thinks appropriate.

(f) Where the Corporate and Partnerships Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) makes a report or recommendations to the Council or provides a copy of a report or recommendations under sub-paragraph (e)(ii) above, the Committee must notify the Council, body or person to whom it makes or provides a copy of the report or recommendations that the Council, body or person must:

(i) consider the report or recommendations;

(ii) respond to the Corporate and Partnerships Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) indicating what (if any) action it proposes to take;

(iii) have regard to the report or recommendations in exercising its functions.

(g) For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations 2009, the Corporate and Partnerships Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) will meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than once in every 12 month period.

(h) Where the Corporate and Partnerships Overview and Scrutiny Committee (or such other Committee as may be discharging the functions of the Crime and Disorder Overview and Scrutiny Committee) makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the Police and Justice Act 2006,

the Committee shall review the responses received and monitor the action (if any) taken by the relevant authority, person or body in accordance with its powers under section 19(1) of the 2006 Act.

OFFICIAL - SENSITIVE

North Yorkshire Council

Financial Procedure Rules

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Revision date xx/xx/xx

INCLUDE LINKS TO OTHER DOCUMENTS / POLICIES

1.0 INTRODUCTION

1.1 The Financial Procedure Rules provide the framework for the Council's financial management and administration.

2.0 SCOPE

2.1 These Financial Procedure Rules apply across the Council and to all of the Council's services and operational activities. They also apply to all partnerships where the Council is the designated accountable body. Where the Council has a financial interest in a partnership arrangement, joint venture or trading operation but is not the accountable body then officers should ensure equivalent governance arrangements exist.

2.2 All Members and officers are required to comply with these Financial Procedure Rules. Contractors and agency staff are also required to comply with the Financial Procedure Rules when undertaking Council related business. Any failure by officers to comply with these Rules may constitute misconduct and could result in disciplinary action being taken against them.

3.0 OBJECTIVES

3.1 The objectives of the Financial Procedure Rules are to ensure:

- the proper financial management and control of all the Council's activities and the efficient, effective and economic use of its resources
- that appropriate processes exist to allow effective financial planning and to enable informed decision making
- that systems and processes support the proper administration of the Council's financial affairs
- that Members and officers abide by the highest standards of probity and integrity
- that financial risks are identified and effectively managed
- that the Council's assets are kept secure
- that arrangements exist to achieve value for money

4.0 POLICY FRAMEWORK

4.1 The Financial Procedure Rules should be read in conjunction with other relevant sections of the Constitution, in particular:

- the Budget and Policy Framework Procedure Rules
- the Executive Members' scheme of delegation
- the Officers' scheme of delegation
- the Procurement and Contract Procedure Rules
- the Property Procedure Rules

4.2 A number of policies, protocols and guidance documents exist which supplement the Financial Procedure Rules, and which enable the Rules to be applied in practice, as follows [include links]:

- Financial Policies and Practices Manual [note – new name]
- Local Code of Corporate Governance

- Treasury Management Policy Statement
- Asset Management Planning Framework
- Risk Management Policy
- Internal Audit Charter
- Counter Fraud and Corruption Policy
- Anti Money Laundering and Terrorist Financing Policy
- Whistleblowing Policy
- Reserves Policy
- Fees and charges Policy
- Debt management Policy
- Housing Revenue Account Business Plan
- LMS Scheme (funding framework for school)
- LMS Procedure Rules
- School Finance Manual – more detailed information on the above

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5.0 ROLES AND RESPONSIBILITIES

5.1 Chief Finance Officer (section 151 Officer)

5.1.1 The Corporate Director of Resources is the Council's appointed Chief Finance Officer (CFO) and s151 Officer. This post, as defined in the Constitution, has specific statutory duties in respect of the financial administration and stewardship of the Council. These duties derive from:

- section 151 (s151) of the Local Government Act 1972
- Local Government Finance Act 1988
- Local Government and Housing Act 1989
- Local Government Act 2003
- the Accounts and Audit Regulations 2015

or any successor legislation in each case

5.1.2 Section 114 (s114) of the Local Government Finance Act 1988 requires the s151 Officer to report to the Council and Executive, and the external auditor where the Council:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the council
- is about to make an unlawful entry in the Council's accounts

5.1.3 The 1988 Act also requires the s151 Officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under s114 personally. The council should also provide the s151 Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under s114.

5.1.4 Section 25 (s25) of the Local Government Act 2003 requires the s151 Officer to report to Members on the robustness of estimates and the adequacy of reserves.

5.1.5 The CFO is responsible for determining the Council's financial processes, and for ensuring they are applied properly and consistently in practice. The CFO is also

responsible for implementing appropriate systems to manage and record the Council's budgets, income, expenditure, assets and liabilities.

5.1.6 Where possible, the CFO should comply with the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code, the Statement on the Role of the Chief Financial Officer in Local Government and the Delivering Good Governance in Local Government: Framework (2016). Any areas of non-compliance and the reasons for these should be reported to the Audit Committee and be included in the Council's Annual Governance Statement.

5.1.7 The CFO is also responsible for ensuring that the annual Statement of Final Accounts (SoFA) is prepared and published in accordance with the 'Code of Practice on Local Authority Accounting in the United Kingdom' issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Accounts and Audit Regulations 2015.

5.1.8 The CFO also has overall responsibility for the Council's counter fraud arrangements, including the adoption of appropriate measures for the prevention and detection of fraud and corruption.

5.1.9 The CFO will report to the Council, the Executive and the Executive Member with responsibility for Finance on the discharge of these duties.

5.1.10 The CFO will keep the Financial Procedure Rules under review and propose changes to the Audit Committee as required.

5.1.11 The CFO should report any material breaches of the Financial Procedure Rules to the Audit Committee and propose appropriate remedial action to mitigate any remaining risk. The CFO should also issue instructions to the relevant Corporate Director(s) to immediately rectify any non-compliance with the Financial Procedure Rules.

5.1.12 The CFO may delegate specific responsibilities to other officers whilst retaining the role of s151 Officer. A written record of all such delegations should be maintained, including the limits on any delegation. See financial management permissions (section 10) below.

5.1.13 The CFO may also approve variations or exceptions from the Financial Procedure Rules to reflect specific circumstances. All such variations or exceptions should be reported the Executive and a written record maintained.

5.2 Corporate Director

5.2.1 Corporate Directors are responsible for the financial management and control of the resources allocated to them. This includes identifying nominated budget holders for each operational activity, scheme, project or capital programme. It also includes the allocation of appropriate resources to each budget, taking account of competing priorities, spending pressures and savings plans.

5.2.2 Corporate Directors should adopt measures to safeguard and keep secure all furniture, fittings, vehicles, equipment and stores assigned to their directorate.

5.2.3 Corporate Directors are also responsible for devising and maintaining effective

systems of control to mitigate the risks of fraud, loss and error.

5.2.4 Corporate Directors are accountable for the budgets within their directorate. Corporate Directors must therefore establish effective budget monitoring and reporting arrangements. Actual or forecast budget variances should be identified in a timely manner and, where possible, action should be taken to remedy the situation. Corporate Directors must advise the CFO immediately if it becomes clear that they are unable to balance expenditure or income within the existing approved budgets under their control.

5.2.5 Corporate Directors should ensure that all staff within their directorate are aware of the existence and content of the Financial Procedure Rules, and of the need to comply with them.

5.3 Budget Holder

5.3.1 An officer with delegated responsibility for the management of a defined budget or group of budgets.

5.3.2 Budget responsibility should always be aligned as closely as possible to the relevant decision making functions of the service area or portfolio. Budget holders should have input to the preparation and agreement of their budget(s). They should also be informed of their budget allocations in a timely manner so that they can plan effectively.

5.3.3 Budget holders are responsible for controlling all income and expenditure relating to their budget(s). This includes monitoring ongoing performance and reporting variances above prescribed limits in a timely manner. Where adverse variances are occurring or forecast, budget holders must identify the reasons and likely impact on the final outturn position. Where possible, timely and effective action should be taken to remedy any overspend or reduction in income. This may include restricting future expenditure or arranging for a virement from another budget.

5.3.4 Budget holders should receive guidance and be trained to undertake their responsibilities effectively. This includes understanding the financial implications of their decisions, and the need to manage risks and achieve value for money.

5.4 Head of Internal Audit

5.4.1 The Head of Internal Audit (HoIA) is responsible for providing independent, objective assurance to the Audit Committee and the CFO on the adequacy and effectiveness of the Council's framework of governance, risk management and control. The HoIA, alongside the Corporate Management Team, is also responsible for promoting the principles of good governance, probity and ethical standards across the Council.

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5.4.2 Through the work of internal audit, the HoIA supports the CFO to discharge his/her statutory duties.

5.4.3 The HoIA should be involved in considering the impact of emerging risks and the control implications for any proposed changes or developments by the Council.

5.4.4 The HoIA should be professionally qualified and suitably experienced to undertake the role.

5.5 Officers

5.5.1 All employees of the council, contractors and agency staff working on behalf of the Council are required to safeguard the Council's resources. This includes protecting the Council's assets and minimising the risk of financial loss.

6.0 MEDIUM TERM FINANCIAL STRATEGY

6.1 In order for the Council to be able to plan the development and delivery of its services and to determine priorities for the allocation of resources between those services it needs to undertake multi-year financial planning. The Council will do this by preparing a Medium Term Financial Strategy (MTFS). The MTFS provides the framework for sustainable financial planning, enabling the Council to achieve its key strategic objectives whilst managing its financial and other risks. In doing so the MTFS helps to ensure the long-term financial wellbeing of the Council.

6.2 The MTFS provides the parameters within which annual budget and service planning takes place. The Council Plan and other related strategies should be prepared in accordance with the MTFS.

6.3 The CFO is responsible, in consultation with the CEO and other Corporate Directors, for preparing and maintaining the MTFS. The minimum period for the MTFS should be 3 years. The CFO will determine the format of the MTFS and once prepared it requires approval by the Council. The Council is also required to approve any subsequent changes to the MTFS.

6.4 The CFO should report to the Executive at least annually on the achievement of the strategic priorities contained in the MTFS.

7.0 REVENUE BUDGET

7.1 Overview

7.1.1 The revenue budget is an estimate of the annual income and expenditure requirements of the Council. The revenue budget will set out the allocation of resources to specific service areas and functions, and will determine the Council's annual council tax requirement. Approval of the revenue budget by the Council provides Corporate Directors with the authority to incur expenditure against the individual budgets for which they are responsible.

7.2 Setting the Budget / Annual Rate of Council Tax

7.2.1 Each Corporate Director will prepare estimates of their future income and expenditure requirements in a format and within timescales determined by the CFO. In preparing these estimates, Corporate Directors must highlight any areas of potential risk or uncertainty, including possible demand or inflation pressures.

7.2.2 Subject to any overriding requirements of the Council, the CFO will specify the format of the annual revenue budget and the timing of any reports to the Executive and Council. The annual revenue budget should identify the resource allocations to individual policy, portfolio and service areas, and should be of sufficient detail to ensure proper accountability.

7.2.3 The Council will set the annual rate of council tax based on total council tax requirement.

8.0 CAPITAL STRATEGY AND PLAN

8.1 Capital expenditure is an important element in the development and delivery of the Council's services, supporting investment in new and improved assets or infrastructure. Investment in capital assets also creates potential future financial commitments and risks.

8.2 Corporate Capital Strategy

8.2.1 The Council should establish and maintain a corporate capital strategy. The strategy forms the foundation for the Council's long-term planning and delivery of its programme of capital investment. It also sets out the parameters for the capital plan, helping to ensure that limited capital resources are used efficiently to achieve the best possible outcomes for the Council and the wider community. The aims of the strategy are to ensure:

- capital investment is targeted towards supporting the Council's corporate objectives
- the stewardship of assets is properly taken into account in capital planning
- capital investment is prudent, sustainable and affordable and provides value for money
- Members and officers have a common understanding of the long-term context in which investment decisions are made and all the financial risks to which the Council is exposed
- capital projects are delivered on time and within budget
- there is improved transparency at programme level along with a clear process for Member engagement

8.2.2 The CFO is responsible for keeping the Corporate Capital Strategy under review and for proposing any changes to the Executive, and Council for approval.

8.3 Capital Plan

8.3.1 The capital plan is a long-term programme of estimated capital expenditure and associated funding. The Council will approve the capital plan each year, recognising that the estimates may change as schemes progress to completion.

8.3.2 The capital plan will include all capital schemes including those proposed to be financed from revenue resources or external funding sources or the realisation of capital receipts from the disposal of surplus assets.

8.3.3 Schemes to be included in the capital plan include those whose cost, size, configuration, or policy significance require them to be individually identified, and annual programmes of planned expenditure for designated purposes.

8.3.4 The capital plan will be approved by the Council as part of the annual budget setting process. Following approval, the Executive has overall responsibility for monitoring the delivery of the capital plan.

8.3.5 Any specific issues relating to the capital plan should be brought to the attention of the Executive at the earliest opportunity. The CFO, in conjunction with the relevant Corporate Director(s) will provide advice to the Executive on how any such issues can be resolved.

8.3.6 The CFO will be responsible for the format of the capital plan and the timing of reports to the Executive, subject to any overriding requirements of the Council. The minimum period for the capital plan will be three years. The capital plan will identify individual corporate and directorate schemes, grouped into three categories:

- rolling programmes of planned capital expenditure
- capital schemes (gross expenditure equal to or over £200,000)
- minor capital schemes (gross expenditure less than £200,000)

8.3.7 Each Corporate Director, in consultation with the CFO, should prepare a draft capital plan for their individual service area as part of the annual budget setting process. These service based plans should identify the proposed capital expenditure, and the associated sources of funding, at individual scheme or programme level. Individual schemes should only be included in a directorate capital plan following the preparation of a business case and a full project appraisal process undertaken in accordance with the guidelines contained in the asset management planning framework.

8.3.8 The CFO is responsible for preparing the overall capital plan for consideration by the Executive, and approval by the Council. The funding of the capital plan should be compatible with the treasury management policy statement of the Council.

8.3.9 Any new proposed capital scheme identified during the year will require the preparation of a business case by the relevant Corporate Director, in consultation with the CFO. The business case should set out the full financial implications of the scheme including whole life costs, the source(s) of funding, expected timescales and deliverables. Details of the scheme must be submitted to the Executive with a recommendation that it be added to the approved capital plan.

8.4 Incurring expenditure against the Capital Plan

8.4.1 Following approval of the capital plan, Corporate Directors will be able to incur expenditure on each identified scheme providing all necessary approvals from the Government and external funding bodies have been obtained.

8.5 Monitoring of the Capital Plan

8.5.1 Once the capital plan has been approved by the Council each Corporate Director should identify a responsible budget holder for each scheme in the directorate capital plan within the appropriate limits for budget delegation.

8.5.2 Designated budget holders are responsible for monitoring expenditure and, if appropriate, grant funding and other income, on a scheme by scheme basis against the approved directorate capital plan.

8.5.3 The CFO will provide financial advice to assist budget holders to fulfil their responsibilities, consulting with the relevant Corporate Director in circumstances where it appears that variations to the approved budget for a scheme will occur.

8.5.4 Corporate Directors are responsible for maintaining an ongoing review of all aspects of the capital plan for their Directorate taking account of materiality and risk. This review should be undertaken in conjunction with service managers, budget holders and the CFO. The results of the review should be reported to the relevant Portfolio Holder at least quarterly.

8.5.5 The CFO will provide a quarterly capital plan update to the Executive in a format approved by the CFO. The report should highlight any material variations to schemes in the capital plan and include details of any proposed changes to the timing of expenditure between current and future years.

8.5.6 Corporate Directors are required to report the following to the Executive if:

- the actual or projected cost of a scheme has increased by more than £200,000 compared to the original budget estimate, and the increase cannot be managed within the overall approved directorate capital allocation
- it is necessary to delete or materially modify an existing approved capital scheme
- the loss or revision of any funding will affect the ability of the Directorate to complete its approved capital programme
- in accordance with virement rules there is any proposed transfer of resources between the revenue budget and the capital plan

8.5.7 If expenditure in excess of the approved directorate capital plan expenditure limit for that year is incurred due to an emergency or other unforeseen event, this must be reported to the CFO and relevant Portfolio Holder as soon as possible. Any significant expenditure of this nature must also be reported to the Executive.

9.0 FINANCIAL CONTROL AND BUDGET MANAGEMENT

9.1 Expenditure on behalf of the Council can only be committed against authorised budgets and in accordance with the policies for which the budget was established. Any significant addition to recurring costs or commitments in future years in excess of current budget provision or any proposed change in policy likely to affect the current approved budget and/or the MTFS must be reported to the Executive. The report should be prepared by the Corporate Director, in consultation with the CFO and, if necessary, the relevant Executive Member. The full financial implications of the proposed decision together with any remedial actions, including virements from other budgets, should be clearly set out. Any additional expenditure or commitments which cannot be accommodated within the existing budget and policy framework must be considered and approved by the Council.

9.2 The CFO should submit quarterly monitoring reports covering both revenue and capital budgets to the Executive.

9.3 Budget holders are required to:

- authorise expenditure only from budgets under their direct control. If a budget holder plans to incur expenditure which will be charged against another budget, they must obtain the prior approval of the relevant budget holder
- monitor income (including any grants) and expenditure against those specific budgets for which they are responsible throughout the financial year

- supply the CFO with sufficient information, as and when required, to enable accurate budget profiling and/or financial projections to be undertaken
- immediately report any unexpected discrepancies, errors or suspected fraudulent activity relating to their budgets to the HoIA

9.4 Corporate Directors are required to:

- define budgetary control arrangements within their own Directorate and ensure these are operated in accordance with corporate guidance provided by the CFO. This will include identifying responsible budget holders and the limits of their budgetary authority
- maintain an ongoing review of the budgets under their control. This review should be undertaken in conjunction with relevant Assistant Directors or Service Managers in their directorate, and the CFO. The results should be reported on a regular basis depending on materiality and risk, and at least quarterly to the relevant Portfolio Holder
- advise the CFO immediately if it becomes clear that they will be unable to balance expenditure or income within the approved budgets under their control. Any significant matters must be reported to the Executive
- report to the CFO and the relevant Executive Member, as soon as practicable, any expenditure incurred in excess of the approved net budget for the Directorate due to an emergency. Any significant overspend should also be reported to the Executive

9.5 The CFO is required to:

- provide financial advice to assist budget holders to fulfil their responsibilities, consulting their Corporate Director in circumstances where it appears that variations to the approved budget will occur
- report to the Executive at no less than quarterly intervals throughout the financial year including but not limited to virements requiring approval, service under and overspends impacting on the forecast outturn for current and future years, and the status of cash flow, contingency funds and working balances as appropriate
- report to Executive, as soon as possible, any significant expenditure incurred in excess of the approved net budget of a Directorate due to an emergency

9.6 With the assistance of each Corporate Director, the CFO will periodically report the forecast budget outturn for each directorate to the Executive. The CFO will also report the final budget outturn, as soon as practicable after the end of the financial year.

9.7 Proposals by Corporate Directors to carry forward specific budget underspends to the next financial year require the agreement of the CFO. The approval of the Executive is also required if the budget carry forward is equal to or over £500,000.

10.0 FINANCIAL MANAGEMENT PERMISSIONS

10.1 The CFO will maintain a schedule of permissions detailing the specific authorisations for all aspects of the Council's financial management and administration. The schedule will identify the designated officers and the relevant limits or thresholds of their authority. The schedule will include the limits for authorising orders, payments, budget virements, debt write-offs, asset purchases and disposals, payroll and

establishment changes, and bids for external funding.

10.2 The schedule of permissions should also be read in conjunction with these Financial Procedure Rules. Where there is any doubt between the two, the Financial Procedure Rules will take precedence.

10.3 The CFO should ensure the schedule of permissions is readily available to all officers involved in the Council's financial management and administration. Additional guidance and instructions will be contained in the Financial Policies and Practices Manual.

10.4 The CFO will keep the schedule of permissions under review and make changes as required.

11.0 BUDGET VIREMENTS

11.1 A virement is the transfer of the approved budget provision between defined budget headings or cost centres. The scheme of virement is intended to enable Corporate Directors to manage their budgets with a degree of flexibility within the overall budget and policy framework determined by the Council, whilst maintaining a corporate system of overview to ensure the best use of resources.

11.2 Corporate Directors and budget holders are required to manage their budgets responsibly and to ensure that the Council's resources are used for their intended purposes. This includes avoiding expenditure of a recurring nature, or committing the Council to future expenditure, for which there is insufficient budget provision.

11.3 Budget virements are required where actual or planned changes are made to the delivery of council services and functions, or to individual capital programmes, and there is a corresponding change to the level of resources required. All proposed virements should be based on realistic and robust assumptions. Budget virements should not be used to hide unplanned or short-term variances in income or expenditure.

11.4 Corporate Directors are responsible for undertaking budget virements in accordance with these Rules and for informing the CFO as soon as practicable that such virements have taken place. The CFO is responsible for maintaining a record of all virements and for ensuring that they are reflected in the financial ledger of the Council at the earliest opportunity. The revised budget will be regarded as the baseline against which all subsequent virements will be referenced.

11.5 Council approval is required for all changes to the overall budget and policy framework.

11.6 The approval of the Executive is required if any proposed virement involves one or more of the following:

- a significant addition to recurring costs or commitments in future financial years (equal to or over £500,000 per annum)
- any significant transfer(s) of resources between individual policy or portfolio areas (including between directorates or between corporate budgets and directorates) (equal to or over £500,000 in aggregate each financial year)
- any transfer of resources between the Revenue Budget and the Capital Plan

- any permitted transfer of resources between the General Fund and Housing Revenue Account

11.7 The CFO has the right to refer any proposed virement to the Executive for approval.

11.8 Corporate Directors can make virements within or between defined budget headings or cost centres under their control subject to the following approvals:

Value	Required action / approval
Less than £200,000	N/A
£200,000 - £500,000	Obtain approval of CFO
£500,001 - £1m	Obtain approval of the relevant Executive Member(s)
Over £1m	Obtain approval of the Executive

11.9 Corporate Directors must ensure that aggregate income and expenditure in each financial year balances to the net approved budget for their directorate. For each directorate, expenditure in excess of the approved budget is therefore permitted if it is directly and fully offset by an increase in fees, income or other financial contributions. Income received in excess of the budgeted amount for a directorate may be spent within the relevant service area or be transferred to a different budget heading or cost centre within the same directorate. Where appropriate the relevant budgets should be adjusted to reflect the changes made.

12.0 MAINTENANCE OF RESERVES AND PROVISIONS

12.1 Reserves are maintained to fund planned projects, future liabilities and to provide a contingency for unexpected events or emergencies.

12.2 Provisions are created for current liabilities where the final cost is not yet established or known.

12.3 The Council will maintain reserves on a risk basis over a minimum 3-year period and in accordance with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom and agreed accounting policies. The management of reserves will be aligned to the MTFS and the annual budget setting process.

12.4 It is a statutory responsibility of the CFO to advise the Council on the appropriate and adequate level of reserves and the robustness of the estimates, and to act on the advice of external audit in this matter. The Reserves Policy will set out the process for reviewing the adequacy and appropriateness of reserves.

12.5 The CFO will determine whether the Council's funds are held as general reserves or in an earmarked or restricted reserve. Earmarked reserves are created for a specific purpose and should only be used for that purpose. Any remaining balance should be transferred to another earmarked reserve or to general reserves once that purpose has been fulfilled. Restricted reserves are used for ringfenced funds required for statutory purposes or other specified reasons, for example capital receipts, developer contributions or to support the Housing Revenue Account.

12.6 The CFO will keep the reserves under review and should report at least annually to the Executive on the level and adequacy of the reserves held. The CFO should also detail the purpose for which any earmarked reserves are being maintained and the

period over which they will be used.

12.7 Any budget underspends will normally be added to general reserves at the end of the financial year. Corporate Directors may instead request that specific budget underspends are transferred to the following financial year. The reason for any underspend and the purpose for which the additional budget provision will be used should be set out in a business case. Any such transfer of budget provision is subject to the agreement of the CFO. The approval of the Executive is also required if the budget transfer is equal to or over £500,000.

12.8 Any budget overspends cannot be carried forward and will instead be funded from reserves. Where this is the case, the Corporate Director must prepare a report for the Executive to explain the reasons for the continuing overspend and the actions being taken to remedy the situation. In such circumstances, the CFO may issue directions to the Corporate Director to undertake additional budget monitoring, restrict expenditure in specific areas or repay any overspend from future years.

12.9 Corporate Directors should ensure that adequate provision is made for all current liabilities where payment has not yet been made. The level of provision should be kept under review and adjusted to reflect any change to the estimated liability.

13.0 EMERGENCY PROCEDURES

13.1 Nothing in the Financial Procedure Rules shall prevent expenditure being incurred where an emergency or disaster involving destruction of, or danger to, life or property occurs or is imminent. Where in the opinion of the relevant Corporate Director, in consultation with the relevant Executive Member, Chief Executive Officer, Monitoring Officer and the CFO, the urgency of the situation will not permit delay, necessary expenditure may be incurred.

13.2 Where significant expenditure of this nature is incurred then it must be reported to the relevant Executive Member and to the next meeting of the Executive. This includes any expenditure over £200,000 but may also include expenditure of a particularly sensitive or unusual nature. The CFO will decide whether the circumstances which gave rise to the emergency should also be reported to the Audit Committee.

14.0 FINANCIAL SYSTEMS AND RECORDS

14.1 Sound systems and procedures are essential to the effective management and administration of the Council's financial affairs.

14.2 The CFO is responsible for determining the Council's financial processes, and for ensuring they are applied properly and consistently in practice. The CFO is also responsible for implementing appropriate systems to manage and record the Council's budgets, income, expenditure, assets and liabilities. The CFO must therefore be consulted prior to the development, acquisition or implementation of all finance related IT systems or processes. Corporate Directors are required to address any concerns raised by the CFO before proceeding. Corporate Directors must also follow the Council's corporate project management framework when implementing any new IT systems or processes.

14.3 Corporate Directors must consult with the CFO before changing any existing financial systems or processes within their areas of responsibility. Corporate Directors should

also establish and maintain controls to mitigate the risks of fraud, loss and error.

14.4 The main accounting system (including the general ledger and all related feeder systems) will provide the prime source of financial data for the Council's management accounts, the preparation of the annual Statement of Accounts, and the submission of government returns. It is therefore essential that the system complies with all relevant legislation and proper accounting practice. It is also essential that all financial information is recorded accurately, completely and in a timely manner, and that any errors are detected promptly and rectified.

14.5 Control accounts should be established for all feeder systems. Regular reconciliations should be completed for all control accounts and any discrepancies investigated. Any significant variances should be reported to the CFO in a timely manner. All suspense accounts should also be subject to regular monitoring.

14.6 All corporate and directorate based financial systems, processes and controls should be documented.

14.7 Officers should receive appropriate training to perform their duties and to operate the Council's financial systems and processes.

15.0 STATUTORY ACCOUNTS AND EXTERNAL AUDIT

15.1 The Accounts and Audit Regulations 2015 require the CFO to prepare the Council's Statement of Accounts in accordance with proper accounting practice as represented by the 'Code of Practice on Local Authority Accounting in the United Kingdom' issued by Chartered Institute of Public Finance and Accountancy (CIPFA).

15.2 The Statement of Accounts should include details of the Council's Collection Fund and Housing Revenue Account, and any other statements or disclosures required for statutory purposes. The CFO will determine whether the Council's arms-length trading companies are included in consolidated group accounts.

15.3 The CFO must sign and date the Statement of Accounts and certify that the Statement of Accounts present a true and fair view of the Council's financial position at the end of the year to which they relate, and the income and expenditure for that financial year.

15.4 The CFO is responsible for ensuring the Statement of Accounts are made available for audit by the Council's appointed external auditor and are approved by the Audit Committee in accordance with relevant statutory timescales. The CFO must re-certify the Statement of Accounts before they are approved by the Audit Committee.

15.5 The CFO is responsible for working with the Council's appointed external auditor and for advising the Council, Executive, Audit Committee and Corporate Directors of their responsibilities in relation to external audit. The external auditor has extensive rights of access to all documents and information considered necessary for audit purposes. The external auditor may also require any Member or officer to provide explanations on any matter relating to the audit.

15.6 The duties and responsibilities of the external auditor derive from the Local Audit and Accountability Act 2014. The Code of Audit Practice, prepared by the National Audit Office, sets out the specific powers and responsibilities of the auditor. The Code of

Audit Practice is reviewed and updated periodically.

15.7 The CFO is responsible for ensuring the Council's financial and accounting records are ready for audit, and in the format required by the external auditors. The CFO should also respond to the external auditor's enquiries in a timely manner.

15.8 The CFO should ensure the Audit Committee is made aware of any concerns raised by the external auditor in respect of the conduct of the audit, the Statement of Accounts, the accounting records, the system of internal control or the Council's arrangements to secure value for money. Where concerns are raised, the CFO in conjunction with the Audit Committee should prepare an action plan to address the issues.

16.0 REVIEW OF THE SYSTEM OF INTERNAL CONTROL

16.1 The CFO is responsible for arranging for an annual review of the effectiveness of the Council's system of internal control to be undertaken. The CFO should report the results of the review to the Audit Committee, and highlight any significant control weaknesses or governance issues identified.

16.2 The CFO is also responsible for preparing the Council's Annual Governance Statement. The Annual Governance Statement must be prepared in accordance with proper accounting practices, and should accurately reflect the results of the annual review of the system of internal control. The Annual Governance Statement should be approved the Audit Committee and be signed by the Leader of the Council and the Chief Executive Officer.

16.3 In preparing the Annual Governance Statement, the CFO should identify any areas of non-compliance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code, the Statement on the Role of the Chief Financial Officer in Local Government, the Statement on the Role of the Head of Internal Audit and the Code of Practice on Managing the Risk of Fraud and Corruption.

16.4 Corporate Directors are required to assist the CFO in completing the review of the system of internal control by providing the necessary assurances and identifying any significant control issues or weaknesses within their areas of responsibility.

16.5 The preparation and publication of the Annual Governance Statement in accordance with the Delivering Good Governance in Local Government: Framework (2016) fulfils the statutory requirements contained in the Accounts and Audit Regulations 2015.

17.0 RISK MANAGEMENT

17.1 Risk is defined as the chance or possibility of loss, damage or injury caused by an unwanted or uncertain action or event. It is measured in terms of likelihood and impact. Risk management is the range of coordinated processes, structures and culture adopted by the Council in order to identify, evaluate, monitor, control, and mitigate the risks it faces.

Deleted: the planned and systematic approach to the identification, evaluation and control of risk.

17.2 The Council is responsible for approving the Risk Management Policy.

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17.3 The Audit Committee is responsible for promoting a culture of risk management

awareness throughout the Council. Monitoring of the effectiveness of the Risk Management Policy is an essential part of that process.

Deleted: Strategy and

17.4 The CFO has overall responsibility for the management of risk in the Council and for overseeing the application of the Risk Management Policy. The CFO will advise the Executive and Corporate Directors on all significant risk management matters. The CFO should report to the Audit Committee at least annually on the effectiveness of the risk management systems and processes in place.

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Deleted: Strategy and the

17.5 The Corporate Management Team is responsible for ensuring the Council adopts a consistent, comprehensive and integrated approach to the management of risk. This includes maintaining a corporate risk register which enables the Council's key strategic risks to be monitored and reported to the Audit Committee.

17.6 Corporate Directors should ensure procedures are in place to systematically identify, assess and mitigate the risks facing their individual service areas. These procedures should enable any new or emerging risks to be identified in a timely manner. Identified risks should be recorded and managed in service risk registers, with the most significant or cross-cutting risks included in the directorate risk register. Risks should be recorded and assessed in accordance with the principles set out in the Council's Risk Management Policy.

Deleted: Strategy and

17.7 Directorate and corporate risks should be reported to the Audit Committee in accordance with an agreed timetable.

17.8 Corporate Directors, in consultation with the CFO, should prepare appropriate risk mitigation plans for all significant risks. These plans should be subject to regular monitoring and update.

17.9 The CFO will periodically review the Risk Management Policy and recommend any necessary changes to the Audit Committee for consideration prior to approval by the Council.

Deleted: Strategy and

17.10 Corporate Directors should ensure that all reports to the Council's Executive or Executive Member which require a decision include adequate reference to the associated risks to enable a properly informed decision to be taken.

18.0 INTERNAL AUDIT

18.1 There is a statutory duty on the Council to undertake an internal audit of the effectiveness of its governance, risk management and control processes. Internal audit is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations.

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18.2 To provide optimum benefit, the Council requires that internal audit works in partnership with management to improve the control environment and to help the organisation achieve its objectives.

18.3 The Chartered Institute of Public Finance and Accountancy (CIPFA) is responsible for setting standards for proper practice for local government internal audit in England. CIPFA has adopted the Public Sector Internal Audit Standards (PSIAS), which are compliant with the Institute of Internal Auditors' (IIA) International Standards. The PSIAS and CIPFA's local government application note for the

standards represent proper practice for internal audit in local government.

18.4 The purpose, scope, authority and responsibility of internal audit is detailed in the Audit Charter, approved by the Audit Committee. The HoIA will periodically review the Audit Charter and recommend any necessary changes to the CFO for approval by the Audit Committee.

18.5 The CFO in conjunction with the HoIA should ensure that the Council's arrangements for internal audit comply with the Chartered Institute of Public Finance and Accountancy (CIPFA) Statement on the Role of the Head of Internal Audit. Any areas of non-compliance and the reasons for these should be reported to the Audit Committee and be included in the Council's Annual Governance Statement.

18.6 The HoIA should seek to maintain a positive and effective working relationship with the CFO. The HoIA will notify the CFO of any matter that may have implications for the CFO in respect of their statutory responsibilities. The CFO will also consult with the HoIA on any significant proposals that may have implications for the Council's control environment or management of risk.

18.7 The HoIA will plan and deliver a risk based programme of work designed to objectively examine and evaluate the adequacy and effectiveness of the Council's governance, risk management and control processes. This will include the provision of assurance and advice in respect of major projects, programmes and policy initiatives. The HoIA should consult with the CFO, Corporate Directors and the Audit Committee when preparing the programme of work.

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18.8 Internal audit will be allowed to act independently and objectively in the planning and delivery of work and without undue influence by either officers or Members.

18.9 The HoIA may communicate directly with the Leader of the Council, the Executive, the Chief Executive Officer, any Corporate Director, the Monitoring Officer, the Chair of the Audit Committee, and any Member or officer on any matter relevant to internal audit. The HoIA may also raise matters of concern relating the Council's financial management arrangements or processes directly with the external auditors.

18.10 The HoIA will provide an annual opinion to the Council on the framework of governance, control and risk management. The opinion and details of any qualifications to that opinion will be reported to the Audit Committee. The HoIA will also report any significant control weaknesses identified through internal audit work as part of the annual opinion report.

18.11 The CFO and the Audit Committee will determine whether any of the control weaknesses identified by the HoIA should be included in the Annual Governance Statement.

18.12 The Accounts and Audit Regulations 2015 require Members and officers to make available any documents and records, and provide such information and explanations as may be required by internal audit. In addition, the Council grants internal audit staff the authority to:

- enter all Council premises or land, at any reasonable time
- have access to all data, records, documents, correspondence, or other information - in whatever form - relating to the activities of the Council

- have access to any assets of the Council and to require any officer of the Council to produce any assets under their control
- have access to the Council's partnerships and arms-length bodies where appropriate

18.13 Where appropriate, contracts to supply Council services or functions should grant internal audit the right of access to examine records, documents and other information relating to the supplier's arrangements.

18.14 It is the responsibility of Council officers to consider and respond promptly to audit reports and to ensure all agreed actions are implemented in a timely and efficient manner. Officers should also provide confirmation and evidence that agreed actions have been implemented if requested to by internal audit.

18.15 The HoIA will escalate any matters of concern to the CFO and, if necessary, the Audit Committee.

18.16 The HoIA will also report to the CFO and, if necessary, the Audit Committee any instances where internal audit independence or objectivity is likely to be compromised, together with any planned remedial action.

18.17 The CFO should ensure that internal audit is adequately resourced to undertake its responsibilities. The CFO will also protect and promote the independence and rights of internal audit to enable it to conduct its work effectively and to report as necessary.

19.0 TREASURY MANAGEMENT

19.1 The Council is responsible for approving the Treasury Management Policy Statement (TMPS), which sets out the objectives and approach to the effective risk management of the Council's treasury management activities.

19.2 The CFO is responsible for maintaining suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve the Council's objectives, and prescribing how it will manage and control those activities

19.3 The TMPS and related treasury management practices must comply with all relevant statutory and regulatory requirements including:

- Local Government Act 2003 or any successor legislation
- Chartered Institute of Public Finance and Accountancy (CIPFA) - Prudential and Treasury Management Codes of Practice
- Department for Levelling Up, Housing and Communities (DLUHC) Minimum Revenue Provision (MRP) and Investment Guidance

19.4 The CFO is also responsible for exercising the Council's borrowing and investment activities in compliance with the treasury management policies, and for monitoring compliance with the relevant Codes of Practice.

19.5 The CFO is responsible for reporting to the Audit Committee, the Executive and Council on the effectiveness of the treasury management policies and practices, and the achievement of the related objectives. The CFO should report the annual treasury management and investment strategy, and the associated prudential borrowing indicators to the Council in advance of the financial year. The CFO should

also report quarterly to the Executive and Audit Committee on treasury management performance, and present an annual report on both treasury management and prudential borrowing indicators, setting out full details of activities and performance during the preceding financial year.

19.6 The CFO will meet periodically with the relevant Portfolio Holder to consider and review issues arising from the day to day treasury management activities.

19.7 The Audit Committee is responsible for monitoring the effectiveness of the Council's treasury management procedures and practices.

19.8 The CFO should periodically review the Treasury Management Policy Statement (TMPS) and associated management practices to ensure they continue to comply with relevant statutory and regulatory requirements, and best practice. The CFO should consult the Audit Committee and the Executive on any proposed changes to the TMPS, prior to approval by the Council.

20.0 ASSET MANAGEMENT

20.1 For the purposes of the Financial Procedure Rules, the term asset includes furniture, fittings, vehicles, plant, cash and cash equivalents, and operational equipment. It also includes intangible assets including licences, loans and investments. The acquisition and disposal of all land and property assets is covered by the Property Procedure Rules.

20.2 The CFO will determine the administrative and accounting arrangements for recording the acquisition and disposal of assets, and the maintenance of asset registers.

20.3 Appropriate security measures should be adopted to protect and safeguard the Council's assets, particularly items of high value or those susceptible to theft or damage. This includes protecting the Council's information technology systems from the threat of cyber-attack.

20.4 The Council's assets should only be used for legitimate purposes and to support the delivery of the Council's services and operational activities. Assets should not be made available to third parties or be used for other purposes without the prior approval of the relevant Corporate Director in consultation with the CFO.

20.5 Where required, assets should be appropriately security marked and insured. Corporate Directors are responsible for providing the CFO with the information required in order to arrange the Council's insurance.

20.6 Cash or cash equivalents held on any Council premises should not exceed the sums for which the Council is insured. If necessary for operational reasons, the CFO may approve temporary increases to safe limits and the value of cash or cash equivalents which may be held.

20.7 Assets should only be acquired where there is budgetary provision and the relevant approvals have been obtained. The relevant Procurement and Contract Procedure Rules should also be followed.

20.8 Assets should be properly maintained throughout their useful life. Where an asset is no longer required for operational or investment purposes, it should be disposed of.

20.9 Corporate Directors are responsible for maintaining effective business continuity and disaster recovery plans to mitigate possible loss or damage to the Council's assets.

20.10 Leasing Agreements

20.10.1 Corporate Directors must inform the CFO if they are considering the use of any type of leasing agreement to finance the acquisition of an asset. The CFO is responsible for negotiating and agreeing the terms of all proposed leasing agreements. No lease agreements should be entered into without the approval of the CFO.

20.10.2 Corporate Directors must ensure the terms and conditions of the relevant leasing agreement are complied with, particularly in respect of wear and tear, or the residual condition of the asset at the end of the leasing period.

20.10.3 A full inventory of all leased assets valued over £20,000 must also be maintained by the Corporate Director.

20.10.4 Any assets subject to a leasing agreement must not be disposed of without the prior consent of the CFO. The CFO will be responsible for notifying the lease company of the intended disposal and for obtaining their consent.

20.11 Loans and investments

20.11.1 Corporate Directors must inform the CFO if they are considering making loans to third parties or entering into other types of investment for commercial or non-commercial purposes. The CFO is responsible for negotiating and agreeing the terms of all loan agreements and investments entered into by the Council.

20.12 Disposal of assets (excluding land and property)

20.12.1 The maximum economic benefit for the Council should be obtained for all asset disposals. Prior to the disposal of an asset, Corporate Directors must:

- ensure that the asset is of no use to any other Directorate
- for assets subject to a leasing agreement consult the CFO
- confirm whether the asset was purchased using grant funding, and if so, ensure the disposal and the allocation of proceeds complies with the relevant grant conditions
- notify the CFO of the intention to dispose of any item which might be regarded as a capital asset

20.12.2 If the asset disposal is subject to grant conditions then those conditions will take precedence, otherwise all disposals must follow these rules.

20.12.3 All surplus assets must be sold for the highest price unless the interests of the Council would be better served by disposing of the asset by an alternative method. The expected costs of disposal should be considered as part of any decision. Where an alternative method is used to dispose of an asset for less than its market value then a record must be kept of the options considered and the reason for adopting this approach.

20.12.4 Corporate Directors may dispose of assets subject to the following approvals:

Estimated Disposal Value	Required action / approval
Less than £50,000	N/A
£50,000 - £100,000	Obtain approval of the CFO
£100,001 - £200,000	Obtain approval of the relevant Executive Member
Over £200,000	Obtain approval of the Executive

20.12.5 Corporate Directors may dispose of a number of assets simultaneously if their aggregate estimated disposal value is less than £50,000. If the estimated aggregate disposal value is £50,000 or more then the approvals set out above will apply.

20.12.6 Low value, damaged or obsolete assets with an aggregate estimated market value of less than £5,000, can be disposed of by alternative methods following guidance contained in the Financial Policies and Practices Manual.

20.12.7 A record of all asset disposals should be maintained. Corporate Directors must also consider data protection issues when disposing of assets and ensure compliance with the Council's relevant information security and data protection policies.

20.13 Asset register

20.13.1 The CFO has overall responsibility for maintaining the Council's asset register. The asset register should record details of all assets owned by the Council together with their values. The CFO will determine the categories and values of assets to be recorded in the register. The register should be kept under review and updated as required.

20.13.2 Corporate Directors are responsible for providing any information required to the CFO in order to maintain the asset register, including the details of all asset disposals

20.13.3 The CFO may request confirmation of an asset's existence and current condition from a Corporate Director.

21.0 STOCKS AND INVENTORIES

21.1 The Council holds stocks of various goods and materials to support the delivery of services. It is essential that these stocks and stores are appropriately safeguarded to prevent theft, misuse or damage.

21.2 Corporate Directors are responsible for maintaining written inventories (in a form approved by the CFO) of all stocks of goods and materials, where the aggregate value of those stocks is over £10,000.

21.3 Periodic reconciliations should be undertaken to confirm the completeness and accuracy of the inventory records. An independent check of all inventories should be completed at least annually. All stock discrepancies should be investigated. Any individual stock discrepancies over £10,000 must also be reported to the CFO and HoIA.

21.4 Corporate Directors may arrange for the disposal of unrequired stock or inventory items but should ensure the maximum benefit is obtained for the Council from any disposal. The CFO will provide guidance on appropriate disposal methods. All

disposals of stock and inventories are also subject to the following approvals:

Estimated Disposal Value	Required action / approval
Less than £20,000	N/A
£20,000 - £100,000	Obtain approval of the CFO in consultation with the relevant Executive Member(s)
Over £100,000	Obtain approval of the Executive

21.5 Corporate Directors may also write off stock and adjust for inventory deficiencies subject to the following approvals:

Estimated Disposal Value	Required action / approval
Less than £10,000	N/A
£10,000 - £50,000	Obtain approval of the CFO in consultation with the relevant Executive Member(s)
Over £50,000	Obtain approval of the Executive

22.0 PREVENTING FRAUD AND CORRUPTION

22.1 Fraud and corruption is a significant risk to the Council. Any fraud committed against the Council effectively constitutes a theft of taxpayer's money. It is unlawful and deprives the Council of resources which should be available to provide services to the public. The Council has therefore established a counter fraud function to support the prevention, detection and investigation of possible fraud. The Council will also adopt measures to help deter the risk of fraud, including publicising the outcomes of counter fraud work. The counter fraud function reports to the HoIA.

22.2 For the purposes of the Financial Procedure Rules, the term fraud is used broadly and includes:

- acts which would fall under the definition in the Fraud Act (2006) or any successor legislation
- anything which may be deemed fraudulent in accordance with the generally held view of fraud as causing loss or making a gain at the expense of someone by deception and dishonest means
- any offences which fall under the Council Tax Reduction Schemes Regulations (2013) and the Prevention of Social Housing Fraud Act (2013) or any successor legislation
- any act of bribery or corruption including specific offences covered by the Bribery Act (2010) or any successor legislation
- acts of theft
- any other irregularity which is to the detriment of the Council whether financially or otherwise, or by which someone gains benefit they are not entitled to

22.3 The Council will not tolerate fraud or corruption in the administration of its responsibilities, whether perpetrated by Members, officers, customers of its services, third party organisations contracting with it to provide goods and/or services, or other agencies with which it has any business dealings. There is a basic expectation that Members, employees, and contractors' staff will act with integrity and with due regard to matters of probity and propriety.

22.4 The CFO should ensure that the Council establishes and maintains effective counter fraud and anti-corruption arrangements.

22.5 The Council's arrangements for the prevention, detection and investigation of suspected fraud will be set out in relevant policies, approved by the Audit Committee. The Audit Committee will also review and approve the counter fraud strategy. The HoIA will periodically review the strategy and policies and recommend any necessary changes to the CFO prior to approval by the Audit Committee

22.6 Members and officers should immediately notify the HoIA of any suspected fraud, corruption, error, or wrongdoing, or any circumstances which might suggest the possibility of irregularity in the exercise of any of the Council's functions or related to the delivery of any of the Council's services.

22.7 The HoIA will determine the scope of any fraud investigations, subject to consultation with the CFO, Monitoring Officer, Human Resources and the appropriate Corporate Director as required.

22.8 The HoIA will decide whether any matter under investigation should be referred to the police or other agencies, subject to consultation with the CFO, Monitoring Officer and the appropriate Corporate Director as required.

22.9 As a further deterrent, and to minimise losses, the Council will attempt to recover any losses incurred through civil or legal action. In addition, the Council will seek to apply any appropriate fines or penalties, and recover any costs incurred in investigating and prosecuting cases.

22.10 The Monitoring Officer is the Council's Chief Money Laundering Compliance Officer (CMLCO) and has overall responsibility for monitoring anti-money laundering policy, regulations and procedures. The CMLCO will ensure appropriate procedures for regulated activity are in place and obtain approval of the policy from the Audit Committee. Corporate Directors should inform the CMLCO of all circumstances where regulated activity is likely to be taking place. The CMLCO will ensure that Directorates undertaking regulated activity have appropriate training and risk assessments in place.

22.11 The CLMCO will appoint a Money Laundering Reporting Officer (MLRO) and deputy MLRO. The MLRO is responsible for maintaining the Council's money laundering reporting procedures, raising awareness of possible money laundering issues within the Council and for reporting concerns to the National Crime Agency (NCA) when they arise.

23.0 INCOME AND ACCOUNTS RECEIVABLE

23.1 Effective income collection systems are necessary to ensure that all of the income due to the Council is identified, collected, receipted and banked properly. Where possible income should be collected in advance to improve cash flow and to avoid the risks and costs of debt recovery.

23.2 Fees and Charges

23.2.1 The Council is responsible for approving the fees and charges policy. Any departure from the approved policy requires the approval of the Executive. Unless permitted all fees and charges should be subject to annual review. The CFO will provide detailed guidance on the setting and review of fees and charges. Corporate Directors are responsible for the establishment and ongoing review of fees and charges payable in respect of the services and functions provided by their directorate.

23.2.2 A full list of the current year's approved fees and charges should be made available on the Council's website. The fees and charges for the following financial year should be published on the website by 31 December of the preceding year.

23.2.3 The correct rate of VAT should be applied to all fees and charges.

23.3 Commercial rents

23.3.1 Commercial rents should be reviewed and increased in line with the relevant tenancy agreements. The CFO may authorise the granting of rent-free periods for a maximum of 6 months or rent rebates in specific circumstances subject to consultation with the Monitoring Officer. A record of the decision must be retained where this occurs. The Monitoring Officer should also be consulted on possible subsidy implications if the proposed rent for a commercial property is below the current market rate.

23.4 Housing rents

23.4.1 Housing rents should be set and increased annually in line with the Council's rent policy, relevant tenancy agreements and guidance issued by the Regulator of Social Housing.

23.5 Council Tax and National Non-Domestic Rates

23.5.1 The setting and collection of council tax and non-domestic rates is determined by legislation. The Council will set the annual rate of council tax by dividing the total council tax requirement by the council tax base. The Council may also apply specific levies to fund designated services if permitted by legislation. Other bodies in North Yorkshire including parish and town councils, and the North Yorkshire Police, Fire and Crime Commissioner may raise a precept on the council tax bills raised by the Council.

23.5.2 The CFO is responsible for determining the administrative and accounting arrangements for the Council Tax collection fund. This includes approving the Council Tax base estimates.

23.5.3 As a billing authority, the Council will apply the relevant multiplier to the rateable value of each business property.

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23.6 Grant income

23.6.1 Refer below to section 28 – Grants and External Funding.

23.7 Asset sales

23.7.1 Refer to above section 20 – Asset Management.

23.8 Accounts receivable and the administration of debt

23.8.1 Corporate Directors should agree with the CFO the administrative and accounting arrangements for the collection of each type of income. The collection of income and the recovery of debts will normally be the responsibility of the CFO. Any alternative arrangements for the collection of income require the prior written approval of the CFO.

23.8.2 Where possible income should be paid directly to the Council by bank transfer or through the Council's automated payment systems. Cheques received on behalf of the Council should, as soon as practicable, be banked. The only exception to this arrangement applies to maintained schools operating to the LMS Financial Procedure Rules as defined in section 37 below. Payment by cash is only permitted where alternative methods of payment are not practicable and with the prior written approval of the CFO.

23.8.3 Where a debt remains unpaid the CFO is authorised to agree repayment terms with the debtor or to take other recovery action as appropriate.

23.8.4 The CFO will agree with the Head of Legal Services the arrangements for debt recovery including the process for commencing civil debt recovery through the courts, the recovery of costs and the use of enforcement agents. The specific responsibilities and approach to debt recovery will be included in a debt management policy. The policy will set out expectations for the use of responsible debt collections methods, management of all debts owned by the individual or organisation, and enforcement activities.

23.8.5 Income due to the Council should be banked in full and should not be used to offset payments due by the Council.

23.9 Debt write-off

23.9.1 Debts should only be written off once all reasonable attempts to recover the debt have been exhausted or where it would prove uneconomical to pursue the debt further.

23.9.2 The procedure for writing off debts is:

Value	Required action / approval
Less than £50,000	Approval of the CFO only
£50,000 - £100,000	Approval of the CFO in consultation with the relevant Corporate Director(s)
£100,001 - £200,000	Approval of the CFO in consultation with the relevant Executive Member(s)
Over £200,000	Obtain approval of the Executive

23.9.3 The CFO has the right to refer any proposed debt write off to the Executive for approval.

23.9.4 The CFO will maintain a record of all debts written off each financial year including details of the attempted recovery action taken and the reasons for non-recovery.

23.9.5 Where a number of debts for the same debtor are being written off simultaneously,

the aggregate value of those debts should be used to determine the approval required.

23.9.6 To ensure appropriate separation of duty, officers with responsibility for debt recovery and write off should not be involved in income collection.

23.10 Adjustments

23.10.1 Invoices which have been raised in error or the details are incorrect can be cancelled. The reasons for cancellation must be retained.

23.10.2 To ensure appropriate separation of duty, officers with responsibility for debt cancellation should not be involved in income collection.

23.11 Waiving a charge

23.11.1 In some circumstances it may be appropriate to waive a charge. A waiver should only be granted if the specific charging scheme permits this and there are legitimate and appropriate reasons for doing so. Examples include cases of financial hardship and where there are compassionate reasons for waiving the charge. Corporate Directors may waive charges of less than £10,000. Any waiver over this requires the approval of the CFO. A full record of the reasons for the waiver must also be retained.

24.0 ORDERING AND ACCOUNTS PAYABLE

24.1 All works, goods and services must be ordered in accordance with the Procurement and Contract Procedure Rules.

24.2 Members and Officers must also comply with respective Council rules and arrangements regarding the registration and declaration of any interests which may conflict with their role in Council business.

24.3 The CFO in consultation with the Monitoring Officer is responsible for determining the format of the Council's purchase orders and the associated standard terms and conditions.

24.4 Corporate Directors must use the Council's standard ordering system to raise purchase orders for all works, goods and services. The only exceptions are:

- where the supplier is on the list of exempt suppliers
- the expenditure has been incurred through petty cash or by using a procurement card
- the expenditure was incurred as a result of an emergency and the urgency of the situation would not permit a delay

24.5 All budget holders are responsible for ensuring that orders are only raised where there is an approved budget, and for maintaining proper records to support all purchasing decisions and transactions.

24.6 Purchase orders may only be raised and approved by designated officers, and in accordance with the approved financial management permissions.

24.7 The support and advice of the Corporate Procurement and Contract Management

Team must be obtained for all significant, complex or more specialist purchasing transactions.

24.8 All works, goods and services should be checked to ensure they have been delivered in accordance with the original order. Any discrepancies must be identified and rectified before payment is authorised.

24.9 Invoices should only be approved once officers are satisfied that the correct charges have been applied and the identified works, goods or services have been received. All approvals must be in accordance with the limits set out in the financial management permissions. Where VAT has been charged it is essential that a valid tax invoice is provided by the supplier.

24.10 To ensure adequate segregation of duties, a different officer should authorise the order, confirm receipt and approve the invoice for payment. The CFO may agree alternative procedures for low value orders. Any alternative procedures must be documented and kept under review.

24.11 The CFO will determine the Council's standard payment terms and keep these under review. The CFO may agree different payment terms for small or medium suppliers and where prompt payment would be beneficial for the Council.

24.12 To ensure prompt payment, officers must ensure that invoices are matched to orders and authorised in a timely manner. Unmatched orders and invoices should also be monitored and followed up as required.

24.13 The CFO will establish a procedure for authorising and processing ad-hoc payments where there is no invoice. Such payments will include insurance settlements, grant payments, and fees or subscriptions which need to be paid in advance.

24.14 The CFO is responsible for ensuring all payments are made to the correct person or entity, and for the correct amount. The CFO must establish processes to verify creditor payment details when new suppliers are set up on the accounts payable system and for all subsequent changes. The CFO must also establish processes to identify potentially duplicate payments.

24.15 The CFO is also responsible for ensuring invoice and payment details are properly recorded in the Council's main accounting system and the expenditure is reflected against the relevant budget codes.

25.0 BANKING

25.1 The CFO is authorised to operate any bank accounts considered necessary for the effective management and administration of the Councils' services and functions. All arrangements for the operation, supervision and closure of the Council's bank account(s) will be made by the CFO. Officers must not open bank accounts in the name of the Council unless they are acting on the instructions of the CFO.

25.2 The CFO will also make arrangements for the use and control of procurement cards for the payment of goods and services, and the operation of petty cash imprest accounts. The CFO will prepare specific guidance notes and instructions for both procurement cards and petty cash imprest accounts.

25.3 All bank accounts, petty cash imprest accounts and procurement card statements must be reconciled at least monthly. Any significant variances should be reported to the CFO in a timely manner.

25.4 Officers should be alert to the risks of money laundering and must report any suspicious activity or irregular banking transactions to the Council's designated Money Laundering Reporting Officer (MLRO).

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26.0 PAYROLL AND EXPENSES

26.1 Employee related payroll related expenditure forms a significant part of the Council's budget and must therefore be accounted for correctly and accurately.

26.2 For the purposes of the Financial Procedure Rules, employee related payroll payments include:

- Monthly salaries
- Overtime
- Allowances
- Travel and other expenses
- Pensions (to former employees)
- Redundancy payments and pay in lieu of notice.

26.3 All taxable expenses must be paid through the Council's payroll system. Managers should certify all travel and subsistence claims and ensure that claims are legitimate. Any unexplained discrepancies should be reported to the HoIA.

26.4 For all transactions and payroll related matters, the appropriate documentation and timetables, issued by HR must be followed. Copies of all relevant records should be retained in accordance with the Council's approved document retention period.

26.5 To ensure the Council complies with HM Revenue and Customs IR35, checks must be completed in accordance with agreed HR procedures before payments are made to contractors or agency workers.

26.6 Corporate Directors are responsible for ensuring all new appointments are made in accordance with the Council's approved establishments, grades, scales of pay and that adequate budget provision is available for the current financial year and subsequent years.

26.7 Corporate Directors are also responsible for ensuring all leavers are processed in a timely manner to avoid overpayments occurring.

26.8 The CFO is responsible for ensuring that regular reconciliations are undertaken between the Council's payroll system and the main accounting system (general ledger) to verify the accuracy and completeness of the payroll costing file. A similar reconciliation should be undertaken with the pension system.

27.0 INSURANCE

27.1 The Council should have sufficient and adequate insurance cover to protect itself from the risk of financial claims arising from unforeseen events such as the theft of assets, damage to property, or injury to employees and the public.

27.2 Insurance has been the traditional means for transferring risk and protecting against such losses. By minimising or even preventing the incidence of losses, the Council may benefit from reduced insurance and related administrative costs. Corporate Directors therefore have a responsibility to identify, assess, prevent or contain all significant operational risks within their directorates.

27.3 The CFO is responsible for arranging all insurance on behalf of the Council and for providing advice to the Executive on the level of insurance cover required.

27.4 Corporate Directors must not admit liability or make any offer to pay compensation in respect of any claim. The CFO has sole responsibility for managing and negotiating all claims made against the Council, using specialist claim handlers as required. The CFO may require Corporate Directors to provide information and evidence relevant to any claim.

27.5 The CFO will also determine the level of self-insurance to be accepted for some risks and the value of reserves necessary to adequately fund future liabilities.

27.6 Corporate Directors must notify the CFO of any:

- event or incident which may result in a claim being made against the Council and/or its insurers
- new risks which might require to be insured, together with details of any changed circumstances which might affect existing risks
- other action(s) taken which might affect the Council's current or future insurance arrangements.

28.0 GRANTS AND EXTERNAL FUNDING

28.1 External funding can provide an important source of income to the Council but grant conditions must be carefully examined before any application is submitted or agreement is entered into to ensure they are compatible with the Council's aims and objectives. Grant conditions may also result in the Council committing to future expenditure for which there is no budget provision. A risk assessment must therefore be completed and documented to ensure all potential financial obligations and future liabilities are properly identified.

28.2 The CFO will provide detailed procedural guidance to follow when applying for grant or other external funding, and before any offers of funding are accepted.

28.3 Corporate Directors should consult with the CFO in all circumstances where applications for grants or other external funding are being considered.

28.4 Corporate Directors are permitted to submit applications where the expected funding is £200,000 or less. The limit applies to the aggregate level of funding where the grant is to be paid in instalments. The following approvals are required before applications are submitted where the aggregate funding is expected to be over £200,000:

Estimated Value of Grant	Required action / approval
£200,000 - £500,000	Obtain approval of the CFO in consultation with the relevant Executive Member(s)

Over £500,000	Obtain approval of the relevant Executive Member(s)

28.5 The following approvals are required before any offers of grant or other external funding are accepted:

Value of Grant Offer	Required action / approval
Less than £200,000	Obtain approval of the CFO
£200,000 - £1m	Obtain approval of the relevant Executive Member(s)
Over £1m	Obtain approval of the Executive

28.6 Corporate Directors are responsible for ensuring all grant conditions are complied with and the required approvals and certifications are obtained before submitting claims or returns to the relevant funding bodies.

29.0 PARTNERSHIPS

29.1 The Council provides a leadership role for the community and by working in partnership with other organisations can help to promote or improve the economic, social and environmental well-being of its area. However, working in partnership can also present a number of risks.

29.2 All partnerships with outside bodies (including other local authorities, the NHS, government agencies, education bodies, private sector companies, voluntary sector organisations and community groups) must therefore be properly evaluated before they are entered into, and be supported by appropriate governance, accounting and audit arrangements. No partnership should be considered unless it can be shown that there are clear benefits to the Council and the proposed arrangement is compatible with the Council's aims and objectives

29.3 The form of partnership may also differ. Partnerships involving joint decision making and the sharing of budgets and other resources to deliver services will require a formal agreement. Other partnerships will be more informal and simply provide a forum to share information and to consult on future plans.

29.4 The Council's partnership governance risk assessment must be completed whenever a partnership is being considered. Any proposed arrangement which is assessed as high or medium risk should then be subject to a full assessment using the approved partnership governance guidance and toolkit. In addition, a full assessment must be completed for all cases where the Council's financial contribution to the partnership is expected to exceed £200,000 per annum. In calculating the Council's financial contribution any grant or external funding for which the Council is acting as the Accountable Body should be included in the total.

29.5 Where a partnership is considered to be in the Council's interests, Corporate Directors, in consultation with the CFO and Monitoring Officer, should agree appropriate terms and conditions with the other partner organisation(s). Depending on the form of partnership, Corporate Directors should also comply with the Procurement and Contract Procedure Rules where these apply. The CFO must also be satisfied that the accounting and audit arrangements are appropriate for the size and type of partnership, and the legal framework must be agreed by all the partners.

29.6 Unless otherwise approved by the CFO, the partnership must adopt the Council's Financial, Property, Procurement and Contract Procedure Rules where the Council is to be the designated accountable body.

29.7 Other partnerships will be expected to adopt appropriate governance arrangements.

29.8 The Audit Committee is responsible for monitoring the governance arrangements in place for the Council's key partnerships. The CFO should report to the Audit Committee at least annually on these partnerships.

30.0 ACCOUNTABLE BODY STATUS

30.1 The approval of the CFO must be obtained before the Council agrees to act as the designated accountable body for any partnership or funding arrangement.

31.0 GRANTS TO THE COMMUNITY AND OTHER ORGANISATIONS

31.1 The Council works with many voluntary, community and social enterprise (VCSE) organisations to deliver services and to help achieve the Council's aims and objectives.

31.2 Corporate Directors should refer to the Procurement and Contract Rules when establishing grant schemes or paying grants. Grant conditions must be agreed and communicated to community and other organisations before bids for funding are invited and assessed. The conditions should include provision to recover funding in the event that the conditions are not fulfilled, the rights of audit, and the requirements for document retention.

31.3 The grant recipient must submit evidence of expenditure incurred and the achievement of required objectives in accordance with the published grant conditions.

32.0 COMMERCIAL ACTIVITIES AND INTERESTS

32.1 The Council undertakes a range of commercial activities delivered by in-house services or through arms-length trading companies. These commercial activities are intended to deliver a return on investment and/or provide other added value to the Council. However, there are also financial and other risks associated with trading operations.

32.2 All new proposed trading operations and commercial activities therefore require the preparation of a business case by the relevant Corporate Director and the approval of the CFO before they commence.

32.3 If the trading operation or commercial activity requires the formation of a company then the approval of the Executive is also required.

32.4 The business case should include:

- the key business objectives, and how these fit with the Council's overall aims and objectives
- a full description of the legal powers and financial implications of the trading activity

- a list of the key risks, and how these will be mitigated
- a forecast of income and expenditure (including estimates of overhead costs) for the next three years
- the proposed accounting, audit and governance arrangements

32.5 The CFO will determine the minimum financial reporting requirements for the trading operation or commercial activity. The Monitoring Officer, in consultation with the CFO, will determine the legal and governance framework of the trading operation or commercial activity where it is delivered through a company. Each trading operation should prepare an annual business plan which includes a budget or financial forecast, objectives and targets. Performance against these objectives and targets should be reported regularly throughout the year.

32.6 The performance of Council owned companies should be reported to the Shareholder Committee at least annually.

32.7 Any proposed loan or grant by the Council to a trading operation or commercial activity requires the approval of the CFO. The approval of the Executive is also required if the loan or grant is over £500,000. Where a number of loans or grants have been made in a financial year then the aggregate value should be used to determine the approval required.

32.8 The CFO, in consultation with the Monitoring Officer, should report any concerns about the financial management of a trading operation or commercial activity to the Audit Committee, Shareholder Committee and/or the Executive as deemed appropriate.

33.0 HARBOUR ACCOUNTS

33.1 The CFO will determine the administrative and accounting arrangements for Scarborough and Whitby harbours, including the use of earmarked reserves and the apportionment of costs and other recharges from the general fund.

33.2 The CFO is responsible for preparing an annual income and expenditure statement for both harbours.

34.0 DEVELOPER CONTRIBUTIONS

34.1 Financial and non-financial contributions from developers support investment in infrastructure and the provision of public amenities within local communities. Contributions can be secured by way of Section 106 agreements (Town and Country Planning Act 1990) or through Community Infrastructure Levy (CIL) planning charges.

34.2 The Council's Planning and Development Service is responsible for monitoring s106 agreements and for ensuring any financial contributions are received once the relevant planning conditions are met.

34.3 The CFO is responsible for recording all financial contributions received and for establishing processes to monitor the use of the funding. The Planning and Development Service will ensure financial and non-financial contributions are used for their intended purpose and in accordance with the Council's policies. This will include consulting with relevant agencies and elected members as required.

34.4 The CFO is also responsible for publishing an annual Infrastructure Funding Statement (IFS), showing the value of CIL charges and s106 contributions collected, the total expenditure incurred on related infrastructure and public amenities, and the purposes for which the funding was used.

35.0 HOUSING REVENUE ACCOUNT

35.1 The Council is a housing landlord and provides properties for use by its tenants. The housing revenue account is a ring-fenced account within the Council's general fund which is used to record all income and expenditure in respect of the Council's housing stock and related services.

35.2 The long-term strategic aims and objectives for the management of the Council's housing stock will be set out in a 30-year Housing Revenue Account (HRA) business plan. The HRA business plan will include details of investment and funding plans.

35.3 The CFO will determine the administrative and accounting arrangements for the housing revenue account subject to all relevant statutory provisions and any guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC).

35.4 The CFO will provide guidance on the apportionment of support and overhead costs between the general fund and housing revenue account. Any apportionment of costs must be fair to both council tenants and council tax payers.

35.5 The CFO is responsible for ensuring any borrowing for housebuilding is undertaken in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code of Practice and the Council's approved prudential borrowing indicators.

36.0 MAINTAINED SCHOOLS

36.1 To reflect their particular circumstances, separate financial procedures are in place for maintained schools. These are the LMS Financial Procedure Rules and LMS Procurement and Procedure Rules. These rules preserve the essence of the Council's Financial, Procurement and Contract Procedure Rules but are adapted to reflect the specific arrangements applying in maintained schools.

36.2 Where this creates possible conflict or doubt, the Financial Procedure Rules and Procurement and Contract Procedure Rules will take precedence.

36.3 The School Finance Manual contains more detailed information in relation to particular areas such as budgets and forecasting, banking arrangements, accounting for VAT and charging for school activities.

37.0 VOLUNTARY FUNDS

37.1 A voluntary fund is any fund which is held or controlled by the Council as trustee for the benefit of a third party and/or for a specified purpose.

37.2 The CFO should be informed of the purpose and nature of all voluntary funds maintained or managed by officers.

37.3 Annual accounts should be prepared for all voluntary funds. The accounts should be

examined by a competent person independent of the fund or subject to an audit (if specifically required by the Charity Commission or CFO).

37.4 A copy of the annual accounts and relevant independent examiner's report or audit report should be provided to the CFO within 9 months of the financial year end. The CFO is entitled to undertake further checks, request additional information or to require a full audit of the fund if considered necessary.

37.5 Voluntary funds registered with the Charity Commission must also comply with all statutory registration, governance and reporting requirements. These include the preparation and submission of an annual return within the required timescales. Copies of the independent examiner's report or audit report should also be submitted if the annual income of the fund exceeds prescribed limits.

38.0 COURT OF PROTECTION

38.1 The Court of Protection makes decisions about how the financial affairs of people who lack mental capacity will be managed. The Council may apply to the Court of Protection to be appointed as a Deputy or Appointee where a person has no close family members or anyone else suitable to undertake these roles.

38.2 The CFO is responsible for maintaining appropriate administrative and accounting arrangements for managing the assets and funds of people where the Council has been appointed as a Deputy or Appointee. The CFO will also maintain a scale of charges in accordance with Court of Protection guidelines for providing these services.

39.0 DOCUMENT RETENTION

39.1 All financial and accounting documents must be retained in accordance with the Council's approved document retention period. The CFO is responsible for determining the minimum document retention periods for all finance related documents.

39.2 If the retention period is not stated then any accounting records should be retained for a minimum period of 6 years following the relevant financial year.

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. 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 8.3**
CM	means the Contract Manager who is responsible for the contract management role on behalf of the Council
Concession	means as defined in Regulation 3(4) of the Concession Contracts Regulations 2016
Constitution	means the Council's Constitution of which these Rules form part
Contract	means any agreement, 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 17.8**
Contractor	means a person or entity with whom the Council has a contract

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Council	means 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 ofEnvironment; 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 16.1** to be signed and kept by the relevant Director
DMT	means the Directorate Management Team
Electronic Signatures	means an advanced electronic signature which is: (i) uniquely linked to the signatory; and (ii) capable of identifying the signatory; and (iii) created using means that the signatory can maintain under his/her sole control; and (iv) linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.
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: (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

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	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
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
MEAT	means the Most Economically Advantageous Tender
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 Manual	means the manual to accompany these Rules which provides detailed guidance on procurement techniques and the effect of the Rules

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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
Responsible Officer	means the Officer 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
Scheme of Delegation	means a record of all duties and responsibilities as delegated under these Rules which is to be maintained by each Director, the S151 S151 Officer and the Monitoring Officer
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 £213,477.00 inclusive of VAT for services and supplies £663,540.00 inclusive of VAT for social and other specific services and £5,336,937.00 for works inclusive of VAT
Waiver Request Form	means the prescribed form to be completed when requesting a waiver in accordance with **Rule 16.4**
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 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 9.5, 16.1 (g) and (h), 16.3(b)**
(ii) S151 Officer - **Rules 2.1, 16.1 (h), 16.3(b),**
(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 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.

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 9.3 of the Financial Procedure Rules.

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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.

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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 1-4**, below, the award procedure in the second column must be followed.

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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 For the purposes of the Transparency Procedures set out in **Tables 1-4** below, the Responsible Officer must also consider the Key Decision criteria set out in Article 13.03(b)(i) of the Constitution when determining whether the procurement comprises a Key Decision.

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

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£0 - £20,833 exclusive of VAT	Quotes should be invited or the Best Value Form process followed in accordance with **Rule 8**. Does not need to be advertised using the E-Sourcing system or Contracts Finder	The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded above £5,000 to enable the contract to be published on Contracts Register	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
£20,834 - £50,000 – exclusive of VAT	Quotes should be invited or the Best Value Form process followed in accordance with **Rule 8**.	The Responsible Officer will notify the Procurement and Contract Management Service of any	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined

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Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
	Where Quotes are being sought these must be published to Contracts Finder.	Contract awarded between £20,834 - £50,000 exclusive of VAT to enable the contract to be published no the Contracts Register.	in the Scheme of Delegation).
£50,000 exclusive of VAT up to WTO GPA Threshold (currently £213,477.00, inclusive of VAT)	Bids must be invited in accordance with **Rule 9**. These must be advertised using the E-Sourcing system and published to Contracts Finder.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 exclusive of VAT or above. Contracts must be published on the Contracts Register.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
Above WTO GPA Threshold (currently £213,477.00, inclusive of VAT)	Follow the appropriate procedure as set out in **Rules 11 and 12**. Approval must be sought through the Gateway Process.	The Responsible Officer must complete the Decision Record process. Where applicable, the Responsible Officer must complete the Key Decision process. Contracts must be published on the Contracts Register.	Two signatures: The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation). **AND** The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf, as defined in the Scheme of Delegation). Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf, as defined in the Scheme of Delegation) in accordance with **Rule 6**.

Table 2: Works and Concessions

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Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£0 - £20,833 exclusive of VAT	Quotes should be invited or the Best Value Form process followed in accordance with **Rule 8**. Does not need to be advertised using the E-Sourcing system or Contracts Finder	The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded above £5,000 to enable the contract to be published on Contracts Register.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
£20,834 - £50,000 – exclusive of VAT	Quotes should be invited or the Best Value Form process followed in accordance with **Rule 8**. These must be published to Contracts Finder.	The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded between £20,834 - £50,000 exclusive of VAT to enable the contract to be published to Contracts Finder.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
£50,000 exclusive of VAT up to <£1,000,000 exclusive of VAT	Bids must be invited in accordance with **Rule 9**. These must be advertised using the E-Sourcing system and published to Contracts Finder.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 exclusive of VAT or above. Where applicable, the Responsible Officer must complete the Key Decision process. Contracts must be published on the Contracts Register.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).

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Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£1,000,000 up to WTO GPA Procurement Threshold (currently £5,336,937 inclusive of VAT for Works)	Bids must be invited in accordance with **Rule 9**. These must be advertised using the E-Sourcing system and published to Contracts Finder. For Contracts with a value of £1,000,000 or greater approval must be sought through the Gateway Process.	The Responsible Officer must complete the Key Decision process. Contracts must be published on the Contracts Register.	Contracts with a value in excess of £1,000,000 exclusive of VAT must be sealed by Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf, as defined in the Scheme of Delegation) in accordance with **Rule 6**.
Above WTO GPA Threshold (currently £5,336,937 inclusive of VAT for Works)	Follow the appropriate Procedure as set out in **Rules 11 and 12**. Approval must be sought through the Gateway Process.	The Responsible Officer must complete the Key Decision process. Contracts must be published on the Contracts Register.	Contracts must be sealed by Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf, as defined in the Scheme of Delegation) in accordance with **Rule 6**.

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Table 3: Social & Other Specific Services

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£0 - £20,833 exclusive of VAT	Quotes should be invited or the Best Value Form process followed in accordance with **Rule 8**. Does not need to be advertised using the E-Sourcing system or Contracts Finder	The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded above £5,000 to enable the contract to be published on Contracts Register	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
£20,834 - £50,000 – exclusive of VAT	Quotes should be invited or the Best Value Form process followed in accordance with **Rule 8**.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).

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Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
	These must be published to Contracts Finder.	exclusive of VAT or above. Where applicable, the Responsible Officer must complete the Key Decision process Contracts must be published on the Contracts Register.	

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Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£50,000 up to WTO GPA Threshold (currently £663,540 inclusive of VAT)	Bids must be invited in accordance with **Rule 9**. These must be advertised using the E-Sourcing system and published to Contracts Finder.	The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 exclusive of VAT or above. Where applicable, the Responsible Officer must complete the Key Decision process. Contracts must be published on the Contracts Register.	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).
Above UK Procurement Threshold (currently £663,540)	Follow the appropriate procedure as set out in **Rules 11 and 12**. Approval must be sought through the Gateway Process.	The Responsible Officer must complete the Key Decision process. Contracts must be published on the Contracts Register.	Two signatures The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation). **AND** The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf, as defined in the Scheme of Delegation). Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf, as defined in the Scheme of Delegation) in accordance with **Rule 6**.

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Table 4: Grants awarded by the Council

Total Grant Value	Award Procedure	Signature/Sealing
Any value	A competitive application process should be completed in accordance with **Rule 22**. Where the value exceeds the thresholds set out in rule 18.2 the Gateway Process must be completed.	Sealing Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf, as defined in the Scheme of Delegation) in accordance with **Rule 6** (unless signing is agreed by Monitoring Officer

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 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 18** 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 excluding 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

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This should be advertised using the E-Sourcing system.¶
The use of Contracts Finder is not mandatory.

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The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).

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A competitive process must be completed.¶
The opportunity must be advertised using the E-Sourcing system.¶
The use of Contracts Finder is not mandatory.

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The Director (or by an Officer authorised by the Director to sign on the Directors behalf, as defined in the Scheme of Delegation).¶
AND¶
The ACE(LDS) (or by an Officer authorised by the ACE(LDS) to sign on his behalf, as defined in the Scheme of Delegation).¶
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Sealing (where appropriate)¶
ACE(LDS) (or by an Officer authorised by the ACE (LDS) to sign on his behalf, as defined in the Scheme of Delegation) in accordance with **Rule 6**.

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(b) UK Law¶
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(c) Acts of Parliament¶
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(d) Statutory Instruments including, but without limitation, the Public Contracts Regulations 2015.¶

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UK Standards¶
¶
British Standards implementing international standards¶
¶
(c) British Standards

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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 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 1-4** and **Rule 1.3(e)** provided that:-

(a) appropriate authority exists for the Council to enter into the Contract, and

(b) the Contract is either:-

(i) in a nationally recognised form, or

(ii) a standard form prepared or approved by the 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 Monitoring Officer, electronic Deeds may be executed by 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.

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Deleted: 5.4 written form of agreement for all Contracts exceeding £25,000 excluding VAT in value must include the following or equivalent wording:-¶
¶
(a) "If the Contractor:-¶
¶
(i) Has offered any gift or consideration of any kind as an inducement or disincentive for doing anything in respect of this Contract or any other Contract with the Council, or¶
¶
(ii) Has committed any offence under the Bribery Act 2010, or¶
¶
(iii) Has committed an offence under Section 117 (2) of the Local Government Act 1972¶
¶
the Council may terminate the Contract immediately and will be entitled to recover all losses resulting from such termination".¶
¶
(b) "If the Contractor is in persistent and/or material breach of contract the Council may terminate the Contract and purchase the Supplies, Works, Services or Social and Other Specific Services from a third party and the Council may recover the cost of doing so from the Contractor." ¶
¶
5.5 The standard clauses contained in the Procurement Manual relating to the Freedom of Information Act 2000 and the Data Protection Act 2018 shall, wherever possible, be included in all Contracts.¶
¶
5.6 Other standard clauses are contained in the Procurement Manual relating to, for example, equalities, the Public Services (Social Value) Act 2012, sustainability and best value; these are not mandatory for each such written agreement referred to in **Rule 5.4** above, but should be included where appropriate.¶

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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 Corporate Director Business and Environmental Services shall consider appropriate except where: -

(a) the identity of the developer renders the need for a bond unnecessary, or

(b) adequate alternative security is provided, or

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

8. QUOTES

8.1 Where the estimated value of a Contract is £50,000 exclusive of VAT or less (taking into account the whole life cost of the Contract, including extensions and/or variations) a minimum of three quotes should be sought. There is no requirement to advertise the opportunity using the E-Sourcing system. Where the estimated value of a Contract is £20,834 exclusive of VAT or more (taking into account the whole life cost of the Contract, including extensions and/or variations) it must be published on Contracts Finder.

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

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8.3 If three quotes are not sought, the Contract may be directly awarded using the Best Value Form. It is the Officer's responsibility to complete the Best Value Form.

9. BIDS

9.1 If the estimated value of a Contract exceeds £50,000 exclusive 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**. A notice advertising the opportunity shall be published through the ESourcing 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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9.2 All potential Contractors invited to submit bids shall be provided in all instances with identical information and instructions. Where considered appropriate, Directors may permit potential Contractors who have been invited to submit bids under **Rule 9.1** to also submit variant bids (i.e. bids which do not comply with some or all of the requirements of the primary bid). The same opportunity to submit variant bids must be given to all potential Contractors.

9.3 A written bid may only be considered if:-

(a) it has been received electronically through the E-Sourcing System, or

(b) (where permitted in exceptional circumstances) it has been received in a sealed envelope marked "Bid" and indicating the subject matter of the bid; and

(c) it has been opened after the expiry of the deadline for submissions and at the same time as other bids for the same subject matter in the presence of at least two Officers authorised to open bids.

9.4 Before bids with a value in excess of £50,000 exclusive of VAT 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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9.5 If a bid other than the lowest or the most economically advantageous bid is to be accepted, the written approval of the Director (in consultation with the 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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9.6 A bid cannot be accepted where the value exceeds the relevant WTO GPA Procurement Threshold. If the value of the bid exceeds the relevant WTO GPA Procurement Threshold a Director must seek tenders in accordance with **Rules 11 and 12**.

9.7 Before a Contract is awarded after a bid exercise such steps shall be taken by the Responsible Officer, as are reasonably necessary (having regard to the subject matter, value, duration of the Contract and other relevant factors) to complete a risk assessment of the potential Contractor's financial stability.

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

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

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

10. POST BID NEGOTIATION AND CLARIFICATION

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

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

(a) post tender negotiations are permitted by law; and

(b) the Director in consultation with the HoP considers that added value may be obtained; and

(c) post bid negotiations are conducted by a team of suitably experienced Officers approved by the Director and who have been trained in post bid negotiations; and

(d) a comprehensive, written record of the post bid negotiations is kept by the Director; and

(e) a clear record of the added value to be obtained as a result of the post bid negotiations is incorporated into the Contract with the successful Participant.

10.3 **Rules 10.1 and 10.2** shall not operate to prevent clarification of all or part of any bid to the extent permitted by law and where such clarifications are sought the provisions of **Rules 10.2(c) and 10.2(d)** shall apply, except that the word “clarification” shall be substituted for the word "negotiation" in these Rules.

11. ABOVE THRESHOLD PROCESS

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

General Requirements

11.2 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.

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

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

11.5 Where considered appropriate, the HoP may, in consultation with the SCM, permit Participants to submit variant Above Threshold 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.

11.6 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.

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

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

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

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12. OPTIONS FOR ABOVE THRESHOLD PROCESS

12.1 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 Procurement Threshold (i) the Open Procedure (as prescribed by Regulation 27)

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(ii) the Restricted Procedure (as prescribed by Regulation 28)

(iii) the Competitive Procedure with Negotiation (as prescribed by Regulation 29)

(iv) the Competitive Dialogue Procedure (as prescribed by Regulation 30)

(v) the Innovation Partnership Procurement (as prescribed by Regulation 31)

(vi) use of the Negotiated Procedure without prior publication (as prescribed by Regulation 32)

(vii) Social and Other Specific Services (Light Touch Regime) (as prescribed by Regulations 74-76)

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

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

(i) Framework Agreement (as prescribed by Regulation 33)

(ii) Dynamic Purchasing System (as prescribed by Regulation 34)

(iii) Electronic auctions (as prescribed by Regulation 35)

(iv) Electronic catalogues (as prescribed by Regulation 36).

13. RECEIPT AND OPENING OF ABOVE THRESHOLD TENDERS

13.1 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 13.4**) it has been received by the Above Threshold Tender closing date and time.

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

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13.3 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.

13.4 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).

13.5 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) or, where the

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Procurement and Contract Management Services is undertaking the procurement, the Monitoring Officer (or an Officer designated).

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

14.2

14.2 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.

14.3 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.

14.4 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.

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

15. CERTIFICATION OF CONTRACTS

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

16. EXCEPTIONS TO PROCUREMENT AND CONTRACT PROCEDURE RULES

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Deleted: Only in circumstances where an Above Threshold Tender is agreed by the CD-SR to be an abnormally low tender in accordance with the PCR's can an Above Threshold Tender other than the MEAT be accepted. In those circumstances a signed and dated record of the reasons for the action taken shall be made within the Gateway Process (Gate 3).¶

¶

14.3 If, as a result of the Above Threshold Tender evaluation process the HoP is satisfied that an arithmetical error has been made inadvertently by a Participant such an error may, after clarification with the Participant, be corrected. The HoP shall record any such clarification in writing through the E-Sourcing System.¶

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

(a) purchases via Framework Agreements which have been established either by the Council or by other public sector bodies or consortia (including, but not limited to PSBOs) and where such framework agreements are lawfully accessible to the Council. Contracts awarded from such Framework Agreements shall be awarded in accordance with the provisions of that Framework Agreement; or

(b) the instruction of Counsel by the Monitoring Officer; or

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(c) where funding is received by the Council, either in its own right or as an accountable body, and the terms of such grant or other external funding state that it must be applied in accordance with those terms; or

(d) purchases at public auctions (including internet auction sites, e.g. Ebay) where the Director is satisfied that value for money will be achieved; or

(e) the purchase of Supplies, Works, Services or Social and Other Specific Services which are of such a specialised nature as to be obtainable from one Contractor only; or

(f) repairs to or the supply of parts for existing proprietary machinery or plant where to obtain such supplies from an alternative supplier would invalidate the warranty or contractual provisions with the existing supplier; or

(g) Social or Other Specific Services Contracts where:-

(i) the service is currently supplied by a Contractor to the satisfaction of the relevant Corporate Director, is considered to be offering value for money and where the foreseeable disruption to service users cannot justify the invitation of further bids, or

(ii) the service is of a specialist or personal nature and where service users must be involved in the selection of the Contractor and where the Corporate Director Health and Adult Services and the Corporate Director Children and Young People's Service considers it inappropriate for bids to be invited, or

(iii) where the relevant Corporate Director is satisfied that the urgency of the need for the service prevents the invitation of bids in which case consideration shall be given to the duration of that service; or

(h) Contracts where the Director with the agreement of the HoP agree that for reasons of extreme urgency brought about by unforeseeable events unattributable to the Council, the timescales for obtaining bids cannot be met. A written record shall be signed and dated by the Director, whenever this Rule applies.

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

16.3 The Director does not need to invite Bids in relation to Pilot schemes where below WTO GPA threshold – in relation to a proof of concept / trialling a product or area of innovation.

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

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

(b) where:

(i) Regulations 12 or 72 of the PCRs apply; or

(ii) any other specific exclusions as set out in the PCRs apply;

and the Monitoring Officer, the relevant Director and S151 Officer are in agreement. A written record shall be signed and dated whenever this Rule applies and the Procurement and Contract Management Service shall maintain a register of such written records.

Waivers

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

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

16.7 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.

17. COMPLIANCE, CONTRACT REGISTER AND FORWARD PROCUREMENT PLANS

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

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

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

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

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

17.6 The Council maintains a Contract Register the purpose of which is to record key details of all Contracts with an aggregate value of £5,000 exclusive of VAT or more.

17.7 All Responsible Officers will notify the Procurement and Contract Management Service of any Contract awarded below £5,000 exclusive of VAT. The Responsible Officer will use the format prescribed by the Procurement and Contract Management Service and report this information quarterly.

17.8 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

17.9 When a Procurement leading to a Contract in excess of £5,000 exclusive 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.

Deleted: 17.5 SCMs are responsible for the production of a spend category FPP which will be completed in such format as the HoP shall require.¶
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17.6 The SCMs shall each present an updated category FPP to the relevant directorate management teams every 6 months for approval

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

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

Table 5: Gateway Process - Authorisation to Approve

Gateway Process gate	Approval process
Gate 1 – Commissioning and Procurement Options Appraisal (includes Grants)	PAB **AND** The relevant Director or delegated Assistant Director **AND** Finance - S151 Officer or delegated Assistant Director **AND** The Monitoring Officer

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Gate 2 – Authorisation of Documents	An Officer from the Procurement and Contract Management Service **AND** SCM
Gate 3 – Contract/ Grant Award	PAB **AND** The relevant Director or delegated Assistant Director **AND** Finance - S151 Officer or delegated Assistant Director
Gate 4(a) – Contract / Grant Extension/Variation	PAB **AND** The relevant Director or delegated Assistant Director **AND** Finance - S151 Officer or delegated Assistant Director **AND, *where appropriate*** Monitoring Officer *– only in cases where the extension is not part of the original Contract.*
Gate 4(b) – Contract/ Grant Termination (during the contract period)	PAB **AND** The relevant Director or delegated Assistant Director **AND** Finance - S151 Officer or delegated Assistant Director **AND** Monitoring Officer

18.2 The whole contract financial value thresholds for the purposes of **Rule 18.1** are:

(a) Works and Concession Contracts - £1,000,000.00 exclusive of VAT

(b) Social and Other Specific Services Contracts - £663,540.00 inclusive of VAT

(c) Goods and Services contracts - £213,477.00 inclusive of VAT.

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

19. CONTRACT MANAGEMENT

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

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Deleted: 18.3 Where an existing Framework is the proposed procurement route, the Gateway Process in Rule 18 shall apply. N

Deleted: o action leading towards procurement, including any steps to undertake a further competition under an existing PSBOs framework arrangement or other legally compliant framework agreement accessible by the Council, shall be undertaken until confirmation of the process has been given under the terms set out in **Rule 18.1.**¶

Gateway Process report (Gate 4). 19.2 Where appropriate the Responsible Officer involved in contract management shall have received a level of formal training commensurate with the nature of the contract.

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

Contract Variation

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

19.5 Contracts with a value in excess of the relevant WTO GPA Procurement 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 18.1**, (Table 5 - Gateway Process - Authorisation to Approve Gate 4a).

Contract Termination

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

20. TRAINING FOR PROCUREMENT

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

21. DECLARATION OF INTERESTS

21.1 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).

21.2 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. GRANTS

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Such records shall also be used on the basis for any permitted extension to the Contract.¶

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22.1 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.

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¶
There is the legal power to make a grant for the purpose envisaged;¶
It does not contravene UK rules on subsidy control.

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

22.2 A competitive grants process should be completed and subsidy control law complied with. Where appropriate, the opportunity should be advertised on the Council's ESourcing system.

22.3 Where the value of a grant exceeds the relevant WTO GPA Procurement Threshold, or £1M for works, the Gateway Process shall be completed in accordance with **Rule 18**.

22.4 Specific exceptions to **Rule 22** are permitted in circumstances as the Monitoring Officer and CD SR may agree.

22.5 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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23. HIRING AND ENGAGING STAFF

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

Staff Employment Procedure Rules

CONTENTS

1. Recruitment and Appointment: general
2. Appointment of Head of Paid Service
3. Appointment of Chief Officers
4. Other Appointments
5. Right of the Leader to object to proposed senior appointments

5A. Appraisal of the Chief Executive Officer

6. Disciplinary Action and Dismissal
7. Interests of Officers in Contracts
8. Equalities Policy
9. Interpretation of Rules 5 and 6

These Rules include the Council's Standing Orders with respect to staff in accordance with Section 8 of the Local Government and Housing Act 1989.

Staff Employment Procedure Rules

1. Recruitment and appointment: general

(a) Except where Rule 3 below applies, all vacancies for staff for the Council, not being at a weekly wage, unless they are to be filled by promotion or transfer, shall be publicly advertised, except where the Council otherwise determine; provided that if a similar vacancy occurs within six months of the filling of a vacancy which has been publicly advertised, then, subject to a qualified person having applied, one of the former applicants may be appointed without advertisement. This Rule shall not apply to teachers, nor to staff on the establishment of schools with delegated budgets under the Council's schemes for Local Management of Schools (in respect of whom, LMS Standing Orders shall be observed).

(b) A candidate for any appointment under the Council shall when making application disclose in writing to the Director/Head of Unit concerned whether to their knowledge they are related to any member of, or to any senior Officer of the Council, and a candidate who fails so to do shall be disqualified for such appointment and, if appointed, shall be liable to dismissal without notice.

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(c) Where relationship to a Member or Senior Officer is disclosed, the relevant provisions of the Members/Officers Code of Conduct shall apply.

(d) For the purpose of this Rule "Senior Officer" means any employee of the Council who is graded at or above SM1 or its monetary equivalent, and persons shall be deemed to be related if they are husband and wife, or if either of them or the spouse of either of them is the brother or sister, son or daughter, grandson or grand-daughter, or nephew or niece of the other, or of the spouse of the other.

(e) Where powers with respect to an appointment under the Council are exercisable by a Board of Governors or other body, any reference in paragraphs (b), (c) and (d) of this Rule to the Council shall be construed as including a reference to that body and any reference to Director/Head of Unit concerned shall be construed as a reference to the Chief Administrative Officer of that body.

(f) The purport of this Rule shall be included in every form of application supplied for use by candidates or, in the event of no form of application being supplied, shall be communicated to the candidate in writing.

(g) If a candidate for any appointment under the Council canvasses Members, or Members of any committee, either directly or indirectly they shall thereby be disqualified for appointment. The purport of this paragraph shall be included in any form of application supplied for use by candidates or, in the event of no form of application being supplied, shall be communicated to the candidate in writing.

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(h) A Member shall not solicit for any person any appointment under the Council, or recommend any person for such appointment or for promotion but this paragraph shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council, or to a committee, with an application for appointment, or from speaking and voting in support of a candidate's claims at a meeting of the Council or a committee.

2. Appointment of Head of Paid Service

The Head of Paid Service (i.e. the Chief Executive Officer) shall be appointed according to the provisions of Rule 3 below, save that:-

- references in Rule 3 to functions being performed by the Chief Executive Officer shall be read as those functions being performed by the first named of the following Officers who is available to act and not themself a candidate: Corporate Director ofEnvironment, Corporate Director of Resources, Assistant Chief Executive HR and Business Support;
- references to functions being performed by a sub-committee of the Chief Officers Appointments and Disciplinary Committee shall be read as those functions being performed by the committee itself; and
- the Council must approve the appointment before an offer of appointment is made.

3. Appointment of Chief Officers

(a) Whenever a vacancy occurs amongst the Chief Officers, the Chief Executive Officer shall consult with the Leader, the relevant portfolio holder and group spokespersons on the relevant overview and scrutiny committee to decide whether the Council should be requested to consider and approve the duties and salary of the post before the post is filled. Pending any such reconsideration by the Council and the filling of the post, the Chief Executive Officer may, if they think fit, appoint some person within the establishment to discharge temporarily the duties of the post until a successor is appointed.

(b) Where it is proposed to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among existing Officers of the Council, the Chief Executive Officer shall, after consultation with the Leader, the appropriate portfolio holder and group spokespersons on the relevant overview and scrutiny committee:

(i) draw up a statement specifying:-

(1) the duties of the Officer concerned; and

(2) any qualification or qualities to be sought in the person to be appointed;

(ii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

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(iii) make arrangements for a copy of the statement mentioned in paragraph (i) to be sent to any person on request.

(c) (i) Where a post of Chief Officer has been advertised, the Chief Officers Appointments and Disciplinary Committee shall appoint a sub-committee to:-

(1) interview all qualified applicants for the post; or

(2) select a short list of such qualified applicants and interview those included on the short list.

(ii) Where no qualified person has applied, further arrangements for advertisement shall be made in accordance with (b) above.

(d) All permanent appointments as a Chief Officer shall, unless the Council otherwise directs, be made by the sub-committee referred to in (c) above, and shall be reported to full Council at the first available opportunity.

(e) Both the Chief Officers Appointments and Disciplinary Committee, and any sub-committee appointed under (c) above, must include at least one Member of the Executive.

(f) The determination of the remuneration and other terms and conditions which shall apply to a Chief Officer post on appointment must comply with the Pay Policy Statement, provided that if it is proposed to make an appointment on terms and conditions which do not comply, the matter shall be referred to full Council for consideration as to whether the Pay Policy Statement should be amended prior to a final offer being made to any candidate.

(g) Any amendments proposed to Chief Officer remuneration and other terms and conditions, which would comprise an amendment to the Pay Policy Statement, shall be considered by the Chief Officers Appointments and Disciplinary Committee (or, in the case of Assistant Directors and Assistant Chief Executives, by the Chief Executive Officer) and recommended by them to full Council for approval.

(h) The Director of Public Health must be appointed jointly by the Council and the Secretary of State.

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4. Other appointments

Officers below Chief Officer. Appointment of Officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee, and may not be made by Councillors.

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5. Right of the Leader to object to proposed senior appointments

(a) This Rule applies* to:

- all Chief Officers including the Chief Executive Officer and all Corporate Directors;
- all Assistant Chief Executives;
- the Staff Officer to the Chief Executive Officer;
- all staff (other than those undertaking purely clerical secretarial and support services) who report directly to the Corporate Directors, the Assistant Chief Executives and Staff Officer to the Chief Executive Officer.

(b) An offer of appointment as an officer to whom this Rule applies shall not be made until:

(1) the person or body wishing to make the appointment ("the appointor") has notified the Assistant Chief Executive HR and Business Support of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

(2) the Assistant Chief Executive HR and Business Support has notified every member of the Executive of the authority of -

(i) the name of the person to whom the appointor wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointor has notified to the Assistant Chief Executive HR and Business Support; and

(iii) that within three clear working days any objection to the making of the offer may be made by the Executive Leader on behalf of the Executive to the Assistant Chief Executive HR and Business Support; and

(3) either

(i) the Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither the Leader nor any other member of the Executive has any objection to the making of the offer;

(ii) the Assistant Chief Executive HR and Business Support has notified the appointor that no objection was received by them within that period from the Executive Leader; or

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(iii) the appointor is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

5A. Appraisal of the Chief Executive Officer

(a) On an annual basis a formal appraisal of the Chief Executive Officer shall be carried out by the Leader of the Council. The appraisal shall be conducted following consultation by the Leader with the members of the Executive and the leaders of the political groups upon the Council.

(b) Where the outcome of the appraisal will affect the terms and conditions of the Chief Executive Officer, the matter will be referred to the Chief Officers Appointments and Disciplinary Committee for it to determine any necessary changes to such terms and conditions (as the power to determine the terms and conditions on which staff hold office is a non-executive function).

NOTE 1: for the avoidance of doubt, issues such as the award (or non-award) of an increment within the grade band of the Chief Executive Officer will not amount to a change in their terms and conditions necessitating a referral to the Chief Officers Appointments and Disciplinary Committee.

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(c) Where, on appraisal of the Chief Executive Officer, the Leader and/or the Chief Officers Appointments and Disciplinary Committee determines that an increment should not be awarded, the Chief Executive Officer will have a right of appeal to the Employment Appeals Committee.

6. Disciplinary Action and Dismissal

(a) [Not used.]

(b) The function of dismissal of, or taking disciplinary action against any member of staff below Chief Officer must be discharged on behalf of the Council by the Head of Paid Service or by an officer nominated by them; and Councillors will not be involved in the dismissal of, or disciplinary action against any Officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow Member involvement in respect of certain appeals against disciplinary action.

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(c) Where a Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of dismissing the Head of Paid Service, the Monitoring Officer or the Section 151 Officer, the Council must approve that dismissal before notice of dismissal is given after taking into account, in particular:

(a) any advice, views or recommendations of the Chief Officers Disciplinary Panel;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the Head of Paid Service, the Monitoring Officer or the Section 151 Officer.

The Chief Officers Disciplinary Panel must include at least two independent persons appointed under section 28(7) of the Localism Act 2011. Appointments to the Panel must be made at least 20 working days before the relevant Council meeting.

(d) Where a Committee or Sub-Committee is discharging, on behalf of the council the function of the dismissal of any Chief Officer at least one member of the Executive must be a Member of that Committee or Sub-Committee.

(e) Notice of the dismissal of an officer to whom Rule 5(a) applies must not be given until:

(1) the person or body wishing to give the notice ("the dismissor") has notified the Assistant Chief Executive HR and Business Support of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(2) the Assistant Chief Executive HR and Business Support has notified every member of the Executive of the authority of -

(i) the name of the person who the dismissor wishes to dismiss;

(ii) any other particulars relevant to the dismissal which the dismissor has notified to the Assistant Chief Executive HR and Business Support; and

(iii) that within three clear working days any objection to the dismissal may be made by the Executive Leader on behalf of the Executive to the Assistant Chief Executive HR and Business Support; and

(3) either:-

(i) the Executive Leader has within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither the Leader nor any other Member of the Executive has any objection to the dismissal;

(ii) the Assistant Chief Executive HR and Business Support has notified the dismissor that no objection was received by him within that period from the Executive Leader; or

(iii) the dismissor is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

(f) In this rule, “disciplinary action” means any action occasioned by alleged misconduct which, if proved, would (according to the usual practice of the Council) be recorded on the member of staff’s personal file, and includes any proposal for dismissal for any reason other than redundancy or permanent ill health or infirmity of mind or body, but does not include failure to renew a fixed term contract, unless the Council has undertaken to renew it.

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(g) The Council must consult the Secretary of State before dismissing the Director of Public Health (although the Secretary of State cannot veto the Council's final decision on dismissal).

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7. Interests of Officers in Contracts

The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice given by an Officer of the Council under Section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any member of the Council.

8. Equalities Policy

All action in relation to the recruitment, promotion, training, development and discipline of staff shall be taken with due regard to the Council's Equalities Policy.

9. Interpretation of Rules 5 and 6

Where an appointment is to be made to the post of Assistant Chief Executive HR and Business Support, or it is proposed to dismiss the Assistant Chief Executive HR and Business Support, the functions specified in Rules 5 and 6 as functions of the Assistant Chief Executive HR and Business Support shall be undertaken instead by the Assistant Chief Executive Legal and Democratic Services.

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Property Procedure Rules

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PROPERTY PROCEDURE RULES

These Rules constitute the Council's Standing Orders in relation to property contracts and the management of property.

1.0 INTRODUCTION AND KEY PRINCIPLES

1.1 These terms will have the following meanings in the Property Procedure Rules:-

Asset Management System	Asset Management software package that contains Property information
ACELDS	The Assistant Chief Executive Legal and Democratic Services
Acquisition	The acquisition of Property by the Council by whatever means, including but not limited to: • an option for a purchase or a lease • a new lease for a Property previously leased in (a lease renewal), including an option to renew contained in an existing lease • a Co-habitation Arrangement with another organisation in a non-Council Property • the surrender or assignment of a lease to the Council, including the operation of a break clause but excluding: • a mortgage of Property owned by a third party in favour of the Council • a licence with a term of no more than one year and at a fee of no more than £15,000
Co-habitation Arrangement	An arrangement with a third party to use space in a Council Property or for the Council to use space in a third party's Property without a lease or licence or the payment of a rent or fee, but normally with payments for a share of running costs. This often relates to space shared by cross-organisation teams.
Compulsory Purchase Order	An order for the acquisition of land authorised by or under an Act to enable the acquisition of land compulsorily in order to carry out statutory functions, such as to develop land or construct road schemes
Council	North Yorkshire Council

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County Farms Portfolio	The Council's agriculture assets
CDR	The Corporate Director of Resources
Director	A Corporate Director of the Council including the Chief Executive Officer
Disposal	The disposal of Property by the Council by whatever means, including but not limited to: • the surrender or assignment of a lease by the Council including the operation of a break clause • a Co-habitation Arrangement with another organisation in a Council Property • the grant of a licence of all or part of a Property to a third party but excluding: • the granting of a mortgage in respect of Property owned by the Council • a licence with a term of no more than one year and at a fee of no more than £15,000
Heads of Terms	A document which sets out the terms of a Property transaction agreed in principle between the parties during the course of negotiations
Licence from a third party	An agreement for the non-exclusive use of Property owned by a third party. This is usually limited by hours of operation or by sharing occupation
Licence to a third party	An agreement for use of Council owned Property by a third party. This is usually limited by hours of operation or by sharing occupation
Market Rent	The estimated amount for which an interest in Property should be leased after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion
Market Value	The estimated amount for which an asset or liability should exchange after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion
Officer	A Council employee or other authorised agent

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Officer of the Property Service	A Council employee within the Property Service whose role, competence or, where required, professional qualification enables them to undertake the relevant task. Here competence will be determined by the CDR
Property	Any estate or interest in land and/or buildings
Property Contract	A contract relating to Property including (but not limited to) transfers, leases, options, easements, (except easements for highway drainage granted under, or as a consequence of an agreement made under Section 38 (adoption of new highways) or Section 278 (development of existing highways) of the Highways Act 1980) tenancy agreements, licences, and variations and releases from restrictive covenants, user rights granted under local government reorganisation arrangements and wayleaves, but excluding those contracts entered into by school governing bodies under their delegated powers
Property Portfolios	Property assets wholly or partially owned or leased by the Council
Property Service	The Council's team of Officers who manage the Property Portfolio
Reallocation of Property	The re-allocation of a Property by the Council for a purpose different to that for which it has hitherto been used including to disposal (no longer noted in document)
Subsidy Control	system for regulating public sector or economic interventions as set out in subsidy control legislation and guidance
Tenderer	A person who has expressed an interest in tendering for a Property Contract or who has tendered for a Property Contract

1.2 The Property Procedure Rules (PPR) form part of the overall control framework within which North Yorkshire Council operates. They aim to facilitate sound, innovative service delivery in the administration of all Property matters throughout the Council, supporting effective Property management that provides value for money and good decision-making.

1.3 The PPR should be read in conjunction with the Financial Procedure Rules and the Procurement and Contract Procedure Rules (together with other relevant parts of the Constitution).

1.4 All decisions taken under the PPR must be in accordance with all relevant legal requirements and government guidance, including: -

(a) Acts of Parliament; and
(b) Statutory Instruments

1.5 The PPR apply to all Property that is owned or occupied by the Council, subject to the following exceptions: -

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Property type	Exception	Person / Body with Responsibility
Operational Landfill Sites	Day-to-day management.	Corporate Director of Environment
Nursery schools Primary Schools Secondary Schools Special Schools Pupil Referral Units	Day-to-day management. Investment decisions.	Corporate Director Children and Young People's Service and Schools' Governing Bodies
Property designated as an event venue which is hired out for functions including entertainment and other events, conferences, and exhibitions.	Authority to negotiate and enter into agreements for the hire of the venue for functions including events, conferences, and exhibitions and the supply of associated services.	Corporate Director of Community Development

The Rules apply to all activities associated with the ownership and occupation, and management of Property which include, but are not limited to: -

(a) a future or current Property transaction involving the Council
(b) the re-allocation of a Property to a new use by the Council
(c) the payment of Property-related compensation by or to the Council
(d) investment in a Property by the Council
(e) the strategic and operational management of Property used by the Council.

1.6 Where a decision is made under these Rules in respect of investment in a Property by the Council or the management of Property used by the Council and that decision necessitates a procurement of works or services then the Procurement and Contract Procedure Rules will apply.

1.7 All Property owned or occupied by the Council is held and managed as a corporate resource. Responsibility for its management lies with the Corporate Director Resources (CDR), and is delivered through the Property Service in accordance with arrangements determined by the CDR.

1.8 The CDR is authorised to acquire, manage and dispose of all Property held by the Council in accordance with these Rules and the Council's budgetary and policy framework.

For the avoidance of doubt this authority includes, but is not limited to: -

(a) Acquisitions and disposals, including leases and licences
(b) Renewals of leases and licences
(c) Management of all Property, including the allocation of operational space (including for both Council and third party use) the management of associated facilities, the commissioning of all facilities services and the reallocation of Property
(d) Repair and maintenance of all Property. This includes, but is not limited to, repair and maintenance obligations relating to Property ownership, contributions to maintenance and repair carried out by third parties, service charge obligations and dilapidations

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(e) Investment in all Property. This includes, but is not limited to, the commissioning and delivery of construction projects and contributions to third parties.

The CDR will exercise their delegated powers to ensure efficiency within the management of the Property Portfolio and the delivery of associated services.

1.9 The CDR will ensure that arrangements are in place so that all decisions taken in accordance with these Rules are informed by Officers in the Property Service, or consultants commissioned by them, who are competent to do so. These decisions will take account of both future and contingent liabilities arising from the properties as such liabilities will be the responsibility of the Property Service.

1.10 Officers employed in Service Directorates or services other than the Property Service are not authorised to make the decisions referred to in these Rules except where stated explicitly.

1.11 The CDR will maintain a forward schedule of decisions that are to be taken under these Rules.

1.12 The CDR will also maintain a schedule of all decisions that have been taken under these Rules.

1.13 References in these Rules to:-

(a) any legislation (including but not limited to Act of Parliament, Statutory Instrument) include a reference to any amendment or re-enactment of such legislation;
(b) the singular include the plural and vice versa;
(c) the masculine include the feminine and vice versa;
(d) Reference to the CDR and the Assistant Chief Executive Legal and Democratic Services (ACELDS) shall be taken to include such Officers as are designated by them to undertake the duties and responsibilities set out in these Rules.

2.0 APPLICATION

2.1 The Rules apply to Property which includes, but is not limited to, Property and legal and equitable estates and interests in land.

2.1.1 Land is the land surface, everything below the surface, buildings and other structures on or under the surface, and such airspace as is reasonably necessary for the ordinary use of the land.

2.1.2 Land also includes plant, equipment and other things fixed to a building that could not be removed without damaging the fabric of the building.

2.2 Under these Rules, a Property transaction is a transaction that affects a Property, including but not limited to: -

(a) a freehold/ leasehold transfer
(b) a lease or tenancy agreement
(c) a licence to use
(d) a recurring hiring in or a recurring hiring out or a one-off hiring out or a one-off hiring in

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(e) an option
(f) user rights granted under local government reorganisation arrangements
(g) a co-habitation arrangement with another organisation either in or out
(h) a wayleave
(i) an easement (except as excluded by Rule 2.3)
(j) a mortgage
(k) a legal charge
(l) variations and releases from restrictive covenants

2.3 Under these Rules, a Property transaction is not:

(a) an easement for highway drainage granted under or as a consequence of an agreement made under Section 38 (adoption of new highways) or Section 278 (development of existing highways) of the Highways Act 1980
(b) a contract entered into by a school governing body under its delegated powers including hirings out.
(c) a one-off hiring in for a formal Council event.
(d) a hiring of any or all of the Harrogate Convention Centre, Scarborough Spa, Whitby Pavilion and Scarborough's Open Air Theatre.

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2.4 The management of the Council's housing stock is excluded from the application of these Rules

2.5 A decision about a Property transaction is a decision in respect of Property, which includes, but is not limited to, a decision to:-

(a) acquire or dispose an estate or interest in Property by any means
(b) acquire or dispose a licence or hiring
(c) surrender or accept a surrender of a lease or tenancy agreement or licence
(d) operate / not operate a break clause in a lease or tenancy agreement
(e) implement conditional terms contained within a Property contract
(f) vary or release restrictive covenants
(g) change the terms of a transaction after it has been completed
(h) implement and agree rent reviews under a lease or tenancy agreement
(i) impose or accept or remove a restriction on title
(j) provide or secure or discharge a mortgage

2.5 A Property-related compensation payment is a payment made under the Land Compensation Act 1973 or other legislation covering highway schemes or other projects. It can be made either: -

(a) by the Council to another party; or
(b) to the Council by another party.

It includes payments in relation to claims known as 'Part 1' and 'Section 10'.

2.6 Under these Rules an investment in a Property is considered to be one that takes the form of capital or revenue expenditure that results in one of the following:-

(a) responsive maintenance to a Property
(b) preventative maintenance to a Property
(c) planned maintenance of a Property
(d) a response to compliance issues at a Property
(e) the securing of an empty Property
(f) improvement of a Property (a project)

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(g) addition of accommodation (a project)
(h) demolition of all or part of a building or structure.

3.0 GENERAL ARRANGEMENTS

Approvals

3.1 All decisions under these Rules will be made in accordance with the provisions outlined below and in accordance with the Access to Information Procedure Rules (and any other relevant parts of the Constitution).

3.2 All decisions under these Rules must be made in writing and entered in the schedule of decisions (except where specified otherwise in these Rules) that will be maintained (here, 'writing' includes decisions recorded in the Asset Management System.)

3.3 The only exceptions to rule 3.2 are: -

(a) a decision for a one-off hiring out; or
(b) a decision to commission investment in a Property, including individual responsive maintenance projects, where the value is £50,000 or less.

These decisions can be approved under other operational delegated authorities.

3.4 A proposed decision, and its approval, must comply with the Council's Access to Information Procedure Rules and any other relevant Constitutional provisions, including (but not limited to) the Financial Procedure Rules and the Procurement and Contract Procedure Rules.

3.5 A proposed decision and its approval must take into account, along with all relevant considerations, value for money to the Council, including in relation to any alternative options that are considered.

Compliance

3.6 All Property decisions must be taken in accordance with these Rules unless a waiver is granted under Rule 3.9.

3.7 Each Corporate Director or Assistant Chief Executive must ensure that Officers within their directorate and consultants working for the Council are aware of the Rules and must take all reasonable steps to ensure that Officers and consultants comply with them. Failure to comply with the Rules may lead to disciplinary action.

3.8 The **CDR** must monitor adherence to these Rules.

Waivers

3.9 The CDR in consultation with the ACELDS may grant a case-specific waiver to the application of the Rules, except in relation to Rules 1.6 and 9.2. A waiver must be recorded in writing.

Review

3.10 The CDR, in consultation with the ACELDS, shall periodically review the application and effect of these Rules and report to the Audit Committee on the outcome, including any proposed amendments to the Rules.

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4.0 ALL PROPERTY TRANSACTIONS

Identifying Need

4.1 Officers in a directorate may identify the possible need for a Property transaction from an operational service point of view.

4.2 Any report that is required covering changes to service delivery and associated decisions that necessitate a Property transaction may be arranged by the Corporate Director who manages the affected service. Where this is the case, the CDR will provide confirmation for the report that the proposed transaction is appropriate and required.

4.3 Officers in a directorate must not:-

(a) make contact with an owner or agent or possible tenant about a specific Property;
(b) discuss or negotiate or agree any terms for a Property transaction with an owner or agent or possible tenant.

4.4 Officers in the Property Service may identify the possible need for a Property transaction or identify other decisions linked to a Property transaction from a strategic or operational point of view.

4.5 The CDR must approve any identification of need for a Property transaction, in so doing taking account of, amongst other relevant factors, likely capital and revenue cost implications and must confirm that appropriate funds are available before any action is taken by the Property Service.

Approving in principle proposals

4.6 Only Officers in the Property Service can: -

(a) submit a report with a proposed in principle decision for approval;
(b) provide the Property input to a report to the Executive that covers both service and Property transaction issues and provide the wording for a resolution related to a proposed Property transaction.

4.7 The value to be used to determine the approval arrangement for a proposed decision is the value as estimated by an Officer in the Property Service or by a consultant appointed to provide Property advice or services, at the time that the report about the decision is prepared. It is recognised that the actual value may differ from that identified in the in principle report.

Negotiating and instructing

4.8 Only Officers in the Property Service can instruct a consultant to negotiate terms for a proposed Property transaction.

4.9 Only Officers in the Property Service or in a consultancy appointed to provide Property advice or services can:-

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(c) negotiate the terms of a proposed Property transaction
(d) propose terms for approval.

4.10 Rule 4.9 does not prevent an in principle decision from setting terms that are critical to that decision.

Approving terms

4.11 The CDR can approve the proposed terms of a Property transaction (Heads of Terms).

4.12 Terms must be approved only if they are in accordance with the in principle decision. If they are not in accordance then a new decision is required.

Entering into a Property contract or documenting the implementation of the decision

4.13 A Property contract can be completed only if approval has been given to the transaction in accordance with these Rules.

4.14 The ACELDS shall ensure that the Council has the legal power to enter into a specific Property contract and that the Council does not enter into a contract which is ultra vires.

4.15 The ACELDS must prepare and complete the documentation for a Property contract in accordance with the approved terms, subject to:

(a) any variations agreed with the Corporate Director of Resources
(b) any further terms as the ACELDS considers are appropriate and in the best interests of the Council
(c) the specific arrangements set out in Rule 4.17.

4.16 A Property contract must be signed or sealed in accordance with the provisions of Section 11 of these Rules.

Management of Property transactions after their completion

Approval for Rent Reviews

4.17 The CDR may approve the completion of a rent review memorandum provided that the original lease included provisions for the rent review.

Variation of lease terms

4.18 The CDR may approve any variation to the terms of an existing lease or other agreement (including the grant of a licence to assign or sublet) except that, if the variation would result in a decrease to the rent or licence fee, Rule 5.2 shall apply.

Assignment or Sub-Letting of a Lease In

4.19 The CDR may approve any assignment or sub-letting associated with a lease provided that the proposal would result in the Council's rent or licence fee being static or decreasing. In the event that the Council's rent or licence payment were to increase then the approvals identified at Rule 5.3 will apply

Assignment or Sub-Letting of a Lease Out

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4.20 The CDR may approve any assignment or sub-letting associated with a lease provided that the proposal would result in the Council's rent or licence fee being static or decreasing. In the event that the Council's rent or licence payment were to increase then the approvals identified at Rule 5.3 will apply

Dilapidations Claims

4.21 The CDR may approve the settlement of dilapidations claims where the Council is landlord or tenant, and to any value.

Release or variations of restrictive covenants

4.22 In respect of the release or variation of restrictive covenants:-

(a) the CDR may approve any release or variation up to £500,000 in value;
(b) the Executive Member for Finance and Assets may approve any release or variation up to £1,000,000 in value;
(c) the Executive may approve any release or variation and must approve any release or variation over £1,000,000 in value.

For the purposes of this Rule, the value is the value of the payment to effect the release or variation.

Restrictions on Title

4.23 The CDR may instruct the ACELDS to place or remove restrictions on the title of any Property owned by the Council, or to place restrictions on the title of Properties owned by third parties, provided that such restrictions are to secure a grant or other loan to or from the Council.

County Farms Management

4.24 The CDR may approve any transaction associated with the management of the County Farms Portfolio provided that the proposal is in accordance with, or not in conflict with, the County Farms Portfolio.

Other approvals

4.25 A decision that is required to change the status of land from being highway maintained at the public expense in order to allow the land to be used for another purpose by the Council or for disposal is made under separate arrangements under the Constitution. Such a decision must be taken before a decision is taken under these Rules about the future of the site.

5.0 PROPERTY TRANSACTIONS – ACQUISITIONS – ADDITIONAL ARRANGEMENTS

Approvals

5.1 In respect of the Acquisition of Property other than by lease or licence or other agreement for a rent or licence fee or other annual payment or by option:-

(a) the CDR may approve any Acquisition up £500,000 in value;
(b) the Executive Member for Finance and Assets may approve any Acquisition up to £1,000,000 in value;

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(c) the Executive may approve any Acquisition and must approve any Acquisition over £1,000,000 in value;

For the purposes of this Rule, the value in relation to the surrender of a lease to the Council is the capitalised value of the rent or licence fee foregone as a result of the surrender.

5.2 Subject to Rule 5.3 in respect of the Acquisition of Property by lease or licence or other agreement for a rent or licence fee or other annual payment:

(a) the CDR may approve any Acquisition where the annual rent or fee or other annual payment is £150,000 or less;
(b) the Executive Member for Finance and Assets may approve any Acquisition where the annual rent or fee or other payment is £250,000 or less;
(c) the Executive may approve any Acquisition and must approve any Acquisition where the annual rent or fee or other annual payment is more than £250,000;

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For the purpose of this Rule, the annual rent or fee or other annual payment means the initial rent or fee or other annual payment payable by the Council (but ignoring any discount or rent-free period).

5.3 In the case of the payment of a premium by the Council for a lease the approvals required shall be sought according to the value bands in Rule 5.1.

5.4 In respect of the Acquisition of Property by option:

(a) the CDR may approve the securing of an option providing that the anticipated total cost payable to secure the option does not exceed the available budget provision
(b) the Executive may approve the securing of an option and must approve the securing of any option for which the anticipated total cost payable to secure the option exceeds the available budget provision
(c) approval for the exercise of any option shall be subject to the same value bands as set out in Rules 5.1 and 5.2
(d) should it become necessary to vary the terms of an existing option, approval shall be sought subject to the same value bands as set out in Rules 5.1 and 5.2

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For the purpose of this Rule, the relevant value for securing options is the cost of securing the option plus the value of the resulting transaction. The relevant value for exercising options is the value of the transaction to be entered into.

Funding

5.5 No approval must be sought for the acquisition of a Property unless budget provision has been made for the cost of acquisition and any one-off or recurring expenditure as a result of the acquisition.

5.6 If a directorate is funding the cost of an acquisition that will form part of the Property Portfolio then it must transfer base budget to the Property Service budget for day-to-day running costs (for the avoidance of doubt this includes, but is not limited to, rent, service charge and insurance rent) and for repair and maintenance in the event that liability will be incurred.

5.7 The availability of the funding referred to at 5.5 and 5.6 must be confirmed by the CDR.

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Transactions at over value

5.8 A transaction may be approved at a price that is above the Market Value or at a rent that is above the Market Rent if it would be in the Council's best overall interest and in line with the Council's fiduciary duty to the taxpayer. The opinion as to the Market Value or Market Rent is that of an Officer of the Property Service or in a consultancy appointed to provide Property advice or services.

5.9 If the likelihood of such a transaction is known when the report for the in principle decision is being written then the report must include:

(a) A detailed justification for the transaction on this basis.
(b) An assessment of the legal implications by the ACELDS associated with Subsidy Control; and
(c) A statement about how any Subsidy Control issues have or will be resolved by the directorate wishing to acquire the Property.

5.10 If the best terms that can be agreed for a transaction are above the Market Value or Market Rent then before the terms are approved:

(a) The CDR must be informed.
(b) Any Subsidy Control issues must be identified by the ACELDS.
(c) Any Subsidy Control aid issues must be resolved by the directorate wishing to acquire the Property.

Auction or tender

5.11 If the Council wishes to acquire a Property that is for sale or for lease by an auction or by a formal tender exercise or an informal tender exercise then:

(a) An in principle decision must be sought as with any other acquisition.
(b) A valuation of the Property must be obtained from an Officer of the Property Service or a consultancy appointed to provide Property advice or services.
(c) An upper limit upon the value for a bid must be agreed by the CDR.
(d) The bid must be placed by an appropriately qualified officer in the Property Service or in a consultancy appointed to provide Property advice or services.

Compulsory purchase

5.12 If a Corporate Director, in consultation with the CDR and the ACELDS considers that it is necessary to use compulsory powers to acquire Property in connection with a Council function then the Corporate Director must seek:

(a) all necessary approvals in respect of the cost of the acquisition.
(b) approval from the Executive to the proposed exercise of the powers
(c) all other approvals as are necessary to enable the compulsory powers to be used, including approvals from the Secretary of State.

5.13 An approval given by the Executive to use compulsory powers is deemed to include the in principle approval to acquire the Property that is the subject of the Compulsory Purchase Order using the powers or by negotiation regardless of: -

(a) the number of sites to be acquired
(b) the value of the sites to be acquired.

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Hirings in – recurring

5.14 A recurring hiring in is a sessional booking that occurs on a repeat basis.

5.15 Recurring hirings in are handled in the same way as any other acquisition transaction.

6.0 PROPERTY TRANSACTIONS – DISPOSALS – ADDITIONAL ARRANGEMENTS

General

6.1 The CDR is authorised, in accordance with the Council's budgetary and policy framework, to implement all processes required in accordance with good practice to ensure that all Property disposals comply with all relevant legislation, codes of practice and guidance.

6.2 The best consideration must be obtained for a disposal in order to meet the requirements of Section 123 of the Local Government Act 1972 – subject to the provisions set out in rules 6.7 to 6.10.

6.3 If a Property was purchased or improved using grant funding then the disposal and allocation of proceeds must comply with any grant conditions. Any grant conditions that conflict with these Rules take precedence. If there is a conflict then the advice of the CDR and the ACELDS must be sought before an in principle approval is given.

Approvals

6.4 Subject to Rule 6.7 in respect of the Disposal of Property other than by lease or license or other agreement for a rent or license fee or other annual payment: -

(a) the CDR may approve any Disposal up to £1,000,000 in value;
(b) the Executive Member for Finance and Assets may approve any Disposal up to £1,500,000 in value;
(c) the CDR my approve any Disposal of land or Property that forms part of the County Farms estate, irrespective of value
(d) the Executive may approve any Disposal and must approve any Disposal over £1,500,000 in value subject to Rule 6.4(c)

For the purpose of this Rule, the value in relation to options means the value of the transaction resulting from the option and not the value of the option itself. For the purposes of this Rule, the value in relation to the surrender of a lease by the Council is the capitalised value of the rent or licence fee which would have been paid, but for the surrender.

6.5 Subject to Rules 6.6 and 6.7 in respect of the Disposal of Property by lease or license or other agreement for a rent or license fee or other annual payment: -

(a) the CDR my approve any Disposal where the annual rent or fee or other annual payment is £150,000 or less;
(b) the Executive Member for Finance and Assets may approve any Disposal where the annual rent or fee or other annual payment is £250,000 or less
(c) the Executive may approve any Disposal but must approve any Disposal where the annual rent or fee or other annual payment is more the £250,000

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For the purpose of this Rule, the annual rent or fee or other payment means the initial rent or fee payable or other payment to the Council (but ignoring any discount or rent-free period). For the purposes of this Rule in relation to options, the annual rent or fee means the initial rent or fee payable to the Council under the lease or licence resulting from the option.

6.6 In the case of the Disposal of Property by lease where a premium is payable to the Council the approval required shall be sought pursuant to the value bands referred to in Rule 6.4.

Transactions at under value

6.7 A transaction may be approved at a price or rent that is at less than best consideration if it would be in the Council's best overall interest and in line with the Council's fiduciary duty to the taxpayer and providing that it is permitted under a general consent issued by central government.

6.8 A report proposing such a transaction must include:

(a) the justification for undertaking the transaction at less than best consideration
(b) the authority that is to be used
(c) an assessment of the legal implications about any Subsidy Control from the ACELDS
(d) a statement about how any Subsidy Control issues have or will be resolved.

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6.9 In respect of Disposal of Property other than by lease or licence or other agreement for rent or licence fee or other annual payment the relevant approvals shall be sought in accordance with the following:-

Approver	Maximum market value	Maximum undervalue authority
Corporate Director of Resources	£50,000	100%
Corporate Director of Resources	£250,000	50%
Executive Member for Finance and Assets	£250,000	100%
Executive Member for Finance and Assets	£500,000	50%
Executive	No limit	100% except where the undervalue is £2m or more
Secretary of State	No limit	No limit

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6.10 In respect of Disposal of Property by lease or licence or other agreement for rent or licence fee or other annual payment the relevant approvals shall be sought in accordance with the following:-

Approver	Maximum annual rental value	Maximum undervalue authority
Corporate Director of Resources	£25,000	100%
Corporate Director of Resources	£50,000	50%
Executive Member for Finance and Assets	£25,000	100%
Executive Member for Finance and Assets	£100,000	50%
Executive	No limit	100% except where the undervalue is £2m or more
Secretary of State	No limit	No limit

In respect of Disposal of Property by lease or licence involving the payment of a premium the approvals shall be sought according to the value bands in the table in Rule 6.9 above.

For the purposes of this Rule, the undervalue is the difference between the unrestricted value of the Property to be disposed of and the consideration for the disposal.

Statutory Transfers

6.11 The CDR will approve all transfers that are required by or under statute. This includes transfers to a diocesan body under the School Standards and Framework Act 1998 or to an academy trust under the Academies Act 2010. The approval will include the extent of the transfer and can include any other terms that are critical to the decision, as for any other transaction.

External consents

6.12 The Corporate Director Children and Young People's Service, or person nominated by them, must seek any external approvals required in the relation to the disposal of school Property that falls under Section 77(1) of the School Standard and Framework Act 1998 and or Schedule 1 under the Academies Act 2010.

6.13 The CDR must seek all other external consents that may be required for a transaction.

Hirings out – one-off and recurring

6.14 The CDR may enter into agreements with individuals and organisations to hire out Properties, or parts of Properties, on both one-off and recurring bases.

Right to Buy under the Housing Act 1985

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6.15 The ACELDS, in consultation with the CDR, will consider and determine the application of the right to buy to a Property.

6.16 If the right to buy is accepted, then the ACELDS must dispose of the Property in accordance with the Housing Act 1985.

Method of disposal

6.17 All relevant factors must be taken into account in selecting the most appropriate method of disposal of a Property, including, but not limited to:-

(a) the likely value of the Property
(b) the potential market for the Property
(c) the likelihood of obtaining alternative planning consents for the Property
(d) the effect of alternative planning consents upon value
(e) the costs of interim management (including security) and of disposal (including advertising and other marketing)
(f) the likely time required to reach completion.

Disposal by tender

6.18 This Rule 6.18 applies to all Disposals of Property by tender whether the tender is subject to contract or is capable of immediate acceptance.

6.19 A tender may only be considered if:-

(a) it has been received in a sealed envelope marked "Tender" and indicating the Property referred to in the tender; and
(b) the identity of the Tenderer cannot be ascertained from the tender envelope; and
(c) subject to Rule 6.20, the tender has been returned to the ACELDS before the tender closing date (which shall be a time and date when County Hall is open for business).

6.20 The ACELDS shall be responsible for the reception and safe custody of tenders until they are opened.

6.21 Tenders must be opened at the same time and in the presence of the ACELDS who shall maintain a record of the tenders received. Such a record shall include the date and time of tender opening, the identity of the Officer present, the identities of Tenderers and the tendered amounts. A copy of such a record shall be provided as soon as practicable to the CDR.

6.22 If a tender is received after the specified tender closing date it may not be considered unless the ACELDS is satisfied that the tender was 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 Tenderer and that other tenders have not been opened.

Tender Evaluation

6.23 Tenders shall be evaluated by the CDR. The CDR shall accept the tender which offers the best consideration for the Property in accordance with Rule 6.4 above. The CDR shall ensure that the tender evaluation process is fair, and so far as consistent with the achievement of best consideration by the Council, that the basis on which tenders are

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to be evaluated has been established before tenders are opened. If all of the tenders are not submitted on the same basis (for example, if some tenders are conditional on planning permission being granted for a particular use of the Property), then the CDR shall produce a report setting out the reasoning which has been applied to determine which tender has been judged to offer the best consideration for the Property.

Alterations to Tenders

6.24 Tenders may not be altered by Tenderers after the tender closing date except where the CDR is satisfied that arithmetical errors having been inadvertently made by the Tenderer, the Tenderer can be invited to correct them.

Post Tender Negotiations

6.25 Post tender negotiation may be undertaken in accordance with the following conditions:-

(a) The CDR considers that added value may be obtained;
(b) the post tender negotiations are undertaken either with all Tenderers, or with such Tenderer(s) as the CDR considers it appropriate to invite having regard to the value of their tenders and any conditions attached to them;
(c) the post tender negotiations are conducted by suitably experienced Officers approved by the CDR and trained in post tender negotiations;
(d) a record of the negotiations and any added value obtained from them is kept by the CDR; and
(e) any such added value obtained by the post tender negotiations is incorporated into the Property Contract with the successful Tenderer.

6.26 The basis on which tenders are to be evaluated must be established before tenders are opened, in so far as this is consistent with the achievement of best consideration.

6.27 If all of the tenders that are received are not submitted on the same basis (for example, if some tenders are conditional on planning permission being granted for a particular use of the Property) then Officers in the Property Service must set out and then apply the approach that is used to determine which tender offers best consideration.

Surrender of a lease or a licence

6.28 The surrender of a lease in or a licence in, whether by the operation of a break clause or by negotiation, is a disposal to which the Rules in this section apply.

7.0 PROPERTY TRANSACTIONS – MORTGAGES – SPECIFIC ARRANGEMENTS

Property owned by others

7.1 The CDR may instruct the ACELDS to enter into the mortgage of a Property owned by another party, provided that the mortgage is to secure the Council's interests linked to a grant or loan made to another party.

Property owned by the Council

7.2 The CDR may instruct the ACELDS to enter into the mortgage of a Property owned by the Council.

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Terms

7.3 The CDR must set the terms of a mortgage in consultation with the ACELDS.

Discharge

7.4 The CDR may instruct the ACELDS to discharge a mortgage.

8.0 PROPERTY TRANSACTIONS – RESTRICTIONS ON TITLE – SPECIFIC ARRANGEMENTS

8.1 The CDR may instruct the ACELDS to place or remove restrictions on the title of a Property owned by the Council.

8.2 The CDR may instruct the ACELDS to place or remove restrictions on the title of a Property owned by another party.

9.0 RE-ALLOCATION OF A PROPERTY TO A NEW USE BY THE COUNCIL, INCLUDING APPROPRIATION

General

9.1 This section covers all re-allocations of a Property to a new use by the Council, except for a proposed decision to:-

(a) dispose of a Property (to allocate it to the for sale Property type)
(b) grant a lease out or a licence out
(c) surrender a lease in or a licence in.

The exceptions listed above are covered by Section 6.

9.2 A decision to reallocate a Property to a new use represents a decision to appropriate the Property to the new use where such a decision is required under S123 of the Local Government Act 1972 or other legislation. Any report on which a decision is based will carefully identify this.

9.3 The specific arrangements set out in S122 of the Local Government Act 1972 or other legislation that requires appropriation or sets out specific arrangements for an appropriation must be followed alongside the Rules in this section. If there is any conflict between the Rules and the legislation then the legislation takes precedence.

9.4 The CDR will be responsible for seeking the required approval for the reallocation of Property.

Approvals

9.5 In the case of any Reallocation of Property other than for disposal which is not held by the Council on a lease or license: -

(a) the CDR may approve any Reallocation of Property up to £1,000,000 in value;

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(b) the Executive Member for Finance and Assets may approve any Reallocation of Property up to £1,500,000 in value
(c) the Executive may approve any Reallocation of Property, and must approve any Reallocation of Property over £1,500,000 in value

9.5 Subject to Rule 9.6 in the case of any Reallocation of Property other than for disposal which is held by the Council on a lease or license: -

(a) the CDR may approve any Reallocation of Property where the annual rentor fee is £150,000 or less
(b) the Executive Member for Finance and Assets may approve any Reallocation of Property where the annual rent or fee is £250,000 or less
(c) the Executive may approve any Reallocation of Property, and must approve any Reallocation of Property where the annual rent or fee is over £250,000

For the purpose of this Rule, the annual rent or fee means the rent or fee payable by the Council at the time of the Reallocation (but ignoring any discount or rent-free period).

9.7 In the case of a Property held by the Council on lease where a premium has already been paid the approvals required shall be sought pursuant to Rule 9.5.

9.8 The value to be used to determine the appropriate approval arrangement for a proposed decision is the value, as estimated by an Officer of the Property Service or in a consultancy appointed to provide Property advice or services, at the time that the report about the decision is prepared. It is accepted that the actual value of the Property or other action may differ from the estimated figure.

10.0 PROPERTY-RELATED COMPENSATION PAYMENTS

Financial provision

10.1 A Corporate Director must make financial provision for the payment of Property-related compensation for any project that may result in compensation becoming payable.

Negotiating and instructing

10.2 Only an Officer of the Property Service or in a consultancy appointed to provide Property advice can negotiate the terms for a proposed Property-related compensation payment.

10.3 Only an Officer of the Property Service can instruct a consultant to negotiate terms for a proposed Property-related compensation payment.

Approving terms

10.4 The CDR can approve the terms of a Property-related compensation payment (in the form of Heads of Terms).

Documenting the implementation of the decision

10.5 The ACELDS must prepare and complete the documentation for compensation payments linked to Compulsory Purchase Orders and other activity that triggers statutory Property-related compensation payments.

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Making a payment

10.6 The ACELDS must arrange the actual compensation payment.

11.0 SIGNATURE / SEALING OF PROPERTY CONTRACTS

11.1 No Property Contract shall be completed unless proper approval has been given in accordance with these Rules.

11.2 Subject to Rules 11.3 and 11.4, every Property Contract must be: -

(a) executed as a Deed by the ACELDS;
(b) signed by the ACELDS (if the value is less than £50,000); or
(c) signed by the ACELDS and another officer authorised by the ACELDS (if the value is £50,000 or more).

11.3 The CDR is authorised to sign Property Contracts comprising wayleaves, agricultural tenancy agreements or agricultural licences provided that:-

(a) the Property Contract is in a nationally recognised form or in a form prepared or approved by the ACELDS; and
(b) two signatories are required if the value is £50,000 or more.

11.4 All Directors are authorised to approve and sign Licences to or from third parties provided that:-

(a) the Licence is for a period not exceeding six months; and
(b) the Licence is for a fee not exceeding £15,000.

12.0 INVESTMENT IN PROPERTY

General

12.1 The CDR is authorised, in accordance with the Council's budgetary and policy framework, to implement all processes required in accordance with good practice to ensure that all Property remains safe and fit for the purpose of service delivery, and complies with all relevant legislation, codes of practice and guidance.

12.2 For the avoidance of doubt this includes, but is not limited to: -

(a) responsive maintenance to a Property
(b) preventative maintenance to a Property
(c) planned maintenance of a Property
(d) works required to secure an empty Property
(e) a response to compliance issues at a Property
(f) improvement of a Property (a project)
(g) addition of accommodation (a project)
(h) demolition of all or part of a building or structure.

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12.3 Officers in a directorate may identify a requirement for investment in a Property from an operational perspective to either address a maintenance issue or meet a service requirement.

12.4 Only Officers in the Property Service are authorised to commission and instruct either contractors or consultants to undertake work in respect of the investment in Property.

12.5 Officers in the Property Service may identify the possible requirement for investment in a Property from an operational or strategic perspective.

12.6 The CDR must approve the identification of the need for investment in Property, in so doing taking account of the likely capital and revenue cost implications; and must confirm that such funds are available before any work is commissioned or undertaken by the Property Service.

Commissioning of Consultants and Contractors

12.7 Only Officers in the Property Service can commission and instruct and manage consultants to provide advice and other services associated with investment in Property.

12.8 Only Officers in the Property Service, or consultants commissioned by the Property Service, can commission and manage contractors to undertake work in respect of investment in Property.

Approvals

12.9 An approval related to financial or contractual matters must be given in accordance with the Financial Procedure Rules and / or the Procurement and Contract Procedure Rules and the terms of any contract or framework.

12.10 For the avoidance of doubt, where approvals are required under the Financial Procedure Rules and / or the Procurement and Contract Procedure Rules, and these Rules, then these approvals can be obtained contemporaneously.

12.11 Officers in the Property Service are responsible for ensuring that all necessary approvals have been obtained before the commencement of any work or project.

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CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE COUNCIL

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This Code sets out the standards of behaviour required of you whenever you are acting in your official capacity as a Councillor of North Yorkshire Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the Council when acting in their official capacity and references in this Code should be construed accordingly.

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You must sign an Undertaking to comply with this Code of Conduct before acting as a Councillor or voting co-opted Member ("Members").

The Code has been adopted by the Council and also requires compliance with the General Principles of Public Life set out at the end of the document. The Council has established a Standards and Governance Committee, consisting of members of the Council, assisted by Independent Persons for Standards, to oversee the Council's ethical framework.

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Notes in italics in this Code are guidance extracts from the national voluntary model code of conduct for Members, to aid understanding of the Code's requirements.

GENERAL CONDUCT OBLIGATIONS

1. You must treat others with respect.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. You must not unlawfully discriminate against any person or do anything which may cause the Council to breach any equality enactment.

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Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability,

gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. You must not bully, intimidate or harass any person, or attempt to do so.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Council, or do anything that is likely to compromise their impartiality.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:

- **You have the permission of a person authorised to give it; or**
- **You are required by law to disclose the information; or**
- **You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or**
- **The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.**

Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Chief Executive Officer.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

6. You must not prevent another person gaining access to information which that person is entitled to by law.

7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Member into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

8. You must not use your position as a Member improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process.

10. You must give careful consideration to gifts or hospitality offered to you:

a) You must not accept any gift or hospitality (of any value) which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a Member, or which could give rise, or give the appearance of giving

rise, to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour, for example from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage. Where such a person does make a significant offer (estimated value £25 or more) of gifts and/or hospitality to you, you should inform the Monitoring Officer.

b) If you do accept any gift or hospitality of estimated value £25 or more which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at a Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality you decline, to the Monitoring Officer within 28 days of its offer/receipt.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

11. You must act in accordance with the Council's guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- *office support*
- *stationery*
- *equipment such as phones, and computers*
- *transport*
- *access and use of local authority buildings and rooms.*

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

12. You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions,

in accordance with any requirements imposed by statute or the Council.

13. You must comply with the following sections of this Code, which relate to registering and declaring in meetings certain interests you may have.

14. You must (unless otherwise specifically agreed with the Monitoring Officer), comply with the Council's standards regime relating to the Code of Conduct, including but not limited to:

a) attending standards training provided/arranged by the Council;

b) co-operating with any standards assessment, investigation and/or determination;

c) not intimidating or attempting to intimidate any person who is likely to be a party in, witness in or involved with the administration of any standards complaint, assessment, investigation or determination;

d) refraining from making trivial, vexatious, malicious, politically motivated or tit-for-tat standards complaints against other Members.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

INTERESTS

Disclosable Pecuniary Interests (DPI)

15. (1) A pecuniary interest is a "disclosable pecuniary interest" (DPI) in relation to you if it is of a description specified in regulations (and listed in Appendix 1) and either:

(a) it is your interest; or
(b) it is an interest of:
(i) your spouse or civil partner;
(ii) a person with whom you are living as husband and wife; or
(iii) a person with whom you are living as if you are civil partners;

and you are aware that that other person has the interest.

Disclosure of pecuniary interests on taking office

16. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given.

(2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards disclosable pecuniary interests not entered in the Council's register when the notification is given.

(3) Where you give a notification for the purposes of sub-paragraph (1), the Monitoring Officer is to cause the interests notified to be entered in the Council's Register of Members' Interests ("the Register") (whether or not they are disclosable pecuniary interests).

(4) Subject to paragraph 25 (regarding sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

Pecuniary interests in matters considered at meetings

17. (1) Sub-paragraphs (2) to (4) apply if you:

(a) are present at a meeting of the Council or Executive, or of any committee, sub-committee, joint committee or joint sub-committee of the Council or Executive;
(b) have a disclosable pecuniary interest **directly relating** to any matter to be considered, or being considered, at the meeting; and
(c) are aware that the condition in paragraph (b) is met.

(2) You must disclose the existence and nature of the interest to the meeting, but this is subject to this Code's provisions on sensitive interests.

(3) If the interest is not entered in the Council's Register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

(4) You may not:

(a) participate, or participate further, in any discussion of the matter at the meeting; or
(b) participate in any vote, or further vote, taken on the matter at the meeting;
(c) remain in the meeting room;

but this is subject to this Code's provisions on dispensations.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority . You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. You should note that failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.

Pecuniary interests in matters considered by a single member

(5) Sub-paragraphs (6) and (7) apply if:

(a) a function of a relevant authority may be discharged by a member of the authority acting alone;
(b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
(c) the member is aware that the condition in paragraph (b) is met.

(6) If the interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (5)(b) is met in relation to the matter.

(7) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

(8) Where you give a notification for the purposes of sub-paragraph (3) or (6), the Monitoring Officer is to cause the

interest notified to be entered in the Register (whether or not it is a disclosable pecuniary interest).

(9) The Council's Constitution provides for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of sub-paragraph (4), the member or co-opted member may not participate.

(10) An interest is "subject to a pending notification" if:

(a) the interest has been notified to the Monitoring Officer, but
(b) has not been entered in the Register in consequence of that notification.

Other Registrable Interests (ORI)

18. The interests other than disclosable pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out in Appendix 2.

Disclosure of Other Registrable Interests on taking office

19. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any interests other than disclosable pecuniary interests of a type set out in Appendix 2 which you have at the time when the notification is given. **This relates only to your *own* interests.**

(2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests other than disclosable pecuniary interests of a type set out in Appendix 2 not entered in the Council's register when the notification is given.

(3) Subject to paragraph 25 (regarding sensitive interests), you must, within 28 days of becoming aware of any new interests other than disclosable pecuniary interests of a type set out in Appendix 2 or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

Other Registrable Interests in matters considered at meetings

20.(1) Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (ORI) (as set out in Appendix 2), you must disclose the interest to the meeting.

(2) You may speak on the matter only if members of the public are also allowed to speak on it but otherwise must not take part in any discussion or vote on the matter and must not remain in the room for that matter (unless you have been granted a dispensation). If it is a sensitive interest, you should declare that you have an interest but do not need to disclose the nature of it.

Non-Registrable Interests (NRI) in matters considered at meetings

21.(1) Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Appendix 1 or Other Registrable Interest set out in Appendix 2) or a financial interest or the well-being of a relative or close associate (of which you could reasonably be expected to be aware), you must disclose the interest to the meeting.

(2)You may speak on the matter only if members of the public are also allowed to speak on it. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room for that matter (unless you have been granted a dispensation). If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

22.(1) Where a matter arises at a meeting which **affects**:

a) your own financial interest or well-being;
b) a financial interest or the well-being of a relative or close associate (of which you could reasonably be expected to be aware); or
c) a financial interest or the wellbeing of a body included under Other Registrable Interests as set out in Appendix 2 (of which you could reasonably be expected to be aware);

you must disclose the interest to the meeting (subject to the rules on sensitive interests). In order to determine whether you can remain in the meeting after disclosing your interest the following test in paragraph 22(2) should be considered.

(2) Where a matter (referred to in paragraph 22(1) above) affects the financial interest or wellbeing:

a) to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision and;

b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

then you may speak on the matter only if members of the public are also allowed to speak on it, otherwise you must not take part in any

discussion or vote on the matter and must not remain in the room for that matter (unless you have been granted a dispensation).

(3) Where the test in paragraph 22(2)(a) and (b) is not met, then you may speak and vote on the matter in the usual way.

Other Registrable and Non-Registrable Interests in matters considered by a single member

23.(1) Where:

a) a function of a relevant authority may be discharged by a member of the authority acting alone;
b) the member has an Other Registrable Interest or Non-Registrable Interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
c) the member is aware that the condition in paragraph (b) is met;

if an Other Registrable Interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (1)(b) is met in relation to the matter.

(2) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

Bias/Predetermination

24. Members involved in making a decision on particular business must always bear in mind the rules relating to bias and predetermination and must not participate in, or seek to influence, Council business where their interests (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views.

If you are in any doubt as to whether you have an interest in a matter under the Code of Conduct, please seek advice from the Monitoring Officer.

Sensitive interests

25. (1) Sub-paragraphs (2) and (3) apply where:

(a) you have an interest (whether or not a disclosable pecuniary interest); and
(b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.

(2) If the interest is entered in the Register, copies of the Register that are made available for inspection, and any published version of the Register, must not include details of the interest (but may state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011).

(3) If paragraph 17(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

DISPENSATIONS FROM NON-PARTICIPATION

26. (1) The Council may, on a written request made to the Monitoring Officer by you, grant a dispensation (in accordance with the relevant statutory provisions and the provisions in this Code) relieving you from any or all of the restrictions in paragraphs 17(4), 20(2), 21(2) and 22(2) in cases described in the dispensation.

(2) Paragraphs 17(4), 20(2), 21(2) and 22(2) do not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

OFFENCES

27.(1) You commit a criminal offence if, without reasonable excuse, you:-

(a) fail to comply with an obligation imposed on you by paragraph 16(1) or 17(2), (3) or (6);
(b) participate in any discussion or vote in contravention of paragraph 17(4); or
(c) take any steps in contravention of paragraph 17(7).

(2) You commit an offence if under paragraph 16(1) or 17(2), (3) or (6) you provide information that is false or misleading and you:

(a) know that the information is false or misleading; or
(b) are reckless as to whether the information is true and not misleading.

(3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

28. **If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.**

APPENDIX 1

DISCLOSABLE PECUNIARY INTERESTS

The pecuniary interests which are specified in regulations as disclosable pecuniary interests are the interests specified in the second column of the Schedule below:

SCHEDULE

Subject	*Prescribed description*
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of

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	the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For these purposes:-

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

“member” includes a co-opted member (entitled to vote);

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act (the corresponding provisions in this Code are paragraphs 15(1) and 16(6));

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act (corresponding provision in this Code is paragraph 14(1)(b)), namely:

- M’s spouse or civil partner;
- a person with whom M is living as husband and wife; or
- a person with whom M is living as if they were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

APPENDIX 2

INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS

The interests other than disclosable pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out below:

1. **Unpaid directorships**

2. **Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority**

3. **Any body:**

   i. **exercising functions of a public nature**
   ii. **directed to charitable purposes or**
   iii. **one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union/professional association)**

   of which you are a member or in a position of general control or management

OFFICIAL

GENERAL PRINCIPLES OF PUBLIC LIFE

Principle	Revised description
Preamble	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Holders of public office should be truthful.

Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

PROTOCOL RE
ROLE OF LEADER AND CHIEF EXECUTIVE OFFICER
IN ETHICAL FRAMEWORK

This Protocol sets out the roles of the Leader of the Council and the Chief Executive Officer in relation to the ethical framework. Both are committed to setting and encouraging high ethical standards and promoting the ethical agenda inside and outside the Council. They will support and facilitate the work of the Standards and Governance Committee and Monitoring Officer in relation to the ethical framework in the following joint and individual ways:

Jointly:

1. publicly committing themselves to working together to uphold the ethical wellbeing of the Council and affirming that each fully subscribes to the Council's ethical agenda and expects all officers and Members to do likewise;
2. leading by example, acting at all times with integrity, propriety and impartiality in the discharge of their roles;
3. helping to ensure that Members and officers are clear about their respective roles and what is expected of them;
4. seeking the advice of the Monitoring Officer on declarations of interests and ethical issues where necessary;
5. having due regard to the advice of the Monitoring Officer and Standards and Governance Committee;
6. being available for consultation on key ethical issues;
7. taking appropriate action, where necessary, on particular ethical issues;
8. receiving and considering the agenda for, and minutes of, the Standards and Governance Committee's meetings;
9. periodically attending the Standards and Governance Committee to discuss relevant issues;
10. promoting the work of the Standards and Governance Committee;
11. where appropriate, including the Chair of the Standards and Governance Committee in the Council's wider corporate governance meetings and activities;
12. holding an annual meeting with the Chair of the Standards and Governance Committee after the publication of the Committee's Annual Report;
13. proactively supporting a Member and officer ethical training and development programme;
14. supporting action taken by the Standards and Governance Committee and Monitoring Officer in furtherance of the Council's Codes of Conduct, the ethical framework generally and national information/guidance;
15. ensuring that support for the Council's ethical agenda is adequately resourced;

Individually:

Chief Executive Officer:

16. recognising the importance of the ethical and wider corporate governance agenda in the Council's Management Board;
17. regularly meeting and directly supporting the Monitoring Officer on key issues and individual matters arising out of the ethical and governance agenda;

The Leader

18. holding regular Leader's Meetings where the Chief Executive Officer and/or Monitoring Officer may raise issues;

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19. supporting the Monitoring Officer as necessary in reporting to Executive, full Council and other committees regarding the ethical agenda.

Officers' Code of Conduct

Officers should observe the Council's Code of Conduct for Officers (the 'Standards of Conduct Policy') published on the Council's Intranet.

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Protocol for Member/Officer Relations

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1. **Introduction and Principles**

(a) The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.

(b) Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.

(c) This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.

(d) It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these Codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.

(e) This Protocol should be read in conjunction with the Members' and Employees' Codes of Conduct, any guidance for Members and Officers dealing with planning matters, the Planning Code of Conduct, the Council's Constitution and any guidance issued by the Standards and Governance Committee and/or Monitoring Officer.

2. **General Points**

(a) Both Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, their committees and sub-committees.

(b) At the heart of this Protocol, is the importance of mutual respect. Member/Officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should always be courteous and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

(c) A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or

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capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the respective Business Unit Head. The Business Unit Head will then look into the facts and report back to the Member. If the Member continues to feel concern, then they should report the facts to the Director/Chief Officer who heads the department concerned, or if, after doing so, the Member is still dissatisfied, they should raise the issue with the Chief Executive Officer who will look into the matter afresh. Any action taken against an Officer in respect of a complaint, will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.

(d) An Officer should not raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of a Section/Business Unit/Directorate at or in a manner that is incompatible with the overall objectives of this Protocol. This does not, however, prevent an Officer raising a concern with a Member under the Council's confidential reportingpProcedure ("Whistleblowing").

(e) Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with their Business Unit Head, Director/Chief Officer or the Chief Executive Officer as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Business Unit Head, Director/Chief Officer or Chief Executive Officer will take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Monitoring Officer in the context of the Standards and Governance Committee complaint handling regime.

3. **The Relationship: Officer Support to Members: General Points**

(a) Officers are responsible for day-to-day managerial and operational decisions within the Council and will provide support to both the Executive and all Members in their several areas.

(b) Certain statutory officers - the Head of Paid Service, the Monitoring Officer and the Section 151 Officer - have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members.

(c) The following key principles reflect the way in which Officers generally relate to Members: all Officers are employed by, and accountable to the Council as a whole; support from Officers is needed for all the Council's functions including full Council, Overview and Scrutiny, the Executive, Strategic Planning Committee, Area Planning Committees, Statutory Licensing Committee and Sub-Committees, General Licensing and Registration Committee and Sub-Committees, Standards and Governance Committee, joint committees and individual Members representing their communities etc; day-to-day managerial and operational decisions should remain the responsibility of the Chief Executive Officer and other Officers; the Council will seek to avoid potential conflicts of interest for Officers arising from the separation of the Executive and Overview and Scrutiny role.

(d) On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It should be recognised that it is the Officer, rather than the Member or Members, who takes the action and it is the Officer who is accountable for it.

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(e) Finally, it should be remembered that Officers within a Division or Department are accountable to their Business Unit Head and Director/Chief Officer and that whilst Officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Business Unit Head or Director/Chief Officer.

Personal and Business Relationships

(f) It is clearly important that there should be a close working relationship between Members and the Officers who support and/or interact with them, in order to effectively undertake the Council's work. This can, inevitably, lead to a degree of familiarity.

(g) Close personal and/or business relationships between individual Members and Officer can be damaging to mutual respect and both parties should be careful to avoid:

(i) bringing into question the Officer's ability to deal impartially with other Members and other party groups;

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(ii) creating any general impression of unfairness or bias;

(iii) passing confidential information to anyone who should not have access to it (see section 8 later);

(iv) in any other way allowing their relationship or connection to affect their actions, decisions or the performance of their duties generally.

(h) Members and Officers should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare an interest.

(i) It would usually be inappropriate for a Member to have special responsibilities in an area of activity in which someone with whom they have a close personal or business relationship is a senior Officer. If this situation arises, the Member should take appropriate action to avoid a potential conflict of interest.

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4. **Officer Support to the Executive**

(a) The Executive and its Members have wide ranging leadership roles. They will: lead the community planning process, the preparation of the Council's policies and the search for Best Value, with input and advice from Overview and Scrutiny Committees, Area Constituency Committees and any other persons as appropriate; lead the preparation of the Council's budget; take decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by full Council; and be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

(b) Officers must ensure that even if they are predominantly supporting the Executive their political neutrality is not compromised.

(c) Whilst Executive Members will routinely be consulted as part of the process of drawing up proposals for consideration on the agenda for a forthcoming

meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, the Chief Executive Officer, Director/Chief Officer or other senior Officer will always be fully responsible for the contents of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between an Executive Member and a Director/Chief Officer in this area should be referred to the Chief Executive Officer for resolution in conjunction with the Leader of the Council.

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(d) Where functions which are the responsibility of the Executive are delegated to Officers or other structures outside the Executive, the Executive will nevertheless remain accountable to the Council, through Overview and Scrutiny Committees, for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is being carried out.

(e) Under Executive Arrangements, individual Members of the Executive are, in certain circumstances as set out in the Executive Members' Delegation Scheme, allowed to take formal decisions. The Executive, Executive Members and Officers must satisfy themselves that they are clear what exactly they can and cannot do.

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(f) The Council has put in place mechanisms/protocols which ensure that (as with the Council, its Committees and Sub-Committees, and the Executive and its Committees) an individual Executive Member seeks advice from relevant Officers before taking a decision within their delegated authority. This includes taking legal advice, financial advice and professional Officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about legal powers.

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(g) In organising support for the Executive, there is a potential for tension between Chief Officers and Executive Members with portfolios. All Members and Officers need to be constantly aware of the possibility of such tensions arising and both Officers and Members need to work together to avoid such tensions and conflicts existing or being perceived.

5. **Officer Support: Overview and Scrutiny Committees**

(a) Overview and Scrutiny Committees have the following roles:

- to review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- to 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;
- to consider any matter affecting the county or its inhabitants; and
- to 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; and
- they may monitor the performance and effectiveness of the services they overview.

(b) Where an Officer is aware that a political group representative is a member of the Committee that person should also be informed about matters on that issue which are communicated to the Chair and Vice-Chair. Officers must ensure that even if they are predominantly supporting the Overview and Scrutiny Committees their political neutrality is not compromised.

(c) Overview and Scrutiny Committees and their panels will from time to time be issued with guidelines on how to gather evidence and interview witnesses.

(d) It is not Overview and Scrutiny's role to act as a disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on a panel's behalf. This is the Chief Executive Officer's function alone in relation to staff, the Monitoring Officer's and the Standards and Governance Committee as regards the conduct of Members.

(e) Overview and Scrutiny should not act as a 'court of appeal' against decisions or to pursue complaints by individuals (Members, Officers or members of the public) which are the subject of other procedures, e.g. the Corporate Complaints Procedure, any directorate specific Complaints Procedures, the Local Government and Social Care Ombudsman, complaints under the Standards and Governance Committee complaint handling regime or appeal to the Courts.

6. **Officer Advice to Party Groups and Individual Members**

(a) It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.

(b) There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups or to assist individual Members but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

(c) The assistance provided by senior Officers can take many forms ranging from a briefing meeting with an Executive Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is offered to all political groups and individual Members.

(d) Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

(i) attendance by senior Officers at meetings of political groups is voluntary and must be specifically authorised by the Chief Executive Officer;

(ii) officer assistance must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of

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this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;

(iii) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

(iv) Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council decision making body when the matter in question is considered.

(e) Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Council's Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality). Officers would not be able to provide the same level of information and advice as they would to a Member only meeting.

(f) Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an Officer during discussions with a party group and the Officer is requested not to pass the information to other groups, then the Officer will not do so. However, Members should be aware that this would not prevent officers from disclosing such information to other Officers of the Council so far as that is necessary to performing their duties.

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(g) Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive Officer who will discuss them with the relevant group leader(s).

Deleted: (h) There is a Protocol in relation to Working with Group Research & Communications Officers in Part 5 of the Constitution which supplements this Protocol. …

7. Use of Council Resources

(a) The Members' Code of Conduct requires that a Member must, when using or authorising the use by others of the resources of the Council, act in accordance with the Council's reasonable requirements and ensure that such resources are not used improperly for political purposes (including party political purposes). The Council provides support services such as stationery, typing, printing, photocopying to Members to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business and should never be used in connection with party political or campaigning activity or for private purposes. As a result of the provisions of the Members' Code of Conduct Members cannot use Council computers for political purposes other than as stated above. The general use of computers provided to Members and Officers of the Council is governed by the Email and Internet Procedures for Members and Officers.

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8. Members' Access to Information and to Council Documents

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(a) Members are free to approach any Council department to obtain such information, explanation and advice (about that department's functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the appropriate Director/Chief Officer concerned. (In cases of doubt, Legal and Democratic Services' Officers will be happy to channel the request to the appropriate Officer.)

(b) As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.

(c) Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. This right applies irrespective of whether the Member is a Member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as a confidential (Orange) item on the agenda for a meeting. The items in question are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.

(d) In relation to business of the Executive, by virtue of Regulation 16 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012:

(i) where there is a public meeting (e.g. Executive) and there is a document which is in the possession/under the control of the Executive relating to the business to be conducted at that meeting, that document shall be available for inspection by any Member;

(ii) where the decision is made at a private meeting of the Executive or is an executive decision delegated to an Officer or individual Executive Member, the document shall be available to any Member either after the meeting closes or, for individual executive decisions, immediately after the decision has been made;

(iii) there are exceptions for certain exempt and confidential material and any document that contains advice provided by a political advisor or assistant.

(e) The common law rights of Members remain intact, are much broader and are based on the principle that any Member has a prima facie right to inspect Council documents so far as their access to the document is reasonably necessary to enable the Member properly to perform theirduties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.

(f) The exercise of this common law right depends therefore, upon an individual Member being able to demonstrate that they have the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go

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and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question must initially be determined by the particular Director/Chief Officer whose department holds the document in question (with advice from the Monitoring Officer).

(g) In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the business of that Committee) a Member's 'need to know' will normally be presumed. In other circumstances (e.g., a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms. In some circumstances duties of confidentiality to external bodies e.g. the Courts in child care cases, or imposed by statute may override the common law right.

(h) Whilst the term 'Council document' is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a 'need to know' and, therefore, a right to inspect, a document which forms part of the internal workings of another party group.

(i) Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the Monitoring Officer.

(j) Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is emphasised in paragraphs 5 and 6 of the Members' Code of Conduct:

'5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:

- You have the permission of a person authorised to give it; or
- You are required by law to disclose the information; or
- You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
- The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.

Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Chief Executive Officer.

6. You must not prevent another person gaining access to information which that person is entitled to by law.'

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9. **Correspondence**

(a) Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.

(b) Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It will, however, be appropriate in certain circumstances (e.g., representations to a Government Minister) for a letter to appear in the name of an Executive Member, the Leader or the Chair of the Council. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member, Executive or otherwise.

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10. **Publicity and Press Releases**

(a) Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and policies to the electors and Council tax-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed.

(b) Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles. The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code is issued under the provisions of the Local Government Act 1986 as amended by the Local Government Act 1988 which provides for the Secretary of State to issue Codes of Recommended Practice as regards the content, style, distribution and cost of local authority publicity, and such other matters as they think appropriate. That section requires that all local authorities shall have regard to the provisions of any such Code in coming to any decision on publicity. All Members are specifically bound to observe the publicity Code by the Code of Conduct.

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(c) There is a separate Protocol for Official Press Releases set out in Part 5 of the Constitution and that should be read in conjunction with this Protocol, along with any relevant internal communications guidance documents.

11. **Involvement of Local Councillors**

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(a) It is essential that Members should be fully informed about matters on which they may be required to make decisions or which affect their electoral divisions.

(b) It is the duty of each Business Unit Head and Executive Member to ensure that all relevant staff are aware of the need to keep local Members informed and that the timing of such information allows Members to contribute to those decisions. Local Members shall also be kept informed about matters affecting their divisions during the formative stages of the policy development and discussion.

Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Electoral Division or Divisions affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Local Council Members should be notified at the outset of the exercise. More generally, Officers should consider whether other policy or briefing papers, or other topics being discussed with an Executive Member, should be discussed with relevant Local Council Members.

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(c) Whenever the Council undertakes any form of consultative exercise in a particular locality, the local Members should be notified at the outset of the exercise.

12. **Redress**

(a) If a Member considers that they have not been treated properly, and in accordance with these Protocols by an Officer they should first try to resolve the matter through direct discussion with the Officer.

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(b) The Member may raise it with the Officer's line manager or Business Unit Head if they fails to resolve the matter through such discussion. A Member may raise the issue with the Chief Executive Officer if it remains unresolved. Where appropriate, disciplinary action may be taken against an Officer.

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(c) Similarly, if an Officer feels that they have not been treated properly, and in accordance with these Protocols, by a Member and they feel unable to resolve the matter directly with the Member concerned, the Officer should raise the issue with the appropriate Business Unit Head. In such circumstances the Business Unit Head will take such action as is appropriate, if necessary, by approaching the party Group Leader or the Monitoring Officer. The Business Unit Head will inform the Chief Executive Officer if the Party Group Leader becomes involved, and in other cases, where appropriate. Where appropriate the Monitoring Officer will advise the Member concerned about the provisions of the Code of Conduct so far as they relate to this Protocol.

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13. **Arbitration**

When necessary, the Monitoring Officer will arbitrate on the interpretation of this Protocol following consultation with the Chair of the Standards and Governance Committee, the Independent Person for standards and the Chief Executive Officer.

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NORTH YORKSHIRE COUNCIL PROTOCOL FOR OFFICIAL PRESS RELEASES

Members and Officers should be aware that in accordance with The Code of Practice issued under the Local Government Act 1986, the Council is explicitly forbidden from using:

> "Public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy".

The main purpose therefore of all Council produced press releases and publicity materials* is to increase public awareness of the services provided by the authority and the functions it performs; to explain to electors and Council Tax payers the reasons for particular policies and priorities; and, in general, to improve local accountability. It is very important, therefore, that Councillors and Officers ensure that they do not contravene this requirement.

To assist in this process, the following Protocol has been agreed. This should be read in conjunction with the Protocol for Member/Officer Relations and any relevant internal communications guidance documents.

(a) All press releases and related publicity material should be managed through the corporate Communications Team with the exception of any statutory public notices.

(b) Press releases and marketing activity should generally be objective at all times, concentrating on facts or explanation or both. It is the responsibility of the relevant Corporate Director to ensure that this is achieved and a copy of the draft press release will be provided by the author to the Corporate Director.

(c) Where materials are produced to comment on or respond to policies and proposals of central government, other local authorities or other public authorities, the comment or response needs to be objective, balanced, informative and accurate. In setting out the reasons for the Council's views, the material should not be constructed in such a way as to be seen as a prejudiced, political attack.

(d) A press release can contain a statement from a relevant Officer, the Leader of the Council, the Executive portfolio holder, or Overview and Scrutiny Committee Chair, Chairs or Vice-Chairs of Committees, Chair of a properly constituted working party** or Chair of an Area Constituency Committee. If a press release relates to a matter which affects only one electoral division, a local Member could, if they so wished, be quoted when the quote supports or endorses the policies of the Council.

(e) Contact details of Executive Members and their portfolio responsibilities and those relevant Overview and Scrutiny Members and opposition party spokespersons will be maintained and published on the Council's website, and provided by the Communications Team to media contacts on request.

(f) A press release quoting the Chair of an Overview and Scrutiny Committee should be agreed by the Chair and the statutory Scrutiny Support Officer (as the subject matter expert) and, provided that it can be achieved without delay that would reduce the effectiveness of the press release, by the Vice-Chair. The press release should seek to represent the Council's arrangements for scrutiny in a positive light and as a constructive process of internal debate.

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(g) The Council may, from time to time, nominate an elected Member as a "Champion" for a particular issue or interest group - such as historic environment or older people. It is to be expected that such Members would, from time to time, want to put out a press release on issues relevant to their role. The content of such press releases must accord with Council policy and to this end the "Champion" Member should consult with the relevant Executive Member and Corporate Director before the release is issued The nominated Corporate Director is responsible for making arrangements for the final approval of the press release in consultation with the Communications Team.

(h) Other Members of the Council cannot be quoted, either within press releases or related publicity material other than in exceptional circumstances or where they represent the Council or an outside body or partnership. They have the ability to issue their own materials directly to the press. If a Member wishes to issue a press release on any subject personally, then they should do so in their own name, and not as a member of the Executive, or of any Committee of the Council. References to Members of the Council in press releases must refer to them in their role as Councillors, unless there are exceptional circumstances, in any particular instance, why it would be to the benefit of the Council for that Member to be referred to in any other role they might fulfil.

(j) The Council **is** prohibited from using its resources to promote a particular political view. Consequently the period leading up to elections is very sensitive and it is the policy to stop quoting elected Members in Council press releases issued in the period from the date of notice of election to polling day, inclusive. This will apply to all Members regardless of political party with the exception of the Chair, or Vice-Chair in their absence, who represents the Council as a whole.

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(j) Council press releases will be circulated to all Members and to relevant Officers named in the release on the day they are issued. All releases will be placed on the Council's website.

The Head of Communications is responsible for ensuring overall compliance with this Protocol and all it entails. Any dispute will be referred to Assistant Chief Executive for Local Engagement, who, in turn, will consult with the Chief Executive Officer before giving a decision, and the relevant Member/Officer will be made aware of any amendments made.

* means written material containing information on Council services and produced by the Council.

** means as established in accordance with the Constitution.

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GUIDANCE

NOTE

FOR COUNCILLORS

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OFFICIAL - SENSITIVE

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Appendix 1

Matters for you to check – questions to ask

GUIDANCE FOR COUNCILLORS AND OFFICERS ON OUTSIDE BODIES

1. General

1.1 Serving on outside bodies has always been an established part of a Council Member or officer's role. The Council encourages Councillors and officers to participate in the wider community in this manner. They will be able to use their knowledge and skills to help the organisation to which they are appointed. It brings the benefit of enabling the Council to participate in partner organisations, and also means that Councillors and officers can bring back knowledge and experience which are of value to the Council.

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1.2 The Council is now increasingly working in partnership with outside bodies, and clarity and understanding of the roles that Members and officers play is important. This note aims to help you understand the main implications. It is not a fully comprehensive guide, so if you have any queries, you can obtain further advice from Legal and Democratic Services.

2. What sort of roles does this apply to?

2.1 You may be appointed to an outside body by the Council, or by the Executive, or an Area Constituency Committee. It can involve being a director of a company in which the Council has an interest, being a member of another authority such as the National Park Authority, or a trustee of a charity, a member of the management board for an unincorporated body, or a school governor.

2.2 The various roles will bring responsibilities to the organisation, and to the Council in so far as you are fulfilling a role for the Council, and also potential conflicts.

2.3 Your responsibilities will depend on the type of body in which you become involved. The main types are as follows:

(a) **Companies:** Companies are separate legal entities. They are set up by their members, who may be either shareholders or guarantors. Liability of company members is limited to the value of their shares or by guarantee. Directors of companies have a duty to the company to act properly and in good faith. If not, they can incur personal liability, particularly if the company becomes insolvent. The activities and operation of companies are regulated by their Memorandum and Articles of Association, and also by company law.

(b) **Charities:** Some companies and unincorporated associations are also charities. To be a charity, they must be established for charitable purposes only and are subject to stricter regulation by the Charity Commission, to ensure that they are properly managed and that their resources are used properly on the relevant charitable objects. Charities may carry on trading activities which contribute directly to the furtherance of their charitable objects or where the purpose is to raise funds for the charity which do not involve significant risk. Although charities may qualify for a number of tax exemptions and reliefs on income, gains and on profits for some activities, charities do pay tax on trading profits and on some charity income unless specifically exempt. Additionally VAT rules apply as they do for any other business if the charity has business activities however, the charity may qualify for certain VAT reliefs and exemptions.

(c) **Unincorporated Associations:** Unincorporated associations are informal organisations. The members regulate their relationship by agreement, such as a membership agreement or the rules of the club or association. Because the association has no legal existence separate from its members, the liability of the members is not limited. Each member can incur personal responsibility for liabilities incurred on behalf of the association, and relies on the membership agreement to be able to recover his/her costs from the other members.

(d) **Statutory Corporations:** These are bodies which are set up under statute. They include, for example universities, and some quangoes. The membership and powers of a statutory corporation, and how they are appointed are set out in the statute. The statute will also set out the responsibilities and liabilities of members of the corporation.

3. Some other key points to consider at the outset

3.1 Firstly, make sure you are given a clear statement of what is expected of you if you are going to be nominated. A list of questions to ask about the organisation is attached at Appendix 1. The Council should be able to obtain this from the organisation involved.

3.2 Being on an outside body can bring many benefits to the Council, the organisation and the community, but it will sometimes create conflicts with your work as a Councillor or officer. For Council Members, it may have to be included as one of your interests in the Members' Register of Interests and you may have an interest in Council business referring to it (as detailed in the Members' Code of Conduct). You will need to be sure that involvement with the organisation will not prevent you from fully participating in your work as a Councillor or officer, particularly in areas that interest you, or, where you need to represent the community who elected you. This will depend on the nature of the body and type of involvement.

3.3 On the other hand, you will also need to make sure that you are able to commit enough time and attention to the organisation. You will want to make a meaningful contribution to their work too. If you cannot attend meetings very often, or are often conflicted out of participating, you will not be able to give the support that the organisation needs, and this will reflect badly upon the Council and upon you. It is best not to be appointed if you cannot participate fully.

3.4 As a member of the organisation's management committee, as a director of a company, or as a trustee, you will not only be representing the interests of the Council, but you will also owe duties and responsibilities towards the organisation. You will have to exercise your own best judgement in the best interests of the outside body and you cannot just take instructions from the Council although you may take account of the Council's wishes.

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4. Duties and Responsibilities of Councillors and Officers on Outside Bodies

4.1 The following is a summary of the main duties and responsibilities of Councillors and officers who are nominated by the Council to the most common types of outside body. The main principles of the obligations applying to company directors also apply to trustees and members of management committees. If you are in doubt about your duties and responsibilities, seek advice from the Assistant Chief Executive (Legal and Democratic Services), or the advisers to the body involved.

5. Companies

5.1 A company is a separate legal entity which can hold property in its own right, enter into contracts, employ staff and sue and be sued in its own name. The company is distinct from its members, who may be either shareholders or guarantors. The Council itself may be a member of the company, either a shareholder or guarantor.

5.2 If the body is a limited company, and you are asked to be involved, it is likely that you will be appointed as a company director. The duties of a company director are now set out in the Companies Act 2006. The management of a company is usually the responsibility of the Board of Directors. Directors' powers are usually set out in the company's Articles of Association. Another important document is the Memorandum of Association, which sets out the Company's objectives and powers.

5.3 The duties of a company director are not the same as your responsibilities as a Councillor or officer. Basically, the company must come first. Directors must act in the interests of the company, and not in the interests of other parties, including shareholders.

5.4 The Companies Act 2006 codifies the existing common law and equitable principles relating to the duties of directors. Most provisions of the 2006 Act took effect from October 2007. The provisions reflected in the paragraphs below marked with an asterisk will take effect at a later date. The principles however remain relevant to the responsibilities of a director.

5.5 **Directors' Responsibilities** are:

(a) To **promote the success of the company**, which includes having regard to the likely long term consequences of decisions, the interests of employees, fostering relationships with suppliers and customers and others, the impact of operations on the community and environment, maintaining a reputation for high standards of business conduct, and acting fairly between members of the company.

(b) To **exercise care, diligence and skill**, using your own knowledge, skill and experience, together with the care, skill and diligence which may reasonably be expected of a person who is carrying out the functions of a director. So a director with significant experience must exercise the appropriate level of diligence in exercising their duties in line with their higher level of expertise.

(c) **Not to exceed powers**. A company director must act in accordance with the company's constitution, and exercise powers for the purposes for which they were given.

(d) **To comply with the Companies Acts** in relation to the keeping of accounts, and ensure that the relevant returns are made to the Registrar of Companies. Failure to do so incur fines and persistent default can lead to disqualification as a director.

(e) **To avoid conflicts of interest**. A director must avoid a situation in which they have, or may have, a direct or indirect interest which conflicts, or could conflict, with the interests of the company. This duty applies particularly to transactions between a director and a third party in relation to the exploitation of any property, information or opportunity.

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(f) **To exercise independent judgement**. A director nominated by the Council cannot, for example, simply vote in accordance with the Council's instructions. To do so would be a breach of duty. The director must act in the company's interests.

(g) **Not to accept benefits from third parties**. A company director must not accept any benefit from a third party (whether monetary or otherwise) which has been conferred because of the fact that they are a director. This is based on the established principle that a director must not make a secret profit as a result of being a director. This duty applies unless the acceptance of the benefit cannot reasonably be regarded as likely to give rise to a conflict of interest.

(h) **To declare an interest in a proposed transaction or arrangement with the company***. A company director who has either a direct or an indirect interest in a proposed transaction or arrangement with the company must declare the 'nature and extent' of that interest to the other directors before the company enters into the transaction.

5.6 **Directors' Liabilities**: If a director fails to carry out their duties, action can be brought for breach of duty, either by the company itself, or by a liquidator if the company goes into liquidation, or with the consent of the court, by a shareholder. Such actions are unlikely where the company is properly controlled by the directors.

5.7 Some important considerations are:

(a) It is not always easy to reconcile the various factors which must be taken into account when reaching a major decision. The important thing as a director is to show that you are aware of and have taken account of the relevant factors, and have exercised due care and diligence in giving them all fair consideration.

(b) It may be difficult to be certain whether benefits may be regarded as giving rise to a conflict of interest. If you are unsure take advice from the company's advisers.

(c) Make sure you are aware of the company's constitution, its Memorandum and Articles of Association, so that you know what it can and cannot do. You must take this into account when making decisions, as well as any shareholder decisions that are relevant.

(d) Be diligent, and make sure you are well informed about the company's affairs. Make sure you are well briefed when taking up the role, and that you receive regular briefings throughout your term of office.

(e) Attend training and briefing sessions.

(f) Ensure director and officer insurance is in place.

(g) Some Board decisions may be reviewed on a future occasion. Make sure detailed minutes show that all necessary factors have been considered when major decisions are being taken. Obtain expert advice where necessary e.g. regarding impact of a decision on the environment. Take legal advice where there are doubts about a director's duty in relation to a particular matter.

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5.8 See Paragraph 9 below which deals with indemnities for Members and officers who are appointed to companies and other outside bodies.

5.9 **Local Authority Controlled and Influenced Companies:** There are special rules that affect companies in which councils have major interests. These are 'regulated' companies for the purposes of the Local Government and Housing Act 1989. They are in effect controlled by (more than 50% interest) or subject to a council's influence (20% interest plus business relationship) because of its level of interest, either individually, or with a group of other authorities. They will generally be subject to the local government capital finance regime and special propriety controls. However, so far as Members and officers who are involved are concerned, there are some additional requirements that need to be complied with as follows:

(a) Remuneration that Councillors receive from the company should not exceed that received from a local authority for a similar role, and it should be declared. Officers should not receive any fee or reward other than their Council salary, unless so agreed with the Council;

(b) To provide information to Councillors about their activities as required by the local authority (unless it is confidential); and

(c) To cease to be a director immediately if disqualified as a Councillor, or on the termination of an officer's employment by the Council.

6. Charities:

6.1 A charity is an organisation which operates for the public benefit and exclusively charitable purposes, either:

- the relief of poverty and human suffering
- the advancement of education
- the advancement of religion
- another purpose for the benefit of the community.

6.2 A number of useful publications are available on the Charity Commission's website at www.charitycommission.gov.uk. Publication CC3 - 'The Essential Trustee- What you Need to Know' is a useful guide (The essential trustee: what you need to know, what you need to do (CC3) - GOV.UK (www.gov.uk)). Those who are responsible for the control and administration of a charity are referred to as its *trustees*, even where the organisation is a company limited by guarantee and even though they are not strictly trustees. A charity may also be unincorporated.

6.3 Trustees of a charity retain personal liability, and can only delegate to the extent that the constitution authorises them so to do.

6.4 **Charitable Trustees' Responsibilities** are:

(a) To act in accordance with the charity's trust deed or governing document.

(b) To protect the charity's assets.

(c) To comply with the Charities Acts, and the Trustee Act 2000.

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(d) Trustees must not make a private profit from their position. They cannot receive remuneration without the sanction of the Charity Commission.

(e) To perform their duty with the standard of care which an ordinary, prudent business person would show. Higher standards are required of professionals, and in relation to investment matters.

(f) Charitable trustees must ensure that the information relating to the charity and trustees is registered with the Charity Commissioners and that annual accounts, reports and returns are completed and sent.

(g) Trustees are under a duty to ensure compliance with all relevant legislation (e.g. in relation to tax and land matters).

6.5 **Charitable Trustees' Liabilities**: Generally, a trustee may incur personal liability if they:-

- act outside the scope of the trust deed
- falls below the required standard of care
- act otherwise than in the best interests of the charity, in a way which causes loss to the charity fund
- make a personal profit from the trust assets

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6.6 In such circumstances the trustee will be in breach of the trust, and will incur personal liability for losses incurred. If in doubt, always consult the Charity Commissioners. You may avoid personal liability for breach of trust if you act in accordance with their advice.

6.7 Trustees can incur personal liabilities for contracts they enter into in the name of the charity. They will normally be entitled to be reimbursed from charitable funds for liabilities and expenses properly incurred by them. If the charity is a company, the trustees will be protected from liabilities incurred in the day-to-day running of the charity in the normal course of events, but will be personally liable if they commit a breach of trust, as stated above.

6.8 See Paragraph 9 below which deals with indemnities for Members and officers who are appointed to charitable bodies and other outside bodies.

7. Unincorporated Associations

7.1 Groups which are not charitable trusts or companies are "unincorporated associations" and have no separate identity from their members. The rules governing the members' duties and liability will be set out in a constitution, which is simply an agreement between the members as to how the organisation will operate. Usually the constitution will provide for a management committee to be responsible for the everyday running of the organisation. Management Committee members must act within the constitution, and must take reasonable care in exercising their powers. An unincorporated organisation may be charitable and may register as a charity.

7.2 If you are involved in a decision making capacity or have a position of general control or management on an unincorporated body, as the body has no separate corporate status, any liabilities will fall upon you personally. Councillors or officers appointed to such bodies should familiarise themselves with the Constitution to understand the nature of their role responsibilities and liabilities, and should assess the risk of personal liability, and the extent to which it has been covered by insurance.

7.3 See Paragraph 9 below which deals with indemnities for Members and officers who are appointed to unincorporated associations and other outside bodies.

8. Non Council Appointments

8.1 Councillors and officers may become members of or be appointed to voluntary organisations *in their private capacity*. If you are appointed to a body in these circumstances, you will need to make sure that there is no conflict of interest with your position as a Councillor or officer. Your role and responsibilities will be governed by the organisation's constitution, or governing document, as it is with Council nominations. You will not however be entitled to any indemnity from the Council in relation to such an appointment.

9. Indemnities

9.1 Councillors and officers who participate in external bodies may be indemnified in relation to liabilities they incur in that capacity, though this is subject to certain limitations.

9.2 Indemnity by the outside body:

(a) Directors: Directors cannot be indemnified by the company against liability for negligence, default, breach of duty and trust. Companies can however purchase insurance to protect directors against claims of negligence, default, breach of duty and trust. Those appointed as directors should ensure that appropriate insurance is in place. Companies can, if their Articles of Association allow, provide for directors to be indemnified for the costs of defending such a claim if they are granted relief by the court or acquitted.

(b) Trustees: Provided a charitable trustee acts properly, and within their powers, indemnity can be given from the trust fund. Trustees can take out insurance to protect themselves from personal liabilities, but not for criminal acts such as fraud. If the premiums are to be paid out of the charitable funds, the consent of the Charity Commissioners will be needed.

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(c) Unincorporated Associations: Members may be entitled to an indemnity if they act in accordance with the constitution of the association, and are not at fault. However, regard must be had to the terms of the constitution. The constitution will determine whether insurance can be paid for by the organisation.

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9.3 Indemnity by the Council: The Council has decided to adopt a specific policy relating to indemnifying Councillors and officers. If you are appointed to an outside body you should have regard to the detail in the policy relating to those activities.

9.4 The Council can provide an indemnity where Councillors and officers are acting on an outside body at the request of the Council, and provided:

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- the appointment was made by the Council,
- the nomination was made by the Council,
- the appointment was specifically approved for the purpose of the indemnity.

9.5 The indemnity the Council can provide is subject to limitations. In general terms, if a Councillor or officer is acting properly, within their powers and in good faith, the power to indemnify will usually apply. However, the Council cannot, for example, provide an indemnity in relation to any action or failure by any Member or officer which constitutes a criminal offence, or for any action or failure by any Member or officer which is the result of fraud, or other deliberate wrongdoing or recklessness on the part of the Member or officer. When you are serving on an outside body, the Council's indemnity will only apply after any indemnity or insurance from the body itself. There are further limitations and it is advisable to be clear about the scope of the Council indemnity that may be available to you. You can seek further advice on indemnity from the Assistant Chief Executive (Legal and Democratic Services).

10. Code of Conduct – Councillors' Interests

10.1 **Code of Conduct:** All Councillors are subject to the Council's Code of Conduct for Members. You will find a copy of the full Code in the Constitution. The Code sets out the standards of behavior required of you whenever you are acting in your official capacity as a Councillor. When Councillors act as the Council's representative on any other sort of outside body, they must comply with the Council's Code of Conduct unless it conflicts with the lawful obligations of the other body.

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10.2 Councillors may have to include their appointment to outside bodies in their register of interests, and must advise the Monitoring Officer of any change to registered interests within 28 days. Councillors may have an interest in any matter to be considered at a meeting arising out of such registered interests.

10.3 This means that if you are present at a meeting when a matter is to be considered or is being considered, in which you have an interest precluding participation (as set out in the Members' Code of Conduct), you must declare that you have an interest, you may speak if permitted under the Code but you may not participate in the discussion or vote and you must leave the meeting room (subject to the granting of a dispensation by the Standards and Governance Committee or Monitoring Officer).

10.4 **Bias**: Where you might be inclined to the view that you have no interest which might preclude your participation in the discussion and vote, your duties as a director, or trustee, or member of a management committee may well be regarded, on an objective appraisal, as giving rise to a legitimate fear of lack of impartiality, especially having regard to the desirability of maintaining public confidence. Participation in the decision making at a Council committee meeting by a Councillor who is biased potentially invalidates the decision. The Members' Code of Conduct specifically provides that Members involved in making a decision on particular Council business must always bear in mind the rules relating to bias and predetermination and must not participate in, or seek to influence, Council business where their interests may prejudice, or appear to prejudice, their views.

10.5 Where membership of the outside body is on an advisory or consultative basis, bias will not be assumed from mere membership. However, once the outside body has a line which is being advocated by you, this could potentially be viewed as bias, and the Council's decision on the issue could be vulnerable to challenge if you participate in those circumstances. It will depend on the facts, and in such circumstances advice should be sought from the Assistant Chief Executive (Legal and Democratic Services).

11. Officers - Registration and Disclosure of Outside Interests

11.1 **Declaring Officer Interests:** Section 117(1) of the Local Government Act 1972 requires that, if it comes to the knowledge of an officer of a local authority, that the Council has entered or proposes to enter into any contract in which the officer has a pecuniary interest, whether or not they would actually be a party to the contract, they must give notice in writing to the Council. This is interpreted as any circumstance in which the officer or a member of their immediate family stand to gain or lose financially as a result of the contract.

11.2 **Registration of Interests**: Under the Council's Standards of Conduct Policy for Officers, officers must declare to their Assistant Director any outside interests which they have, both upon appointment and as those interests change. Officers at Grade Band K and above are also required to make a declaration of interests in a register kept by the Monitoring Officer. This information is not available to the public but is accessible by other officers who have a "need to know".

12. Gifts and Hospitality

12.1 Councillors and officers must not accept gifts or consideration as an inducement for doing or not doing something in their roles as Members or officers of the Council. Where officers accept inducements from anyone who has or is seeking a contract with the Council, the gift or consideration is deemed to have been accepted corruptly unless the officer can prove to the contrary. It is therefore very important to be completely open about any significant gift or hospitality, to avoid the suspicion of misconduct.

12.2 Members are required to register electronically, via the Council's committee management software, any gift or hospitality received by/offered to them because of their office with a value of £25 or more. This Register of Members' Gifts and Hospitality is maintained by the Monitoring Officer. Every directorate holds a similar register of Gifts and Hospitality for Officers, and the Monitoring Officer maintains a central Register of Officers' Gifts and Hospitality.

12.3 A particular issue arises for officers seconded to work on behalf of outside bodies, as Section 117(2) of the Local Government Act 1972 provides that an officer shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration. It is therefore essential that, where an officer is to be seconded and might be in receipt of any payment from the authority to which they are to be seconded, that the Council agree that their proper remuneration shall include any payment to the officer by the body to which they are seconded.

12.4 A revised legal framework to deal with bribery was introduced in The Bribery Act 2010 which introduced new bribery offences, the main offences relating to bribing another person, being bribed, bribing a foreign official and the failure of commercial organisations to prevent bribery.

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Appendix 1

Matters for you to check – questions to ask

If you are appointed to an outside body, you should be clear about the answers to the following questions. The organisation should be able to respond to these questions:

1. What is the nature of the organisation and its main activities? Is it a company, and if so is it limited by shares or by guarantee? Is it unincorporated? Does it have charitable status?

2. In what capacity do I serve on the outside body? Is the effect of my appointment to make me a member of the company, a director or a charitable trustee?

3. Do I have a copy of the body's governing instrument (this may be a trust deed, a constitution, or memorandum and articles of association)?

4. Does the organisation have a Code of Conduct that I need to comply with? Have I been supplied with a copy?

5. Am I aware of the identity of the other directors, trustees and committee members?

6. Is there an officer of the organisation, such as the secretary or clerk to whom I can refer for advice and information?

7. Are written minutes kept of the meetings, and have I seen the minutes?

8. Are meetings conducted in accordance with the governing instrument?

9. Am I aware of the financial position of the organisation to which I have been appointed? Is it regularly reported to the governing body?

10. Am I aware of any contract between the organisation and the Council?

11, Have I seen the last annual report and accounts?

12. Have I been advised of the main risks the body faces and what steps are taken to deal with such risks?

13. Have I been informed of the main insurances/indemnities held by the organisation?

North Yorkshire Council

Protocol on Audio/Visual Recording and Photography at Meetings

The y Council is committed to being open and transparent in the way it conducts its decision making. Recording is welcomed at Council and committee and sub-committee meetings which are open to the public. The Council understands that some members of the public attending its formal meetings may not wish to be recorded. The Chairof the meeting will facilitate this by ensuring that any such request not to be recorded is respected by those making the recording.

The Council encourages the following as good practice:-

1. Anyone wishing to record is asked, prior to the start of the meeting, to notify the Democratic Services Officer whose details are set out on the Agenda.

2. We ask that the recording must be overt (ie clearly visible to anyone at the meeting) but non-disruptive.

3. All those visually recording a meeting are requested to focus only on recording councillors, officers and those members of the public speaking to the meeting.

4. Any member of the public has the right not to be recorded. Agendas for meetings will make it clear that recording can take place. If any member of the public speaking at the meeting does not wish to be recorded, the Chair will ask them to make this known.

5. Any children or young people clearly under the age of 18 who are present at the meeting are not to be filmed unless their parents/guardians have given their written consent.

6. The Chair of the meeting will ask anyone filming/recording to suspend recording and if needed call for an adjournment of the meeting if, in the Chair's opinion, continuing to record/film would prejudice proceedings at the meeting or if the person recording is in breach of these rules. The circumstances in which this might occur include:-

   - recording is disrupting the business of the meeting;
   - there is public disturbance or a suspension of the meeting;
   - the meeting has resolved to exclude the public for reasons which are set down in the Council's Constitution;
   - a member of the public participating in the meeting objects to being recorded.

7. The recording and reporting on formal public meetings of the Council, its committees and sub-committees is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. We ask that the recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the y Council's values or in a way that ridicules or shows a lack of respect for those in the recording. The Council ask that any recording in breach of this be removed from public view. The Council will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.

Please contact, in advance of the meeting, the Democratic Services Officer whose details are set out on the Agenda if the recording you wish to make involves equipment which is larger

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than a smart phone, tablet or compact camera or if you have special requirements eg need to move around the room to record or film from different angles. The use of lighting for filming/flash photography will be allowed but we ask that this is arranged via the Democratic Services Officer prior to the meeting. The Council requests contact in advance to ensure the meeting runs smoothly and there is a safe environment in which to transact the business.

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Protocol re Honorary Aldermen and Alderwomen

1. **Background**

(a) Section 249 of the Local Government Act 1972 gives principal councils the power to confer the title of 'Honorary Alderman' or 'Honorary Alderwoman' on persons who have, in the opinion of the Council, rendered eminent services to the Council as past Members of that Council, but who are no longer Members of the Council. The Act does not specify how eminent services are defined, and this is left as a matter of local interpretation.

(b) The Act also provides that in order to confer the title of Honorary Alderman/Alderwoman on an ex-Member, a meeting of the whole Council needs to be convened specifically for this purpose and the resolution passed by not less than two thirds of the voting Members present at that meeting.

(c) The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 provide for the continuation of the conferment of Honorary Alderman/Alderwoman status from legacy councils to a new authority. Section 32 of these Regulations specifically set outs this provision. To this end, Honorary Aldermen/Alderwomen from the seven legacy North Yorkshire district/borough councils became Aldermen/Alderwomen for North Yorkshire with effect from 1 April 2023.

2. **Process for Nomination**

(a) After an election in an election year, the Monitoring Officer will check who is no longer a Member and has met the criteria set out in this Protocol.

(b) Group Leaders will be informed of who is eligible and proposals made to the Standards and Governance Committee.

(c) A report will then be presented to full Council to consider conferring the Honorary Alderman/Alderwoman status.

(d) Formal election to the Roll of Honorary Aldermen/Alderwomen shall be by resolution of the Council, passed by not less than two thirds of those Members present and voting thereon at a meeting of the Council specifically convened for that purpose.

3. **Criteria**

(a) A person shall be deemed eligible to be enrolled as an Honorary Alderman/Alderwoman provided that the person has served as a Member of the Council (and any of the seven legacy North Yorkshire district/borough councils prior to the establishment of the Council on 1 April 2023) for at least 20 years in total.

(b) Honorary Alderman/Alderwoman is an apolitical role so individuals should not hold political office.

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(c) For the purposes of this Protocol, the term “eminent service” is left undefined to allow flexibility when determining nominations.

4. **Term of Office**

(a) All Honorary Aldermen/Alderwomen shall be lifetime appointments subject to the withdrawal of Title/Rights as set out below.

5. **Rights & Privileges**

(a) An Honorary Alderman/Alderwoman is entitled to the following rights and privileges:

- To be presented with an Honorary Aldermen/Alderwomen badge.
- To receive the link to the electronic version of the full Council summons and agenda.

(Given the capacity issues with full Council meetings, and the current number of Honorary Aldermen/Alderwomen, no guarantee of attendance at Council meetings can be provided).

6. **Withdrawal of Title/Right**

(a) If an existing Honorary Alderman/Alderwoman stands for election and is not elected, they shall continue in the role. If they are elected to the Council as a Member, the title and rights of Alderman/Alderwoman shall be suspended from the individual for such time as they are a serving Member.

(b) The Council may, in any other particular case, withdraw the title of Honorary Alderman/Alderwoman and the attached rights and privileges. Such withdrawal of the title shall be by way of formal motion to a meeting of the full Council, (the summons to which contains special notice that such withdrawal is proposed and the reason therefore, subject to any exempt information) and subsequent resolution of the Council passed by not less than two thirds of the Members present and voting thereon at the meeting of the Council. On the passing of such resolution, the Monitoring Officer shall delete the name of the person concerned from the Roll of Honorary Aldermen/Alderwomen and advise that person accordingly.

7. **Application of this Protocol**

(a) This Protocol shall apply to all Honorary Aldermen/Alderwomen of the Council; that is those Aldermen/Alderwomen who have continued from the legacy Councils (paragraph 3 of this Protocol refers) and Aldermen/Alderwomen appointed by North Yorkshire Council.

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CODE OF PRACTICE FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS

This Code of Practice supplements the Council's Code of Conduct for Councillors and where appropriate Councillors should refer to the Code of Conduct which is set out in the Council's Constitution. The Council's Monitoring Officer's advice may be sought on the interpretation of the Code of Conduct or this Code.

The term 'Planning Committee' in this Code is used in a generic sense and applies to any Council Committee, sub-committee or Cabinet when considering a planning matter. Planning matters include the consideration of planning applications, the preparation of development plans and other planning policy and the enforcement of planning control.

1. Introduction

1.1 Planning affects land and property interests, including the financial value of land and the quality of their settings. It is not an exact science. It is often highly contentious because decisions affect the daily lives of everyone and the private interests of Councillors of the public, landowners and developers. Opposing views are often strongly held by those involved. A key role of the planning process is balancing the needs and interests of individuals and the community.

1.2 The planning system can only function effectively if there is trust among those involved. There must be trust between Councillors and Officers and between the public and the Council. The Third report of the Committee on Standards in Public Life (the Nolan Committee) (1997) recommended that each local authority's practices and procedures were set out in a local code of planning conduct to avoid allegations of malpractice in the operation of the planning system.

1.3 The general principles that underlie the Council's Code of Conduct for Councillors and apply to this Code of Practice are:

1.3.1 Councillors should serve the public interest and should never improperly confer an advantage or disadvantage on any person.

1.3.2 Councillors should not place themselves in situations where their honesty or integrity may be questioned.

1.3.3 Councillors should make decisions on merit.

1.3.4 Councillors should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

1.3.5 Councillors may take account of the views of others but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

1.3.6 Councillors should respect the impartiality and integrity of Officers.

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1.4 The Council is committed to open, fair and transparent decision-making. Planning decisions should be made impartially, with sound judgement and for justifiable reasons.

1.5 This Code of Practice sets out practices and procedures that Councillors and Officers of the Council shall follow when involved in planning matters. Planning matters include the consideration of planning applications, the preparation of development plans and other planning policy and the enforcement of planning control.

1.6 Failure to follow this Code without good reason could be taken into account in investigations into possible maladministration against the Council, or have implications for the position of individual elected Councillors and officers. Breaches of this Code may also amount to breaches of the Council's Code of Conduct for Councillors. If in doubt about what course of action to take, a Councillor or officer should seek the advice of the Council's Monitoring Officer.

1.7 This Code of Practice sets out principles to guide Councillors and officers in determining planning applications and making other decisions within the terms of reference of Planning Committee. Although of particular relevance to members of Planning Committee it applies to all members of the Council who may become involved in planning and development matters.

2. The Role and Conduct of Councillors and Officers

2.1 Councillors and Officers have different, but complementary roles. Both serve the public but Councillors are responsible to the electorate, while Officers are responsible to the Council as a whole.

2.2 The role of a member of the Planning Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

2.3 Whilst Councillors have a special duty to their division constituents, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent to Councillors involved in making a planning decision. A key role of the planning system is the consideration of development proposals against the wider public interest.

2.4 Councillors' decisions shall not discriminate in favour of any individuals or groups and, although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Councillors must, therefore, consider all of the material issues in the light of Development Plan policies, Government advice and their own individual judgement and make a decision in the interests of the area as a whole.

2.5 Whilst Councillors should take account of all views expressed, they shall not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.

2.6 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that code may be subject to disciplinary action by the Institute.

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2.7 Officers in their role of advising Councillors shall provide:

2.7.1 Impartial and professional advice;

2.7.2 Complete written reports covering all necessary information for a decision to be made.

2.8 The Council endorses the statement in the RTPI code that, 'RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions', and extends it to apply to all officers in the authority advising on planning matters.

2.9 That the Council may not always follow the advice of their professional planning officers is perfectly proper. The professional officer too, may have a change of opinion, but this must be on the basis of professional judgement, and not because an authority, its Councillors or other Officers, have prevailed upon the Officer to put forward his or her professional view as something other than it really is.

2.10 If the Planning Committee is minded to refuse or grant an application contrary to an Officer's recommendation, it should consider whether to defer the application to the next available committee, before making the final decision. This will allow Councillors to obtain further legal advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations. If such a decision is made it must be clearly minuted, expressed clearly and be based upon sound planning reasons supported by evidence.

2.11 Officers shall follow the guidance on their standards of conduct as set out in the Code of Conduct for Employees in the Council's Constitution and any National Code of Conduct for Local Government Officers issued by the Secretary of State under Section 82 Local Government Act 2000.

2.12 Councillors shall follow the advice in the Councillor's Code of Conduct about accepting gifts and hospitality. Councillors should treat with extreme caution any offer which is made to them personally; the normal presumption should be that such offers must be courteously declined. Similarly, officers shall politely decline offers of hospitality from people with an interest in a planning proposal. If receipt of hospitality is unavoidable, Officers shall ensure it is of a minimal level and declare it in the hospitality register as soon as possible.

3. Councillors Interests and Allegations of Bias

3.1 Where Councillors have interests which may be thought likely to influence their decision, the fact should be declared at the meeting.

3.2 Where the interest is such that members of the public may feel that the Councillor will not be able to approach matters with an open mind and consider the application on its planning merits, that Councillor should consider withdrawing from the Committee.

3.3 These principles apply equally to Councillors who are not members of Planning Committee. Councillors who have such interests should consider whether it is appropriate for them to participate in the planning process, and in any event, should

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declare such interest at any meeting which they may attend or in any letter which they may write.

3.4 The Code of Conduct for Councillors provides guidance as to disclosable interests which may (depending on their nature) affect a Councillor's ability to take part in the decision-making process. However, Councillors may have other interests which may influence their decision which will not amount to disclosable interests for the purposes of the Code. In order to maintain the integrity of the planning system, Councillors should be careful to ensure that such interests do not unduly influence their decisions or give rise to a perception of bias in decision making. Examples of such interests are:

3.4.1 from being closely aligned with division campaigns or issues;

3.4.2 from membership of other Committees of the Council;

3.4.3 from membership of other public or community bodies;

3.4.4 from membership of voluntary associations and trusts (including where appointed by the Council);

3.4.5 from a connection with a particular policy initiative of the Council;

3.4.6 from membership of clubs, societies and groups; and

3.4.7 from hobbies and other leisure interests.

Such interests may mean that a Councillor is involved with a planning application before the matter comes before the Planning Committee. Such involvement need not on its own debar a Councillor from participating in making the planning decision when the matter is considered by Planning Committee, providing that the Councillor has not already decided how they will vote on the matter before the Committee. Councillors should, however, always consider carefully whether in any particular case they could reasonably be seen to approach the planning merits of the application with an open mind. If the Councillor considers that this is not possible, the Councillor should withdraw from consideration of that item.

3.5 As a minimum, the integrity of the planning system requires openness on the part of Councillors; it must operate fairly and be seen to operate fairly.

4. Development Proposed by the Council or a Council Owned Company

4.1 Planning legislation allows the Council to submit and determine proposals for development that it proposes to carry out itself. Council owned companies also submit proposals that are decided by the Council.

4.2 Proposals submitted by the Council or a Council owned company shall be considered in the same way as those by private developers.

4.3 Members of the Planning Committee who sit on the board of a Council owned company which has submitted a planning proposal shall declare an interest and take

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no part in the discussion and determination of that proposal, except where they are the local Councillor when they may speak on matters of local concern but shall not vote.

4.4 Officers who are involved in the preparation of development proposals shall not advise on, or take any part in the consideration of, planning applications in respect of such proposals.

5. Statutory Duties

The Council is also subject to a number of statutory duties which it must comply with when carrying out its statutory functions. These will apply to the planning function except when such matters are clearly immaterial because they are not capable of relating to the use of development land. Examples of these duties include:

5.1 Equality Act 2010

Section 149 provides that:

5.1.1 A council must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a protected characteristic and persons who do not share it.

5.2 Human Rights

Section 6(1) of the Human Rights Act 1998 provides that:

"It is unlawful for a public authority to act [or fail to act] in a way which is incompatible with a Convention right."

5.3 Best Value

Section 3(1) of the Local Government Act 1999 provides that:

"A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness."

5.4 Crime and Disorder

Section 17(1) of the Crime and Disorder Act 1998 provides that:

"Without prejudice to any other obligation imposed on it, it shall be the duty of a [local authority] to exercise its various functions with due regard to the likely effect of the

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exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."

6. Lobbying of and by Councillors

6.1 Lobbying is a normal and proper part of the political process. The applicant, supporters or those who may be affected by a proposal will often seek to influence the decision by an approach to their local Councillor or members of the Planning Committee. However, reacting to lobbying can lead to the impartiality of a Councillor being called into question and require that Councillor to declare an interest.

6.2 The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees, neighbours and the assessment of the case by the planning officer all need to be considered before a Councillor is in a position to make a balanced judgement on the merits of the case. Councillors should provide officers with copies of any lobbying material they may have received, whether in favour or against a proposal.

6.3 The time for individual members of the Planning Committee to make a decision on a proposal is at the committee meeting when all available information is to hand and has been duly considered.

6.4 A Planning Committee member shall be free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to officers). Even though they may agree with a particular view, Planning Committee Councillors should take care about expressing an opinion indicating they have made up their mind before the decision-making meeting. To do so, without all the relevant information and views, would be unfair and prejudicial. A decision is at risk of being challenged if Councillors do not retain open minds and are not genuinely susceptible to persuasion at the decision-making meeting. Councillors who are lobbied should:

6.4.1 make clear that they reserve their final decision on a proposal until the committee meeting;

6.4.2 only give procedural advice;

6.4.3 consider referring those lobbying to the relevant Officer who can provide further advice; and

6.4.4 not seek to meet an applicant or potential applicant alone.

6.5 Members of the Planning Committee shall not, in general, organise support or opposition for a proposal, or lobby other Councillors (other than when addressing the Planning Committee). Councillors shall not put improper pressure on Officers for a particular recommendation.

6.6 The local Councillor who is not a member of the Planning Committee will be allowed to attend and speak at the decision-making meeting (representing the views of their division) but not vote. The Councillor for an adjacent division substantially affected by the proposal shall, at the discretion of the chair of the Planning Committee, also be allowed to attend and speak but not vote. A local Councillor who has an

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interest in an application, within the meaning of the Code of Conduct should seek prior advice from the Monitoring Officer about his or her position.

6.7 If a member of the Planning Committee identifies themselves with a group or individual campaigning for or against an application (to the extent that they are pre determined), t h ey shall advise of their involvement at the start of the meeting and not vote or decide on the matter. However, that Councillor shall be given the opportunity to address the Committee and then leave the meeting for the remainder of that item.

6.8 Councillors of a Planning Committee must be free to vote as they consider appropriate on planning matters. A Councillor cannot be instructed how to exercise their vote on a planning matter.

6.9 Councillors should inform the Monitoring Officer where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality).

7. Pre- and Post- Application Discussions and Negotiations

7.1 Discussions between an applicant and a planning authority, prior to the submission of an application, can be of considerable benefit to both parties and is encouraged. Continued discussions and negotiations between these parties, after the submission of proposals, is a common and important facet of the planning process. However, they should take place within clear guidelines, as follows.

7.2 It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the Officer only, and are provisional.

7.3 Advice should be consistent and based upon the Development Plan and material considerations. There should be no significant difference of interpretation of planning policies by individual planning officers.

7.4 A written note should be made of all potentially contentious meetings. Two or more officers should attend potentially contentious meetings. A note should also be taken of potentially contentious telephone discussions.

7.5 Councillors need to preserve their role as impartial decision makers and members of Planning Committee should not take part in pre- or post- submission discussions and negotiations with applicants regarding development proposals. Should there be occasions where a pre application discussion with the Committee or with other Councillors is considered appropriate, it should be part of a structured arrangement with Officers. Councillors must avoid indicating the likely decision on an application or otherwise committing the authority during contact with applicants.

7.6 Councillors may receive information from applicants and give information to applicants and members of the public but, to safeguard their impartiality, they should maintain a clear distinction between receiving information and negotiating. Any information received by Councillors should be provided to the officers dealing with the application. Councillors who are approached for planning, procedural or technical advice should refer the applicant to the relevant officer.

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8. Officer Reports to Committee

8.1 The Head of Planning and/or the Planning Development Manager will submit written reports to the appropriate Planning Committee on planning applications to be determined by the Council. The reports will give the background to the application including any relevant planning history of the site, a description of the proposals and their likely effects, and the relevant Development Plan and all other material considerations including government policy considerations. Where a planning application requires an environmental impact assessment the Head of Planning and/or the Planning Development Manager shall include in his/her report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with his/her own comments. The reports will include a summary of representations made about the application. The Head of Planning and/or the Planning Development Manager in his/her report will give a reasoned assessment of the proposals and a justified recommendation.

8.2 Supplementary written reports may be provided to Members prior to a meeting. This can be to deal with late representations after the publication of the agenda.Oral reports (except to present and update a report) may be provided and fully minuted when they do occur.

8.3 The full planning application, environmental statement (where required) and representations from bodies consulted and members of the public are available through the Planning Portal and can be made available to Councillors for inspection if required.

9. The Development Plan and Planning Considerations

9.1 Planning law sets out how decisions should be made in accordance with the Development plan unless material planning considerations indicate otherwise and should not be based on immaterial considerations.

9.2 Planning legislation, as expanded by Government Policy, Ministerial Statements and other Guidance and decided cases, defines which matters are material considerations for the determination of planning decisions. There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

9.3 It should, however, be noted that the risk of costs being awarded against the Council on appeal is not itself a material planning consideration.

9.4 Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land – such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

9.5 The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers of neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect

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amenities and the existing use of land and buildings which ought to be protected in the public interest.

9.6 Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated.

9.7 It will be inevitable that all the considerations will not point solely to either grant or refusal. Having identified all the development plan policies, material planning considerations and put to one side all the immaterial considerations, Councillors must come to a carefully balanced decision which can be substantiated, if challenged on appeal.

10. The Decision Making Process

10.1 Councillors shall recognise that the law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.

10.2 Where an environmental impact assessment is required, the Planning Committee shall take the information provided in the report into consideration when determining the application.

10.3 If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.

10.4 Where the Planning Committee decide to adopt the recommendation of the Head of Planning and/or the Planning Development Manager, the reasons contained in his/her report will be minuted, together with any additional reasons determined by the Committee.

Where the Planning Committee is minded to approve or to refuse a planning application, contrary to the recommendation of the Head of Planning and/or the Planning Development Manager, or the Development Plan, consideration should be given to deferring the item unless agreement can be reached at the meeting on the planning reasons for that decision which shall be fully minuted.

10.5 The reasons for Committee's decision to defer any proposal should also be recorded.

10.6 Councillors who are not present at the meeting for the duration of the planning officer's presentation, any subsequent representations and the entire Councillor debate shall not (save with the discretion of the Chair) be entitled to vote on the matter under consideration.

10.7 .

11. Site Visits by the Committee

11.1 A site visit may be held if the Head of Planning and/or the Planning Development Manager in consultation with Chair of the relevant committee considers it will assist Councillors in reaching their decision, where a site visit has been requested or an

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application deferred for such a visit. The purpose of a site visit is to gather factual information relating to the planning application. Site visits should only be undertaken where there is a reason to do so for example, where the impact of the proposed development would be difficult to visualise from photographs, satellite imaging, plans and supporting material or where the development is very contentious or complex.

11.2 Site visits should be requested in advance of the Planning Committee meeting and Councillors should liaise with Officers at the earliest opportunity to consider the need for a site visit.

11.3 When a site visit is held prior to the meeting of the Planning Committee it is desirable that all Councillors attending the Planning Committee should also attend the site visit. Councillors voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application. Information gained from the site visit should be reported back to committee so that all Councillors have the same information.

11.4 Site visits should be conducted in a formal manner. They are not a forum for the interested parties to make representations and the Committee should not get involved in discussions with other any parties attending the site visit. .

11.5 The organisation of the site visit will fall to the planning officer, who will inform Democratic Services of the need to send out site visit invites to the following:

- All Members of the Planning Committee including nominated substitutes;
- relevant Division Members; and
- relevant Parish Councillors.
- where the agent or representative of the applicant is required on a site visit to meet health and safety requirements a representative from the objectors will be invited to the site visit as an observer.

11.6 The Applicant/Agent will be informed that a site visit will take place in order to ensure that site access can be arranged. This is arranged by the planning officer due to their ongoing contact with relevant applicants/agents.

11.7 The site visit will be attended by the relevant planning officer(s) who will answer any questions raised. The planning officer(s) will describe the development and point out the relevant issue(s) that the Committee has come to view.

11.8 On assembling at the site, at the time specified, the Chair will explain the purpose and procedures of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the committee meeting. The planning officer will explain the application as it relates to the site and relevant viewpoints. Parties who attend the site visit will be permitted to point out the salient features relevant to the subsequent decision. However no discussion of or debate on the merits of the proposal will take place on site. Discussion of such matters must take place in the Committee meeting itself. Following any questions to the planning officer, or clarification sought on matters which are relevant to the site inspection,

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the Chair will bring the site visit to a close.

11.9 Members of the Committee should address any request for clarification through the Chair of the Planning Committee. Should the Chair deem it appropriate, those present may be requested to respond to questions of fact only.

11.10 Councillors should not engage in open discussion either individually or in groups with the applicant or any other people present. Any request for Councillors to express a view or accept an offer of hospitality should be politely declined.

11.11 Unofficial site visits are not encouraged as they do not have the appropriate procedural safeguards. Any Councillor attending an unofficial site visits must ensure that they avoid giving the impression that he/she represents the views of the Planning Committee or the Council. If a Councillor feels compelled to give a personal view, he/she should emphasise that the final decision is one for the Planning Committee.

12. Public Speaking at Planning Committee

12.1 Wherever possible, objections or representations to planning applications should be made in writing. Written representations received will be made available for public inspection and objections summarised and reported to the Planning Committee. Councillors have the opportunity to inspect all letters received before the decision on the application is made.

12.2 The Council operates a scheme of public speaking at Planning Committee meetings. Normally the following people can speak at Planning Committee in relation to any specific application:

- One speaker representing the applicant – usually the applicant themselves or their agent.
- One speaker representing the objectors.
- The relevant Parish Council representative.
- A Division Member.

In exceptional circumstances the Chair has discretion to allow any other person to speak if it is considered necessary to do so.

Order of Speakers

1. The objector has five minutes to put their case.
2. A representative of the relevant parish council then has five minutes to put their case.
3. A division member who wishes to speak on the application will be allocated five minutes to put their case.

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4. At the appropriate time, any other person allowed to speak at the discretion of the Chairman will be allowed five minutes to put their case.

5. Finally the applicant, or their representative, will be allowed five minutes to put their case.

12.3 The speaker representing the applicant must have the permission of the applicant to represent them.

12.4 The speaker representing the objector(s) can be a neighbour, an interested individual or a representative of a residents group.

12.5 The first objector to register to speak will normally be appointed as the spokesperson. Where there is more than one person wishing to speak, objectors are encouraged to agree on a spokesperson who is prepared to cover all the points of concern, so as to make best use of the time available.

12.6 Persons wishing to speak on an application, which is to be considered at a Planning Committee and who have previously made representations on the application, should contact Democratic Services on xxxxxxxx

No late notification will be accepted and speakers cannot "turn up" to speak at Committee without the due notice being given.

12.7 The purpose of the scheme is to enable speakers to put forward any points they wish to make directly to the Committee. There will be no need to read any submission already made in writing, as this will already be summarised in the report Councillors have before them.

12.8 Speakers should confine their comments to matters relevant to planning applications.

12.9 People wishing to speak at Planning Committee cannot hand out documentation to members of the Committee except at the discretion of the Chair. Photographs may be handed out, provided that a minimum of 20 copies have been delivered to the Council by 12.00 noon on the last working day prior to the meeting. There is also no provision to display maps, photographs or other information on boards or on screens in the meeting room on behalf of those making representations at the meeting.

12.10 The Chair of the Committee retains the right to decline to hear someone if they behave improperly, offensively or if they, in the Chair's view, intentionally obstruct the business in hand.

12.11 Officers may comment on the representations and the merits of the application in the light of those representations.

12.12 The Committee will proceed to debate the application and make a decision.

13. Training

13.1 Councillors including named substitutes should not participate in decision-making at meetings dealing with planning matters if they have not attended the

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mandatory planning training prescribed by the Council.

13.2 Councillors should endeavour to attend any other specialised training sessions provided since these will be designed to extend Councillors' knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above, and thus assist them in carrying out their role properly and effectively.

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PART 7

Management Structure

The following is the description of the overall structure of the Council referred to in Article 12.01(e).

1. Role of Management Board

1.1 The Management Board brings together the Corporate Directors and Assistant Chief Executives of the Council, under the Chairmanship of the Chief Executive Officer.

- Chief Executive of North Yorkshire Council

- Assistant Chief Executive — Legal and Democratic Services
- Assistant Chief Executive — HR and Business Support
- Assistant Chief Executive — Local Engagement

- Corporate Director — Environment
- Corporate Director — Health and Adult Services
- Corporate Director — Children and Young People's Services
- Corporate Director — Resources
- Corporate Director — Community Development

1.2 Its role is to:

- provide leadership for and management of the Council's paid staff;
- ensure that the policies and Executive decisions of the Council are implemented;
- make sure that policies and decisions are consistent with each other and with the corporate priorities of the Council;
- take overall responsibility for the Council's day to day performance and delivery of the Best Value Performance Plan;
- develop on a corporate basis proposals for the Council's budget and policy framework;
- encourage active collaboration between Directorates and resolve disputes between them.

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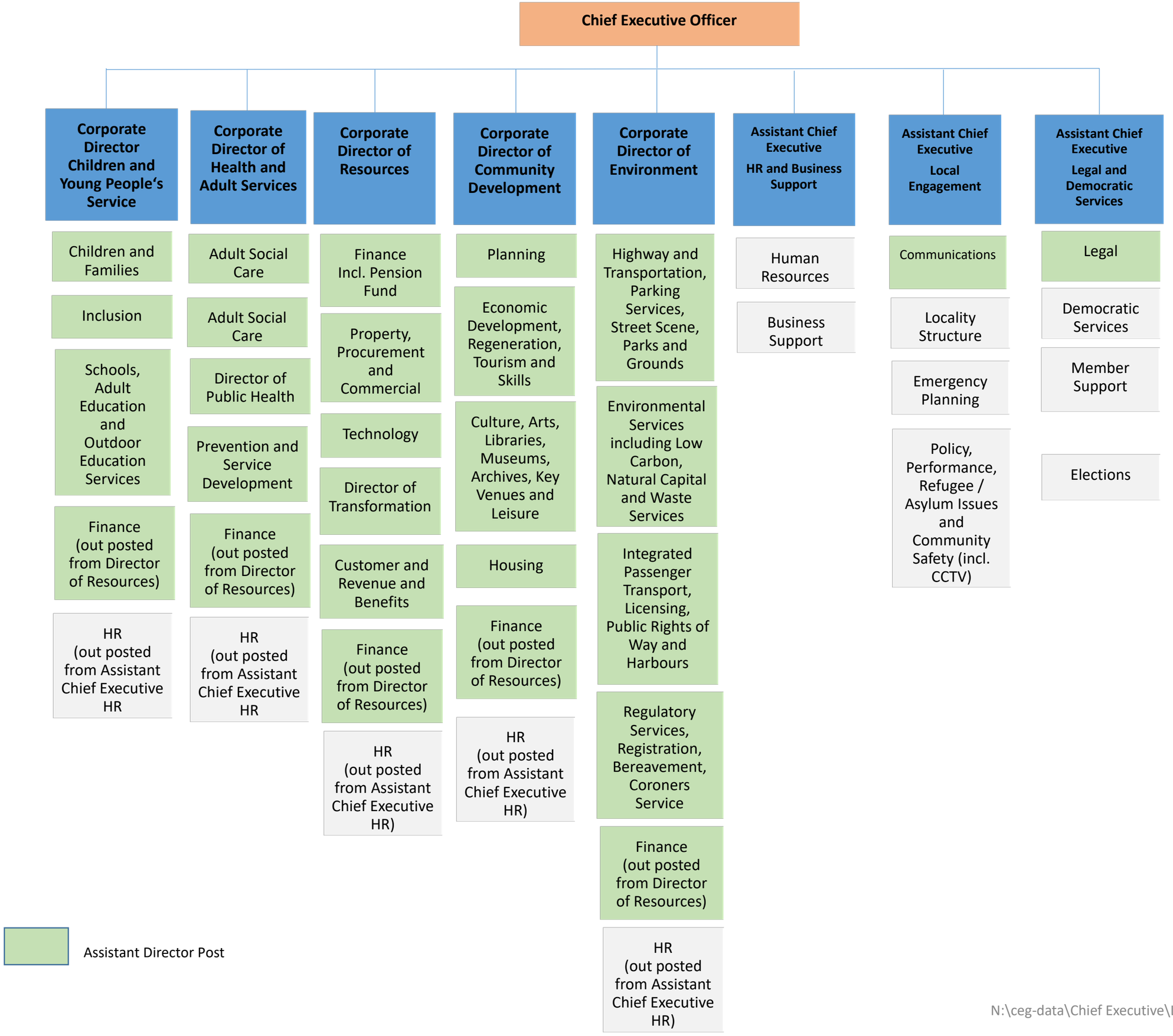

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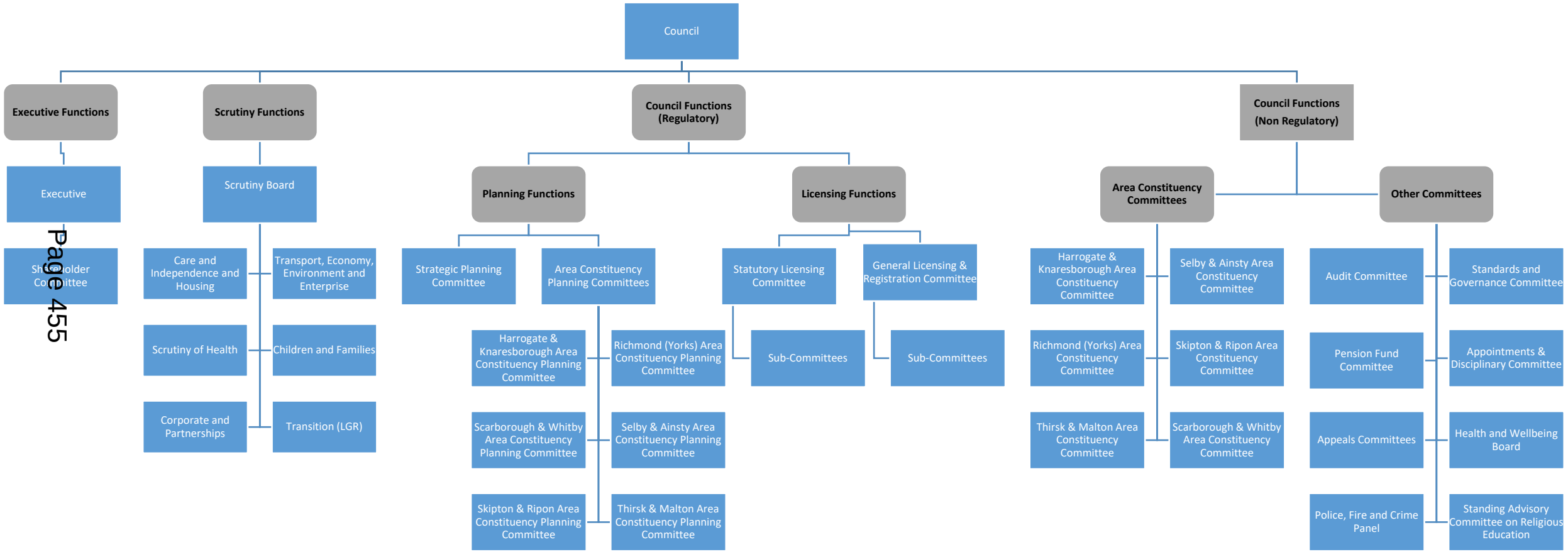
Council
Executive Functions
Scrutiny Functions
Council Functions (Regulatory)
Council Functions (Non Regulatory)
Executive
Scrutiny Board
Planning Functions
Licensing Functions
Area Constituency Committees
Other Committees
Shareholder Committee
Care and Independence and Housing
Transport, Economy, Environment and Enterprise
Scrutiny of Health
Children and Families
Corporate and Partnerships
Transition (LGR)
Strategic Planning Committee
Area Constituency Planning Committees
Statutory Licensing Committee
General Licensing & Registration Committee
Harrogate & Knaresborough Area Constituency Planning Committee
Richmond (Yorks) Area Constituency Planning Committee
Sub-Committees
Sub-Committees
Scarborough & Whitby Area Constituency Planning Committee
Selby & Ainsty Area Constituency Planning Committee
Skipton & Ripon Area Constituency Planning Committee
Thirsk & Malton Area Constituency Planning Committee
Harrogate & Knaresborough Area Constituency Committee
Selby & Ainsty Area Constituency Committee
Richmond (Yorks) Area Constituency Committee
Skipton & Ripon Area Constituency Committee
Thirsk & Malton Area Constituency Committee
Scarborough & Whitby Area Constituency Committee
Audit Committee
Standards and Governance Committee
Pension Fund Committee
Appointments & Disciplinary Committee
Appeals Committees
Health and Wellbeing Board
Police, Fire and Crime Panel
Standing Advisory Committee on Religious Education

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Proposed Committees

Committee	Number of members	Frequency of meetings
Full Council	90	4 per year (plus reserve date)
Executive	10	As required
Shareholder committee	3	Quarterly
Scrutiny Board	8	Quarterly
Scrutiny of Health committee	16	Quarterly
Care and Independence and Housing overview and scrutiny committee	16	Quarterly
Corporate and Partnerships overview and scrutiny committee	16	Quarterly
Transport, Economy, Environment and Enterprise overview and scrutiny committee	16	Quarterly
Children and Families overview and scrutiny committee	16	Quarterly
Transition (LGR) overview and scrutiny committee	16	Quarterly
Strategic Planning Committee	12 to 15 (TBC)	TBC
Harrogate and Knaresborough Area Constituency Planning Committee	7 to 9 (TBC)	TBC
Scarborough and Whitby Area Constituency Planning Committee	7 to 9 (TBC)	TBC
Skipton and Ripon Area Constituency Planning Committee	7 to 9 (TBC)	TBC
Thirsk and Malton Area Constituency Planning Committee	7 to 9 (TBC)	TBC
Selby and Ainsty Area Constituency Planning Committee	7 to 9 (TBC)	TBC
Richmond (Yorks) Area Constituency Planning Committee	7 to 9 (TBC)	TBC
Statutory Licensing Committee	15	As required

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Sub-Committees of the Statutory Licensing Committee	3 per sub-committee	As required
General Licensing and Registration Committee	25	As required
Sub-Committees of the General Licensing and Registration Committee	3 per sub-committee	As required
Harrogate and Knaresborough Area Constituency Committee	13	Quarterly
Scarborough and Whitby Area Constituency Committee	15	Quarterly
Skipton and Ripon Area Constituency Committee	15	Quarterly
Thirsk and Malton Area Constituency Committee	15	Quarterly
Selby and Ainsty Area Constituency Committee	16	Quarterly
Richmond (Yorks) Area Constituency Committee	16	Quarterly
Audit	10	5 times a year
Pension Fund Committee	10	5 times a year
Standards and Governance Committee	10	As required
Chief Officer Appointments and Disciplinary Committee	10	As required
Chief Officer Appointments and Disciplinary Sub-Committee	10	As required
Appeals (Home to School Transport) committee	5	As required
Employment Appeals Committee	5	As required
Standing Advisory Council on Religious Education	4	Quarterly
North Yorkshire Health and Wellbeing Board	3	Quarterly
North Yorkshire Police Fire and Crime Panel	7 (TBC)	Quarterly
Joint Devolution Committee	2	Quarterly
North Yorkshire Local Access Forum	2	3 times a year

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Initial Climate Change Impact Assessment (Form created August 2021)

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

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

Title of proposal	New Constitution for North Yorkshire Council
Brief description of proposal	To consider the draft new Constitution for the new unitary authority.
Directorate	Central Services
Service area	Legal and Democratic Services
Lead officer	Barry Khan, Assistant Chief Executive (Legal and Democratic Services), North Yorkshire County Council and LGR Corporate Governance Workstream sponsor Jennifer Norton, Head of Legal & Governance, Harrogate Borough Council
Names and roles of other people involved in carrying out the impact assessment	Moira Beighton, Senior Governance Lawyer, North Yorkshire County 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 county 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.

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Decision (Please tick one option)	Full CCIA not relevant or proportionate:	Not relevant/proportionate	Continue to full CCIA:	
Reason for decision	The issues covered by the report do not of themselves present any significant climate change implications.			
Signed (Assistant Director or equivalent)	BARRY KHAN, Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer			
Date	9 January 2023			

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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 the draft new Constitution for the new unitary authority.
Officer(s) carrying out screening	Barry Khan, Assistant Chief Executive (Legal and Democratic Services), North Yorkshire County Council and LGR Corporate Governance Workstream sponsor
What are you proposing to do?	Approve the constitution for North Yorkshire Council
Why are you proposing this? What are the desired outcomes?	To enable safe and legal decision making for the New Council it is necessary to approve a revised Constitution.
Does the proposal involve a significant commitment or removal of resources? Please give details.	Not directly. The decision to create a single unitary Council for North Yorkshire has previously been made and this decision is to ensure there is the appropriate governance documentation and structure for the new authority to operate.

Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics

As part of this assessment, please consider the following questions:

- To what extent is this service used by particular groups of people with protected characteristics?
- Does the proposal relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the proposal relates to?

If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.

Protected characteristic	**Potential for adverse impact**		**Don't know/No info available**
	Yes	**No**	
Age		No	
Disability		No	
Sex		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	
NYCC additional characteristics			
People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	

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Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	The decision relates to the whole area and applies equally.			
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	The previous decision in creating a single unitary authority has an impact on the way other organisations operate and deal with the Council. This decision is to create the constitution for the new authority.			
Decision (Please tick one option)	EIA not relevant or proportionate:	✔	Continue to full EIA:	
Reason for decision	The approval of a new constitution will not have an adverse impact on any protected characteristic and therefore a full EIA would be disproportionate in this case. EIAs will continue to be needed for appropriate decisions for the new Council.			
Signed (Assistant Director or equivalent)	*Barry Khan*			
Date	9th January 2023			

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North Yorkshire County Council

Executive

17 January 2023

Draft North Yorkshire Council Climate Change Strategy 2023-2030 and York and North Yorkshire's Routemap to Carbon Negative

Report of the Assistant Director Policy, Partnerships and Communities

1. Purpose of report

1.1. To propose endorsement of York and North Yorkshire's Routemap to Carbon Negative.

1.2. To propose a public consultation on a Draft North Yorkshire Council Climate Change Strategy 2023-2030.

2. Background

2.1. North Yorkshire County Council and the seven district and borough councils in the county have all previously made commitments to reduce their own carbon footprints and become net zero (carbon neutral) as organisations; to support the region's ambition to become net zero and carbon negative; and to encourage residents, businesses and visitors to take climate responsible actions. North Yorkshire County Council also declared a climate emergency in July 2022.

2.2. The proposal to Government advocating the creation of North Yorkshire Council said that a single unitary council offers an opportunity to take a more co-ordinated approach to tackle emissions and responses to future climate change events, and to maximise the value of our natural capital assets to improve the health of our county's environment.

2.3. The York and North Yorkshire Local Enterprise Partnership (LEP) led the development of York and North Yorkshire's Routemap to Carbon Negative, aiming to develop a co-owned plan about how the region as a whole (businesses, communities and public sector) can achieve net zero by 2034 and carbon negative by 2040.

2.4. It is proposed that North Yorkshire Council adopts a climate change strategy, taking account of the Council's broader responsibilities and the Council's difficult financial circumstances, setting out how the Council will become net zero as an organisation and contribute towards the delivery of York and North Yorkshire's Routemap to Carbon Negative.

3. York and North Yorkshire's Routemap to Carbon Negative

3.1. Over the past two years, the York and North Yorkshire Local Enterprise Partnership (LEP) has been leading the development of York and North Yorkshire's Routemap to Carbon Negative, aiming to develop a co-owned plan about how the region as a whole (businesses, communities and public sector) can achieve net zero by 2034 and carbon negative by 2040.

3.2. To ensure an evidence-based approach the LEP commissioned several studies that have informed the development of the Routemap. This includes initial research undertaken by the Tyndall Centre to establish a carbon budget for the region that ensures it makes a 'fair' contribution towards the Paris Climate Change Agreement.

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3.3. To understand how the region can get to net zero and stay within this carbon budget, the LEP commissioned a study to develop potential pathways to decarbonise high-emitting sectors – transport, buildings, industry, power, and land use and agriculture. This study provided the scale of ambition required to reach net zero by 2034, from the number of trees that need to be planted to the number of heat pumps that need to be installed.

3.4. Within York and North Yorkshire and across high emitting sectors in the region - power, heat, and buildings; transport; industry and business; land use; agriculture and marine - transformative change is needed if the ambitions set out in the Routemap are to be achieved. The Routemap sets out a long-term direction of travel and key strategic priorities to deliver these changes.

3.5. Between 2020 and 2021, the LEP led a stakeholder engagement process, including an open consultation and workshop sessions, to challenge, refine and validate these scale of ambition targets. A key piece of feedback received from the consultation was that the delivery of net zero was dependant on a number of critical factors that are outside of the direct control of the York and North Yorkshire region, particularly national funding and policy change. As a result of this feedback, each of the Routemap sections sets out the risks and dependencies.

3.6. To ensure the effective implementation of the Routemap, the LEP and partners will build on the high-level action plans to develop detailed implementation plans. As part of these implementation plans, key milestones, success criteria and risks registers will be developed to enable performance to be tracked against the interventions set out in the Routemap. The implementation of the Routemap will be overseen by the LEP Board until new structures are established through the proposed mayoral combined authority.

3.7. The Routemap has been developed collaboratively and must be delivered collaboratively. Every public sector body, business, organisation, and community has a role to play, and everyone's contribution will be required. Every individual can make a difference.

3.8. The Routemap is attached as appendix one.

3.9. It is proposed that the Executive endorses the Routemap and progresses with developing a Draft North Yorkshire Council Climate Change Strategy that will set out the ways in which North Yorkshire Council will make its own contribution towards delivery of the Routemap, whilst recognising that many of the ambitions and actions in the Routemap are the responsibility of others and outside the control and influence of the Council.

4. Draft North Yorkshire Council Climate Change Strategy 2023-2030

4.1. The draft Strategy aims to set out the current position in North Yorkshire and outlines North Yorkshire Council's own high-level response to the Climate Emergency. It builds on the plans and strategies developed by the eight predecessor local authorities and outlines where the Council can best deploy its resources to make its contribution in relation to its own operational activity and support residents, businesses and visitors in the county to take climate responsible actions.

4.2. It is proposed that the Strategy will cover mitigation (decreasing greenhouse gas emissions), adaptation (preparing for the climate to change), supporting nature (helping the natural world, on which we depend, to thrive).

4.3. It is also proposed that Council will, continuing the policies adopted by the predecessor local authorities, commit to achieve net zero in its own operational activity by 2030.

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4.4. Every service that the Council will deliver will need to transform to a greater or lesser extent to reduce carbon emissions, both directly and to support residents, businesses and visitors in the county to take climate responsible actions.

4.5. Following adoption of the Strategy an action plan will be developed setting out how the Council will deploy its resources to deliver the Strategy. Initially this will bring together the eight action plans from the predecessor local authorities and by 2024 the action plan will have a directorate and service level focus to identify how each part of the Council will contribute.

4.6. The Strategy and the action plan will need to take into account the Council's many statutory and critical responsibilities and the Council's difficult financial circumstances.

4.7. The Council should be ready and prepared to seize all appropriate opportunities for additional funding to help achieve the ambitions for the Council set out in the Strategy and for the region in the Routemap.

4.8. The draft Strategy has been developed by officers of the eight councils and reflects the Local Government Reorganisation (LGR) cross cutting climate change principle. The working draft of the draft Strategy was considered by the Transport, Economy and Environment Overview and Scrutiny Committee in October 2022. Relevant community organisations have also been engaged informally.

4.9. The draft Strategy is attached as appendix two.

4.10. It is proposed that a public consultation is held on the draft Strategy. After the conclusion of this consultation, a further report will be brought back to the Executive outlining the results of the consultation.

5. Financial implications

5.1. The draft Strategy is a high-level document and will lead to the development of a detailed action plan. The financial implications of each element of the action plan will need to be considered in detail as it is developed, and this consideration will need to take into account the Council's many statutory and critical responsibilities and the Council's difficult financial circumstances.

6. Legal Implications

6.1. The County Council will need to contribute to national legal targets for carbon emissions reduction.

7. Climate change implications

7.1. The report outlines the climate change interventions that are required to secure our local and global future and meet locally derived ambitions and nationally required targets. The issues identified in the report have direct relevance to the activities we take to reduce greenhouse gas emissions, to prepare for climate change and to support nature to thrive. A full climate change impact assessment is in appendix three.

8. Equalities implications

8.1. The consultation draft has been developed to reach as many people as possible and seeks to engage all sectors of society through the use of plain English, online survey tools that

meet accessibility standards and 'in person' support to understand the text and respond accordingly. Throughout the Strategy, the opportunities to support an equal transition to a low carbon economy are highlighted, including the development of community owned assets and upskilling in low carbon technologies. A full Equalities Impact Assessment is included at appendix four.

9. Reasons for Recommendations

9.1. All of the predecessor local authorities have climate change plans and strategies, including commitments to become operationally net zero. It is essential that North Yorkshire Council itself has a clear climate change strategy.

9.2. In addition to setting out the commitment to become operationally net zero, the Strategy should set out the ways in which the Council will make its own contribution towards delivery of York and North Yorkshire's Routemap to Carbon Negative, whilst recognising that many of the ambitions and actions in the Routemap are the responsibility of others and outside the control and influence of the Council.

10. Recommendations

10.1. The Executive is recommended to:

i. endorse the York and North Yorkshire's Routemap to Carbon Negative, whilst recognising that many of the ambitions and actions in the Routemap are the responsibility of others and outside the control and influence of the Council;

ii. agree to undertake a public consultation on the Draft North Yorkshire Council Climate Change Strategy 2023-2030 and authorise the Assistant Director Policy, Partnerships and Communities to make any necessary changes to the text following the discussion at this meeting; and

iii. receive a further report, after the conclusion of the public consultation, outlining the results of the consultation and including the proposed North Yorkshire Council Climate Change Strategy 2023-2030.

Neil Irving
Assistant Director - Policy, Partnerships and Communities
5 January 2023

Appendices:
Appendix one - York and North Yorkshire's Routemap to Carbon Negative
Appendix two - Draft North Yorkshire Council Climate Change Strategy 2023-2030
Appendix three - Climate Change Impact Assessment
Appendix four - Equalities Impact Assessment

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19 October 2022

York and North Yorkshire's

Routemap to Carbon Negative

An ambitious co-owned plan to deliver net zero by 2034, and carbon negative by 2040.

Priorities & Actions for 2022-2027

York & North Yorkshire LOCAL ENTERPRISE PARTNERSHIP

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Executive Summary

Why?

As storms, floods and wildfires intensify across the world, there is growing urgency for collective action to tackle climate change. The 2021 IPCC report is a code red for humanity; we are already at 1.2ºC warming and are at imminent risk of reaching the internationally agreed threshold of 1.5 ºC. In York and North Yorkshire, we have a critical contribution to make to national and global efforts; we have the potential to go beyond net zero, and become England's first carbon negative region. With two national parks, three Areas of Outstanding Natural Beauty (AONBs), over 70% of our geography being used for agriculture and unique marine and coastal assets, we are uniquely positioned to use our natural assets to capture and store carbon. As a leader in decarbonisation and world class innovation assets, we can harness the economic opportunities of the transition, creating jobs and attracting investment to the region. This Routemap provides an ambitious pathway for local authorities, businesses, charities, academia and communities to come together to deliver carbon reduction at the necessary pace and scale to reach net zero by 2034, and net negative by 2040.

What?

The series of targets and actions set out in this Routemap have been informed by comprehensive stakeholder engagement and a growing evidence base, including York and North Yorkshire's Carbon Abatement Pathways study. Our approach is based on the strategic pillars of decarbonising our energy system, moving towards a circular economy and enhancing our natural capital. This ensures that we are taking a holistic approach and delivering benefits beyond carbon reduction to create a greener, fairer, stronger economy.

Within our places and across key sectors - Power, Heat & Buildings, Transport, Industry & Business, Land Use, Agriculture and Marine– transformative change is needed. Through our research, we understand the scale of ambition required - from doubling the current size of woodland in the region, to halving private car use, to retrofitting 250,000 homes. The Routemap sets out key strategic priorities to deliver these changes.

How?

We need to create the conditions to enable the movement towards a carbon negative York and North Yorkshire. Through our research and stakeholder engagement, we have identified a number of enablers – including: Research, Strategy & Planning; Communication, Engagement & Movement Building; Collaboration & Innovation; Developing Skills; Programmes & Demonstrator Projects; Infrastructure, Green Industries & Supply Chains; Securing Investment; and Influencing Government Policy.

Who?

The Routemap has been developed collaboratively, and must be delivered collaboratively. Every local authority, business, organisation, charity and community has a role to play. Every individual can make a difference. The Action Plans in the Routemap identify organisations who have a clear leadership role in delivery.

Where?

In the process of implementing the Routemap, we will need to understand 'where' projects and activities need to be delivered. Some of these decisions will be made at an organisational level, and others will require a more strategic approach across the region, such as ensuring the right tree is planted in the right place, or identifying the most viable locations for heat networks. A number of forthcoming strategic, spatial plans will fill this remaining gap – including the underway Local Area Energy Plans (LAEP) and forthcoming Local Nature Recovery Strategy and Natural Capital Investment Plan.

Routemap Purpose

The overarching aim of the Routemap is to provide a clear, co-owned plan to accelerate the transformation to a carbon negative York and North Yorkshire.

The specific objectives of the Routemap are:

To provide strategic direction and a coordinated approach to decarbonisation;

To catalyse collaborative action at pace and scale;

To build confidence that reaching net zero and beyond to carbon negative is feasible;

To harness the economic opportunities of net zero, leveraging public and private sector investment;

To position York and North Yorkshire at the forefront of national climate action and provide a platform to influence Government policy and funding

Our Strategic Framework

Building on an extensive evidence base and working closely with stakeholders, our framework sets out our approach to delivering England's first carbon negative region.

The framework summarises the "what" – our **strategic pillars** and **priorities for each sector,** alongside the "how" – the **key enablers** to create a carbon negative economy.

Our Ambition

Strategic Pillars

Sectors and Strategic Priorities

Key Enablers

What's in the Routemap?

The Routemap sets out a long term direction of travel, but focuses on priorities and actions between 2022 and 2027. This is because we are still awaiting key decisions at a national level which will impact our pathway to net zero in the late 2020s and beyond.

The document includes the following sections:

- **Why Carbon Negative? The Case for Action**
- **Our Journey to Carbon Negative**
- **Enabling Transformation across the Economy: Creating Systems Change**
- **Reducing Emissions across the Economy: Sector Action Plans**
- **Governance, Performance Monitoring & Reporting**

Why Carbon Negative?

The Case for Action

1. As storms, floods and wildfires intensify across the world, there is **growing urgency for collective action to tackle climate change**. The 2021 IPCC report is a code red for humanity; we are already at 1.2ºC warming and are at imminent risk of reaching the internationally agreed threshold of 1.5 ºC. The **viability of our economy and communities depend on urgent action**.

2. In York and North Yorkshire, climate change is predicted to increase the frequency and severity of flooding, increase temperatures, cause water shortages and rising sea levels. The disruption to business, impact on food production, damage to physical assets and destruction of ecosystems that underpin key sectors will **create substantial costs for the region and threaten the ability to do business here**. The UK Government recognise that the sooner we act on climate change, the lower the costs will be. The Office for Budget Responsibility concluded that there would be significant fiscal benefits from early action to transition to net zero, meaning the costs will be lower than if we delay.

> "Delaying action would only serve to put future generations at risk of crossing critical thresholds resulting in severe and irreversible changes to the planet, the environment, and human society."
>
> UK Government Net Zero Strategy

3. In York and North Yorkshire, we have a critical contribution to make to national and global efforts to tackle climate change; **we have the potential to go beyond net zero, and become England's first carbon negative region**. This means that as a region, we will be capturing and storing more carbon than we emit. With two national parks, three Areas of Outstanding Natural Beauty (AONBs) and over 70% of our geography being used for agriculture, we are uniquely positioned to use our natural assets to capture and store carbon. We are home to a thriving bio-economy; with a world-

class cluster of innovation assets, BioYorkshire aims to build on the region's unique strengths in research, industry and farming to create a global, bio-innovation powerhouse that will level up the economy in Yorkshire and the north of England. With our distinctive coastline, we are also innovating to enhance our marine and coastal ecosystems to sequester carbon, and realising economic opportunities in aquaculture. We also have Drax power station on our patch, with their pioneering greenhouse gas removal technology - Bioenergy with Carbon Capture and Storage (BECCS). As a leader in decarbonisation, we can harness the economic opportunities of the transition, creating jobs and attracting investment to our region.

4. **Early and ambitious action will also help us to protect key sectors** within our region, such as agriculture, food & drink, manufacturing and tourism. These sectors are particularly vulnerable to the impacts of climate change, increasing energy prices and changing policy. The decoupling of economic activity from environmental damage, will strengthen our economy and provide new opportunities for businesses, such as those indicated below.

Key sector opportunities include:

- Agri-tech
- Aquaculture
- Bio Based Construction
- Housing Retrofit
- Renewable Energy
- Forestry & Tree Supply Chains
- Hemp Supply Chain

5. Early action will also enable us to **maximise the co-benefits of net zero** for people living in and visiting the region. The transformation to a carbon negative York and North Yorkshire can provide **cleaner air, more equitable access to resources, cheaper energy bills** and **more empowered communities**. Communities have a key leadership role in the delivery of net zero. Whilst a coordinated approach across the region is needed, delivery will ensure communities are able to lead a "hyper-local" approach to net zero.

6. We can also use the transition to **reverse the decline of nature** and tackle the **biodiversity crisis**. The Routemap sets out how we will **enhance our natural capital** and utilise **nature based solutions** where possible.

7. To ensure we achieve our collective ambition to be carbon negative by 2040 and deliver these significant co-benefits, we need a co-owned plan to reduce emissions across the economy and increase greenhouse gas removals. This Routemap provides this plan – with an **ambitious pathway to become England's first carbon negative region**, whilst supporting the levelling up the region with new green jobs, attracting investment and reversing the decline of our natural environment. **Together we can create a greener, fairer, stronger future.**

The Journey to Carbon Negative

This section includes:

- Progress to Date
- Developing the Routemap: Evidence base and engagement
- Routemap Purpose & Aims
- Strategic Framework
- Our Approach & Principles

Progress to Date

York and North Yorkshire has **made significant progress over the last few years** in raising the profile of the low carbon agenda, developing and delivering net zero strategies, increasing collaboration and building capacity for action. The ambition to be England's first carbon negative region is now the economic USP for the region. York and North Yorkshire LEP and Local Authorities have been at the forefront of driving action, taking a strategic leadership role, as well as delivering low carbon projects.

We are not starting from scratch with this document. This Routemap **builds upon existing low carbon strategies and activities**. The Routemap utilises strategic priorities and lessons learnt from York and North Yorkshire's Local Energy Strategy (published in February 2019) and Circular Economy Strategy (launched in November 2019), alongside Local Authority climate action plans and business net zero plans.

Figure 1, shown on the next page, provides a snapshot of the current climate action landscape. The Routemap aims to provide **an umbrella strategy for York and North Yorkshire, connecting the dots** between activities within our region, as well as ensuring the **alignment with wider regional and national policy, partnerships and programmes.**

Figure 1. Climate Action Landscape

Developing the Routemap: Evidence base and engagement

A number of studies have informed the development of the Routemap, which are outlined in Appendix A. This includes research undertaken by the Tyndall Centre to establish a carbon budget for the region that ensures we make our 'fair' contribution towards the Paris Climate Change Agreement. Following this, the York and North Yorkshire LEP commissioned a **study to understand potential pathways to get to net zero** across high-emitting sectors – transport, buildings, industry, power, and land use and agriculture. York and North Yorkshire's **Carbon Abatement Pathways (CAP) study** provides the basis of the evidence base for the Routemap.

To date, **over 200 stakeholders have been engaged** in the CAP study and Routemap development process, including:

- Experts and key stakeholders were initially engaged in developing the **modelling of the pathways** for each sector
- In summer 2020, the LEP undertook a comprehensive phase of stakeholder engagement through a **consultation and follow-up workshops to seek initial views on the study findings and to co-develop policy**.
- In November 2020, the **full study findings were shared with stakeholders**, alongside workshops to **collaboratively develop projects** in areas where urgent action is required. This further stakeholder feedback was incorporated into the Carbon Abatement Pathways Study final report, which was finalised and published on the LEP's website in March 2021.
- In summer 2021, the LEP hosted a series of Roundtable discussions designed to **challenge and validate the CAP study findings**, alongside consolidating prior stakeholder engagement to agree key actions within the Routemap to Carbon Negative. This was followed by a series of engagement activities with key boards and steering groups.

- Over the next 6 months, the team engaged with key stakeholders, partnerships and boards to **develop strategic priorities and interventions for each sector**.
- Between 28th February and 17th March 2022, we undertook an **open consultation** to gather feedback on the first draft of the Routemap, with a specific focus on the "strategic priorities" and "action plans". Responses were reviewed, and the LEP team produced a suite of summary reports outlining key themes from the consultation and how feedback has been addressed. As part of addressing the feedback, we also held a number of **workshop sessions** to address key issues around business & industry, marine and coastal, tourism, community climate action and land use & agriculture. The consultation and further workshop sessions informed the final draft of the Routemap.

Routemap Purpose & Aims

The overarching aim of the Routemap is to provide a clear, co-owned plan to accelerate the transformation to a carbon negative York and North Yorkshire. The Routemap sets out a long term direction of travel and scale of ambition, but focuses on priorities and actions between 2022 and 2027. This is due to key decisions needing to be made at a national level which will impact our pathway to net zero.

The specific objectives of the Routemap are:

- To provide strategic direction and a coordinated approach to decarbonisation;
- To catalyse collaborative action at pace and scale;
- To build confidence that reaching net zero and beyond to carbon negative is feasible;
- To harness the economic opportunities of net zero, leveraging public and private sector investment; and
- To position York and North Yorkshire at the forefront of national climate action and provide a platform to influence Government policy and funding.

The Routemap is <u>not</u> intended to:

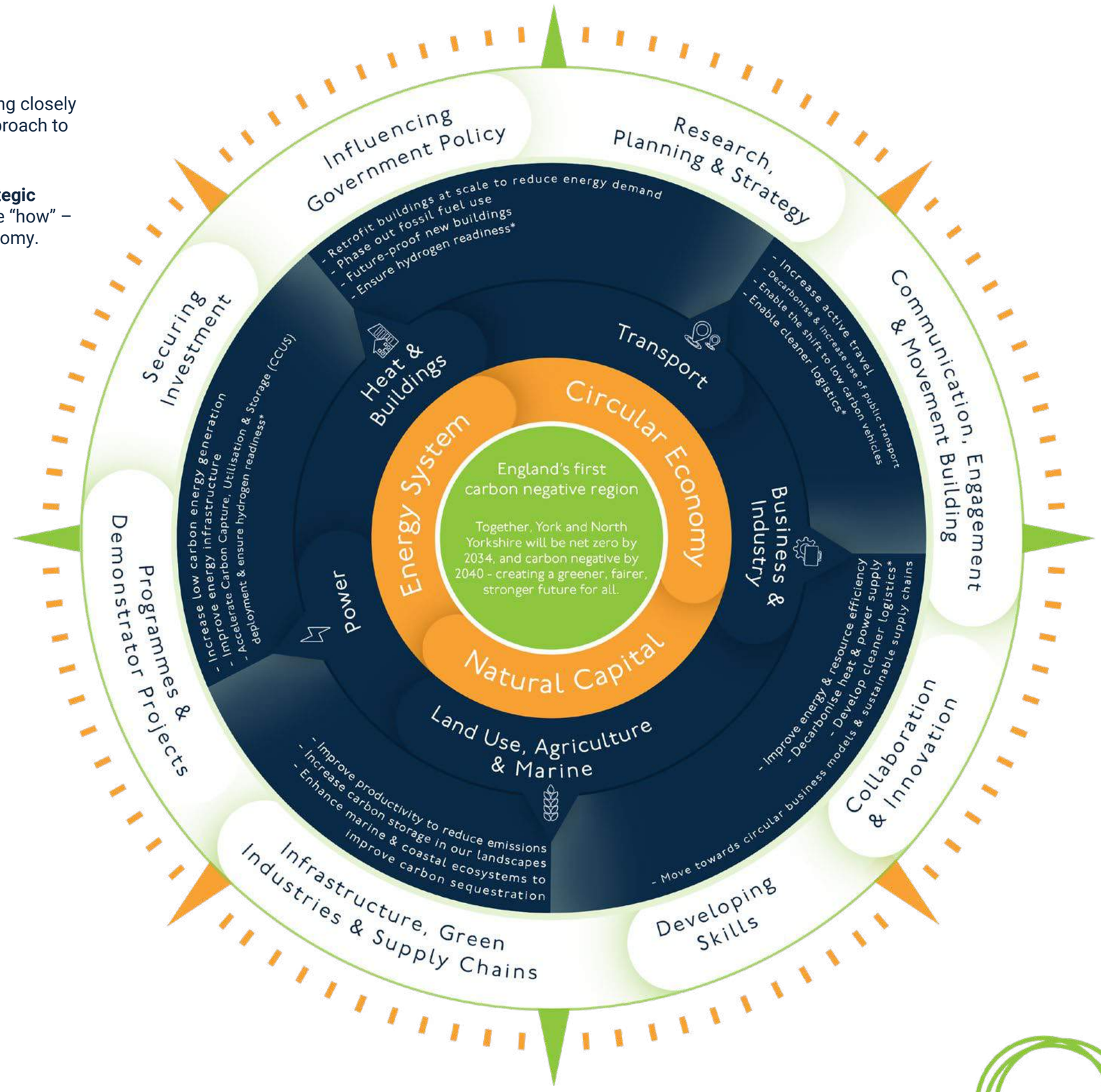
- **Be the only decarbonisation plan in the region.** The Routemap will help coordinate action and build a golden thread between business, local authority, regional and national net zero strategies.
- **Provide all the solutions to reach net zero and beyond.** Gaps in policy, investment, local capacity and the market remain, and will require changes at a national level that are outside the control of regional stakeholders.
- **Be a static document.** As the world around us evolves in terms of knowledge, legislation and policy, technology and markets, we will adapt to take advantage of these opportunities. The Routemap will be a living document – actions will be updated as required, with a formal update undertaken annually.

The Routemap is focused on climate change mitigation (i.e., reducing greenhouse gas emissions), rather than climate change adaptation. We recognise the importance of climate change adaptation and resilience, and that future work will be required to ensure a coordinated and strategic approach across the region. As part of our approach, we are committed to working with the Yorkshire & Humber Climate Commission on the work they are leading around climate change adaptation.

Routemap Strategic Framework

Building on an extensive evidence base and working closely with stakeholders, our framework sets out our approach to delivering England's first carbon negative region.

The framework summarises the "what" – our **strategic pillars** and **priorities for each sector,** alongside the "how" – the **key enablers** to create a carbon negative economy.



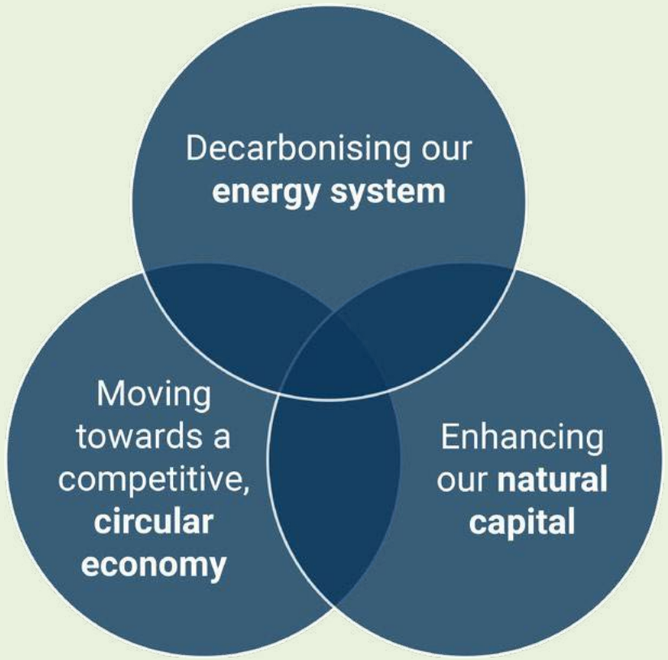
Our Ambition

Strategic Pillars

Sectors and Strategic Priorities

Key Enablers

Our approach to deliver net zero and beyond to carbon negative is based on the following strategic pillars:



Decarbonising our Energy System: Approximately 70% of York and North Yorkshire's existing Scope 1 and 2 emissions are associated with our energy system[1]. We will deliver systems solutions to decarbonise power, heat and buildings, and transport.

Moving towards a competitive Circular Economy: research shows that half of global carbon emissions and 90% of biodiversity loss are driven by resource use. Whilst our ambition to be carbon negative by 2040 is for Scope 1 and 2 emissions, we do aim for the Routemap to also reduce Scope 3 emissions[2]. We don't yet have a baseline for the region's Scope 3 emissions, but we expect the emissions that occur outside Y&NY's boundary as a result of activities taking place within the region to be substantial (including carbon emissions associated with low carbon technology, such as low carbon heating systems and electric vehicles). The circular economy can help tackle these scope 3 emissions, as well as reduce waste and improve resource efficiency within the region.

Enhancing our Natural Capital: through investing in our natural assets, research estimates that we can sequester up to 2.9MtCO2e[3]. This means restoring our peatlands, planting trees, planting diverse grasslands and flower meadows, improving soil quality, growing crops with high carbon sequestration potential (such as hemp) and improving marine ecosystems. These nature based solutions can provide benefits beyond carbon sequestration – including providing cleaner air and water, improving biodiversity and supporting economic resilience.

[1] Element Energy (2021) York and North Yorkshire Carbon Abatement Pathways Study

[2] Scope 1 emissions: emissions from sources located with York and North Yorkshire boundaries

Scope 2 emissions: emissions occurring as a consequence of the use of grid-supplied electricity, heat, steam, and/or cooling

Scope 3 emissions: emissions that occur outside of York and North Yorkshire boundaries as result of activities taking place within the region.

[3] Eftec (2020) York, North and West Yorkshire Natural Capital Study

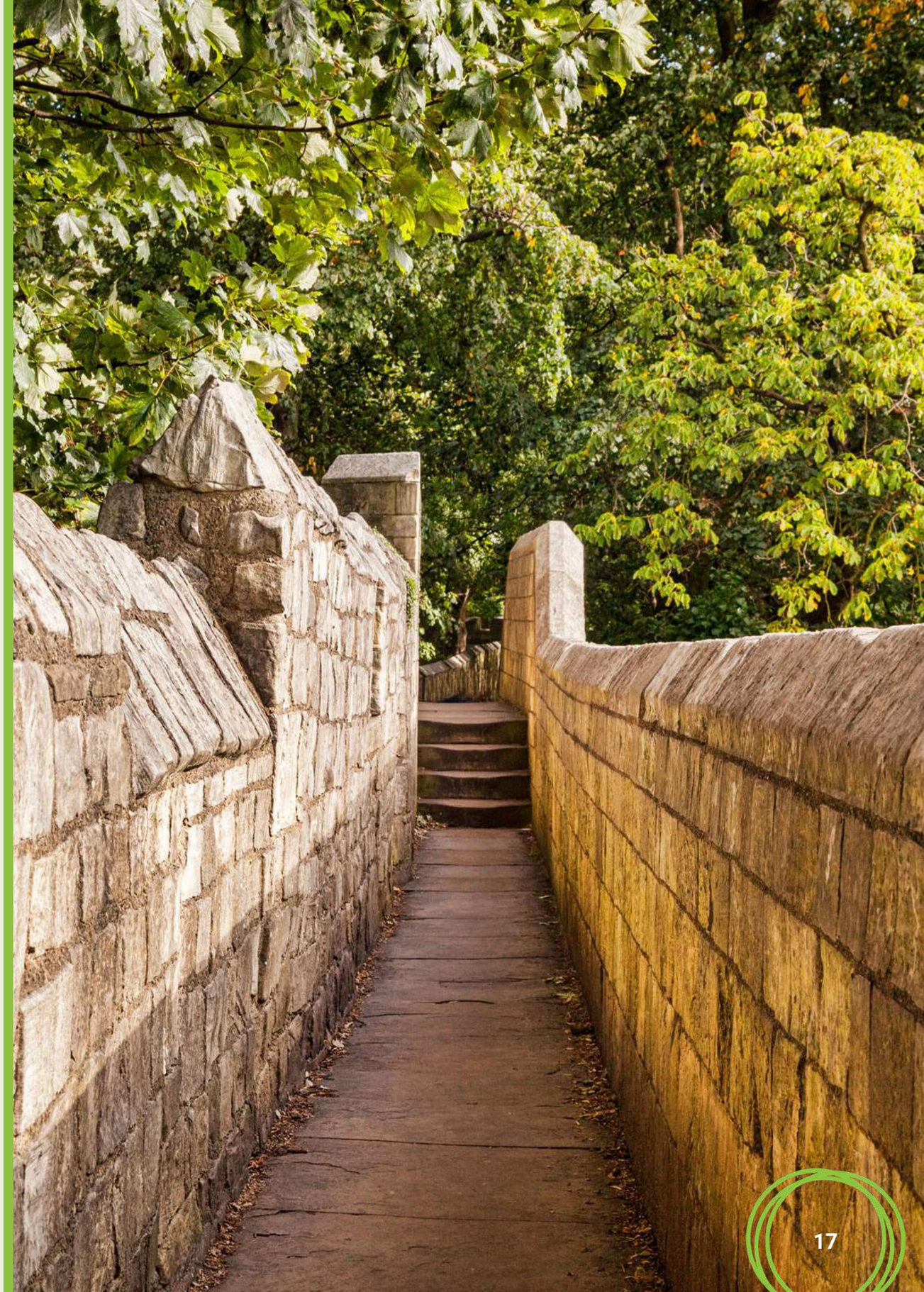
Our principles to deliver transformative action:

Collaborative & Inclusive
Unprecedented collaboration is required to deliver net zero, and beyond to carbon negative. We will build on the strong existing partnerships across the region and enable genuine collaborative action to ensure that a diversity of views are listened to in the shaping and delivery of initiatives, and that we achieve the pace and scale of change required. We will embed a climate justice approach to address the inequitable distribution of climate change impacts, alongside responsibilities to tackle climate change. We will work together to ensure that no community or organisation is left behind.

Place-based
Our approach will protect and build upon York and North Yorkshire's distinctive historic assets and landscapes across our cities, towns, countryside, and coastline. People are at the heart of these diverse places. We will ensure that the transition to net zero empowers communities to make decisions about the future of their places, and enables them to lead their own sustainability journeys. The Routemap is designed to build on the existing strengths and distinctive assets of the region to create economic opportunities and support the levelling-up of the region. We recognise the importance of "where" initiatives and technologies are rolled out – we will be developing spatial plans to ensure the "right option, in the right place".

Evidence-driven & Dynamic
We will utilise emerging evidence and lessons learnt from pilot projects to inform and adapt our approaches. The Routemap will be a living document – it will be regularly reviewed and refreshed in light of new national policy, local priorities and progress made.

The following sections outline the approach to reduce emissions across key sectors and enable the transition.



Enabling Transformation across the Economy: Creating Systems Change

This section includes:

- Research, Strategy & Planning
- Communication, Engagement & Movement Building
- Collaboration & Innovation
- Developing Skills
- Programmes & Demonstrator Projects
- Infrastructure, Green Industries & Supply Chains
- Securing Investment
- Influencing Government Policy

Introduction

Creating a thriving carbon negative region requires changing how our "systems" operate – from our homes and local communities, to our businesses and other organisations, to our transport, energy or food systems. Our entire economy needs to change.

- For York and North Yorkshire's economy, this will mean decoupling economic growth from the production of greenhouse gas emissions, consumption of finite resources and environmental damage. This will allow our economy to thrive within the finite limits of the planet.

- For businesses and other organisations, this means changing how they operate – sourcing their energy from green technologies, saving costs through more efficient processes, rethinking business models to better meet customer needs and attracting the best talent with ambitious sustainability strategies.

- For individuals, we all have a role to play in making small changes to our daily lives – this may mean cycling to work, using a heat pump to keep your home warm, buying your food from local farms and reducing food waste.

It must be recognised that "Business as Usual" and incremental changes will not be enough to reach our ambitious net zero target of 2034. Drawing on systems thinking and change management principles, we will achieve the vast scale of change set out in this document.

This will deliver transformational benefits that go far beyond reducing carbon – providing cleaner air for us to breathe, more opportunities for us to enjoy our beautiful landscapes, greater community cohesion through working together, and reduced costs for households and businesses. In York and North Yorkshire, we can also seize unique opportunities to transform and level up our economy. With world class innovation assets, research facilities and industry capabilities, the bio economy presents significant opportunities to sequester carbon and grow the economy.

Whilst specific projects and programmes will deliver carbon reductions, we need to have a strategic and holistic approach to enable change across the region. Through extensive research and stakeholder engagement, we have identified a number of "enablers" that will create the conditions for York and North Yorkshire to decarbonise at pace and scale:

- **Research, Strategy & Planning**
- **Communication, Engagement & Movement Building**
- **Collaboration & Innovation**
- **Developing Skills**
- **Programmes & Demonstrator Projects**
- **Infrastructure, Supply Chains & Green Industries**
- **Securing Investment**
- **Influencing Government Policy**

These enablers are inter-related and intrinsic to each other, with all elements required to achieve systemic change. An important outcome of delivering these enablers is behaviour change – through making it easy for people and organisations to take steps to reduce their carbon footprint. We will regularly review the enablers and associated actions to track progress and ensure that they remain impactful and relevant.

This section explains what we mean by each of the enablers, and details overarching priorities and actions that are relevant across sectors. Actions have been prioritised based on urgency (in line with the Carbon Abatement Pathways study) and feasibility of mobilising resources and funding.

Prioritisation of actions is indicated using the following colour code:

Immediate Actions: Actions that are either already underway or will commence before the end of March 2023 (FY22-23)	**Short-term Actions:** Actions that will commence in between April 2023 – March 2024 (FY23-24)	**Medium-term Actions:** Actions that will commence after April 2024

For many enablers, actions are specific to sectors, and are hence detailed in Sector Action Plans in Chapter Four.

1. Research, Strategy & Planning

- **Develop a strong evidence base:** In developing this Routemap, we have established a significant evidence base which we will continue to build as required. This will ensure we have an evidence-based approach and embed a culture of learning whereby best practice is shared. Further research required is outlined in the Sector Action Plans.

- **Develop major strategies:** For some areas, further strategy development is required to ensure that we take a coordinated approach across the region. For example, the development of a Local Nature Recovery Strategy, which we will seek to ensure also supports our carbon negative ambition.

- **Develop implementation and spatial plans:** In the process of implementing the Routemap, we will need to develop further implementation plans and understand 'where' projects and activities need to be delivered. Some of these decisions will be made at an organisational, community or household level, and others will require a more strategic approach across the region, such as ensuring the right trees are planted in the right place, or identifying the most viable locations for heat networks. A number of forthcoming strategic, spatial plans will fill this remaining gap – including the underway Local Area Energy Plans (LAEPs) and forthcoming Natural Capital Investment Plan.

Overarching Interventions	Lead & Partners	
Share key net zero research with stakeholders via the Y&NY LEP website and newsletters. [Underway]	**Y&NY LEP** Drax, Techbuyer	
Facilitate a local research community for academics, private sector and public sector to share net zero related research and also areas where new research is needed. [Planning underway]	**University of York**	
Refine and implement Local Area Energy Plans. The development of a suite of four Local Area Energy Plans (LAEPs) is underway to provide York and North Yorkshire with strategic spatial plans for a fully decarbonised energy system. Draft plans will be completed by October 2022 and adopted in 2023, with implementation to be reviewed annually. The LAEPs will directly support decarbonisation of power, heat & buildings, transport and industry – and are hence also referenced in the sector action plans. [Underway]	**Y&NY LEP, Local Authorities, Northern Powergrid, Northern Gas Networks** TfN, Drax	
Develop Local Plans that support and enable the delivery of net zero (climate change mitigation), as well as supporting climate change adaptation.	**Local Authorities, National Park Authorities**	
Local Planning Policy Review: Undertake a review of local planning policy to identify options to change local planning policy to support the delivery of the strategic objectives set out in this Routemap. This will include reviewing planning policy to ensure new developments are future-proofed, as well as changes to support the development of a circular economy (E.g., to enable reverse logistics and establishing critical infrastructure).	**Local Authorities, National Park Authorities**	
York and North Yorkshire Heritage and Culture Strategy Group: Building on the "Celebrating our Distinctive Heritage" report (jointly commissioned by Historic England and Y&NY LEP), a York and North Yorkshire Heritage and Culture Strategy Group has been created. The Group will build on the report and drive forward selected recommendations based on impact and deliverability, providing strategic oversight and enhancing the delivery of placed-based regeneration projects. This includes further research into the prevalence of underused heritage assets, alongside supporting the retaining and adapting of heritage assets. (This intervention will also contribute to supporting collaboration).	**Y&NY LEP, Historic England, Arts Council England, National Lottery Heritage Fund, National Park Authorities**	
Develop a circular economy framework and work programme for Yorkshire & Humber. As part of the Yorkshire & Humber Councils' net zero carbon workstream, work with local authorities, industry and academia to build a regional framework and associated programme. The delivery of the work programme will support collaboration and engaging a wide-range of stakeholders. [Underway]	**Yorkshire & Humber Councils** (net zero carbon sub group) Yorkshire Circular Lab, North East & Yorkshire Net Zero Hub, NHS, Drax & other private sector partners.	

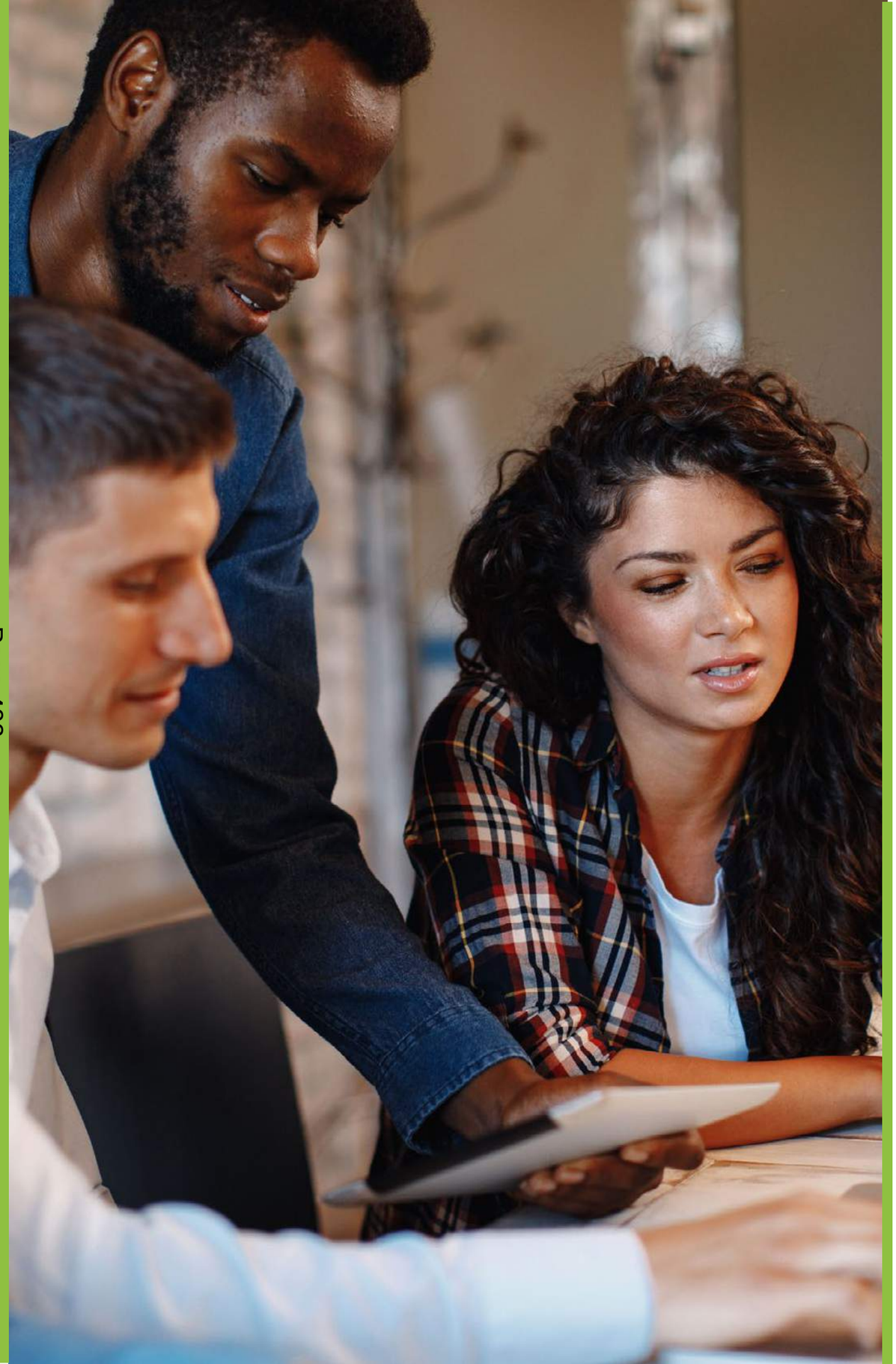
2. Communication, Engagement & Movement Building

- **Effectively communicate and engage stakeholders:** Getting people and organisations actively engaged and being part of the journey to carbon negative is absolutely critical. We now know what we need to do to get to net zero and beyond to carbon negative, but communicating these solutions and obtaining buy-in remains a huge challenge. An important part of reaching and engaging people is communicating the most appealing co-benefits (e.g., saving money, cleaner air, improved health) to different types of stakeholders.

- **Build a movement:** As a region, we want to go beyond developing buy-in from people, and provide the conditions for organisations, communities and individuals to have a leadership role in taking climate action. To tackle the climate crisis and achieve our carbon negative ambition, we need a critical mass of people to be engaged, empowered and working together to take action. This includes within communities, businesses and other organisations to develop low carbon projects and embed net zero across all functions of an organisation, or parts of a community.

This enabler is critical to supporting behaviour change – making individuals and organisations aware of the changes that they can make, as well as empowering them to take action.

Overarching Interventions	Lead & Partners	
Translation of community and sector priorities and interventions into infographic summaries for targeted audiences. These will enable different organisations and communities to clearly see their role in delivering York and North Yorkshire's carbon negative ambition and the benefits of being involved. Research and engagement will be undertaken to ensure the right language is used to appeal to specific audiences. [To be completed by end of March 2023]	**Y&NY LEP** Drax	
Region-wide public facing campaigns to increase awareness and knowledge of practical steps individuals can take to reduce their carbon footprint and join the movement to create a thriving, carbon negative region. Campaigns will have clear messaging and be co-designed with key organisations in the region, providing overarching branding/assets/resources that local authorities, other organisations and community groups could use locally. This will ensure a "local feel". The campaign would be designed to ensure that local areas have freedom and flexibility to shape and lead their own campaigns locally. Sufficient funding and capacity needs to be secured to develop and deliver an effective campaign. [2023 – onwards]	**Local Authorities, Community First Yorkshire** National Park Authorities, additional partners to be identified	
Engagement with young people: Learn from work underway to engage young people in climate action, including NYCC's engagement with youth forums, CYC's youth engagement and the University of York-led FixOurFood programme. Facilitate synergies between youth engagement work and utilise learning to further develop Routemap actions. [2023 – onwards]	**Local Authorities**, University of York, Y&NY LEP	
Circular Yorkshire Week: Bring together a wide range of partners to co-design and co-deliver an annual campaign to raise awareness of the circular economy, inspire action and enable collaboration. [2023 – onwards]	**Y&NY LEP** YorWaste, Biorenewables Development Centre (BDC), University of York, FSB, Cooper King Distillery, SeaGrown, Local Authorities (+others)	
Empower community climate action: Building on Community First Yorkshire's **Climate Change Toolkit**, collaboratively develop a package of measures to: 1. Increase awareness and understanding of climate change – including impacts, solutions and the benefits of taking action 2. Enable and support communities and community organisations to achieve their own objectives and projects 3. Listen and learn from community initiatives 4. Facilitate partnership working between communities/ community organisations and other organisations to deliver shared objectives.	**Community First Yorkshire, Local Authorities** National Park Authorities	



Overarching Interventions	Lead & Partners	
The package of support will recognise that communities across Y&NY will have different opportunities, challenges and starting points to reach net zero. The support will cover key thematic areas, including active travel, community energy, reuse & repair, food and behaviour change. Support will include a range of measures from resources and guides to rural energy roadshows to engaging young people and developing community climate champions. [2023 – onwards]		
Establish a Circular Towns and Communities Network: Building on the successful Circular Malton, Circular Coast and Our Zero Selby pilots create a network of circular economy towns and communities across the region. The network will utilise the Circular Towns Guide and facilitate the sharing of best practice between places. [Underway]	**Y&NY LEP** Circular Malton CIC, Coast & Vale Community Action, Selby District AVS, Local Authorities, Community First Yorkshire	
Building capacity for net zero across key anchor institutions: Facilitate a cross-sector network for key anchors in the region in order to develop synergies, and increase capacity and capabilities to develop and deliver net zero projects. [2023 – onwards]	Lead to be confirmed. Partners to include the University of York & Drax.	

3. Collaboration & Innovation

- **Enable collaboration:** Delivering on our carbon negative ambition will require unprecedented collaboration. We need to bring different people and organisations together to co-create and deliver change. There is strong consensus within the region that collaboration is key and a commitment to work together.

- **Support innovation:** There are specific areas where innovation is required to advance technology development – particularly for agriculture, power and industry. We also require innovation in terms of thinking differently and developing new approaches.

Overarching Interventions	Lead & Partners	
BioYorkshire: Led by the University of York, Askham Bryan College and Fera Science, the project will harness scientific expertise to develop biobased supplies of fuel, chemicals and materials. The project will also support net-zero food production, farming and wider land use practices. The project aims to: 1. Create over 4,000 highly skilled jobs 2. Reduce CO2 emissions by 2.8 million tonnes per year for the UK 3. Reduce UK waste to landfill by 1.2 million tonnes per year 4. Generate £1.4bn to the UK economy The initiative comprises three key elements: 1. **BioYorkshire Innovation & Skills Central** will comprise a suite of world-leading science infrastructure and training for bioeconomy entrepreneurs and innovators. 2. **BioYorkshire District Incubator Hubs** across York and North Yorkshire to link local green economy start-ups and business scaleups with the facilities and training at Innovation Central. The hubs will foster cross-fertilisation of knowledge and innovation across sectors. 3. **The BioYorkshire Accelerator** will provide advice, expertise, networks and promotional opportunities for businesses across the region, accelerating the deployment of green economy innovation from development to commercialisation. [Underway]	**University of York, Askham Bryan College & Fera Science** Local Authorities	
The **Yorkshire Circular Lab** supports communities, government bodies and companies in the transition towards a circular economy. Plans for the Yorkshire Circular Lab were co-produced with stakeholders across the region. Together, we developed a partnership to deliver on five priority areas for action: 1. Develop a knowledge and tools hub to make scientific evidence accessible for practitioners, with examples, manuals and implementation tools for policy and business, and involving communities for behaviour change and skills development. 2. Bridge research and implementation with student education and research projects. 3. Build a community of circular economy stakeholders and offer continuity for collaborative implementation of a circular economy in Yorkshire. 4. Support circular economy implementation by partners outside universities, through dedicated projects, awareness raising and advice.	**Circular Yorkshire Lab (University of Leeds)**	

Overarching Interventions	Lead & Partners	
5. Monitor progress in circular economy practice and regularly evaluate demand for support, proactively covering gaps in circular economy capacity and avoiding duplication of efforts. [Underway]		
Convene and enable collaboration between York and North Yorkshire Local Authorities and localities. The Local Authority Climate Action Coordinator will support: 1. **Strategic coordination and supporting wider regional work** – understanding what scale climate action interventions are required and connecting the dots between activities. 2. **Engaging and activating SMEs** – working in partnership to develop a package of measures to support SMEs in YNY to decarbonise. 3. **Developing supply chains and skills** – connecting businesses with higher education and skills providers to build the supply chains for housing retrofit, EV installation/maintenance and renewables. 4. **Driving collaboration** – continue to convene YNY LAs to support collaboration and sharing best practice, and enable wider partnership working with anchor institutions. [Underway]	**Y&NY LEP, Local Authorities**	
Coordinate & Amplify Community Climate Action: Programme of work to map existing community groups, increase partnership working and enable community groups to shape regional strategic initiatives: • Build on existing mapping work to map out community environmental / climate action groups and projects. • Clear identification of roles and responsibilities across LAs and community groups, and how they can best work together. • LAs to help with reaching out to different communities, groups and local organisations to listen to their plans, views and experiences. LAs to help ensure that grassroots actions are fed into the ongoing development of the Routemap. • Work with partners to identify requirements and create an action plan to support building capacity and opportunities for jointworking. [2023 onwards]	**Community Groups, Local Authorities** Yorkshire Circular Lab, Community First Yorkshire	
• **Making data and information available:** Support innovation by making local data and information available to enable partnerships to develop innovative solutions and services. [2023 onwards]	**Local Authorities**, Y&NY LEP, Drax, TfN, Northern Powergrid	

Overarching Interventions	Lead & Partners	
Work with the **Yorkshire & Humber Climate Commission** to identify specific interventions within the Routemap that make sense to be delivered at a wider regional level. [To be completed by end of 2022]	**Y&NY LEP, Yorkshire & Humber Climate Commission, Local Authorities** Drax	

4. Developing Skills

- **Developing skills** underpins the transition to net zero and beyond to carbon negative. We need to ensure that we have the required skills in the economy to be able t implement the interventions set out in this Routemap. Whilst there will be new "green jobs" created with specific skills requirements, we also recognise that every job needs to be "greened", as all businesses and organisations have a role to play in reaching net zero.

To ensure alignment with existing strategies, we have developed a number of priorities that sit underneath the four ambitions within the **Skills Strategy for York & North Yorkshire**. Working with partners, the LEP team are underway with developing a full implementation plan for developing low carbon skills. Example actions are indicated in the Table below.

Ambition 1: Young people are equipped to make quality decisions about education, training and careers
1. Every school has high quality Careers information and resources to enable young people to understand what 'green' jobs are available in the local economy and the career and learning the pathways to get there. • York and North Yorkshire Careers Hub provide information for young people, on career paths to 'green' jobs, through the delivery of labour market intelligence sessions to careers leaders. • York and North Yorkshire Careers Hub work with cornerstone employers in priority/growth sectors to deliver programmes of engagement through Enterprise Co-ordinators
2. Young people are informed about - and can access - high quality technical skills provision that supports their 'green' career ambitions. • York and North Yorkshire Careers Hub raises awareness of technical and vocational qualifications including apprenticeships, T Levels and Traineeships through the ASK package to careers leaders and through employer engagement.
3. Skills providers are supported to embed sustainability into all areas of the curriculum, equipping learners for their future learning, careers and life choices. • Yorkshire Learning Providers in partnership with Craven College and Y&NY LEP have developed The Green Skills and Sustainable Development Ambition to aid Further Education and skills organisations to green up estates, integrate green issues within the curriculum and equip apprentices to be agents of change for the transition to a low carbon economy.

Ambition 2: Employers can access the skills to grow highly productive and inclusive workplaces
1. Adaptability, innovation and effective change management is enabled through high quality leadership and management training. • Calderdale College delivers a range of ESF funded training, skills and support programmes for businesses including Business Scale-Up Programme and Skills Support for the Workforce offering leadership and management courses. A bespoke business consultancy service includes business resilience and sector specific support. • A resource has been developed for the Y&NY Growth Hub website that delivers a holistic skills offer for businesses covering recruitment, retention and upskilling of the workforce, as well as health and wellbeing and inclusive workplaces and practices.
2. Modular training is available (e.g. Skills Bootcamps) that support local employer need for skills that enable the step-change towards net-zero. • The Y&NY LEP has successfully bid for £2.9m to deliver modular training courses under the Governments Wave 3 Skills Bootcamps initiative in construction, digital, engineering, logistics and green skills.
3. Higher level technical skills enable businesses to innovate and deliver higher value, sustainable products and services supporting our carbon negative ambition. • The Yorkshire & Humber Institute of Technology delivers high quality, higher-level technical qualifications based on a collaborative partnership between colleges, universities and employers in the region.

Ambition 3: Local skills providers enable businesses to respond with innovation and resilience to a dynamic economy
1. Local Skills Improvement Planning takes account of the region's net-zero ambitions. • A Deep Dive report has been commissioned and published addressing Low carbon skills supply and demand including recommendations in overcoming barriers. • Part of the 2022/2023 SAP funding will be used to support the development of Local Skills Improvement Plans in York and North Yorkshire area to ensure local needs are at the forefront of skills planning
2. Skills provision can attract high quality tutors and/or work with industry to ensure students are learning at the cutting edge of technological change. • Funded and bespoke courses adapt to the changing needs of employers and are developed with industry to support employers across the region
3. Skills providers can invest in high quality learning environments that support a state-of the-art curriculum • Getting Building Fund and Local Growth Fund has supported a number of capital skills projects to enable to delivery of education and training in a range of skills including green and digital. £2m invested from Getting Building Fund in 4 skills projects to support the LEPs net-zero ambitions. £10.3m of Local Growth Fund invested in 14 projects has already achieved 28,773 sqm of new or improved learning floorspace.

Ambition 4: Communities are empowered by learning and skills that enable everyone to participate fully in society
1. National Skills Funding and local initiatives enable the not working to gain the skills to move into higher-paid, sustainable 'green' jobs. • A number of ESF funded programmes provide support to those furthest from the labour market to help them upskill and find employment including Action Towards Inclusion and Skills Support for the Unemployed • National Skills provision e.g free level 3 training and Bootcamps are being delivered across Y&NY LEP area. • The devolved Adult Education Budget will provide an opportunity to ensure adult education provision is aligned with local needs including those in green skills.
2. An Anchor Institutions Network actively supports good work • The Anchor Institutions Network through The Office for Health Improvements and Disparity supports best practice sharing and collaboration between partners
3. There is a just transition for local communities ensuring no one is left behind in the stepchange to net zero, utilising the reach of the VCSE sector. • UKSPF allocation presents an opportunity to ensure green skills are developed through the People and Skills and Community and Places investment priorities, including through a community wealth building approach. • VCSE representation is included on LEP board and LEP representatives are included on VCSE steering groups

5. Programmes & Demonstrator Projects

- **Develop and deliver major programmes:** Major programmes, such as for housing retrofit, business support and energy infrastructure upgrades, are urgently required to deliver net zero. These are highlighted within the sector action plans.

- **Develop and deliver demonstrator projects:** Demonstrator or pilot projects have a critical role to play in showing people the art of the possible and making net zero solutions tangible. This can help build confidence and inspire action. Where appropriate, we will ensure that pilot projects are rapidly replicated and scaled-up.

Overarching Interventions	Lead & Partners	
Incubating small pilot projects: Community First Yorkshire to have a key role in managing local pilot schemes, providing project management support and linkage to communities. Funding to be secured as required to enable the delivery of pilot schemes. [2023 onwards]	**Community First Yorkshire** Drax	
Promotion of pilot projects and lessons learnt: Utilise existing networks and channels, such as Y&NY LA Climate Action Leads, NEY Net Zero Hub and Yorkshire & Humber Climate Commission, to share case studies, lessons learnt and resources to accelerate replication and scale up of projects. [Underway]	**Y&NY LEP, LAs, NEY Net Zero Hub, Yorkshire & Humber Climate Coalition**	
Deliver innovation programmes to support net zero, including PAPI Product and Process Innovation, High Value Biorenewables, and STFC Food Network+. This encompasses programmes that provide opportunities and skills related to net zero, for example Enterprise Works, which focuses on creating new businesses and growing them. [Underway]	**University of York**	

Specific programmes and demonstrator projects are identified in the Sector Action Plans.

6. Infrastructure, Green Industries & Supply Chains

- **Develop infrastructure:** Ensuring that we have the infrastructure within our region to decarbonise and harness the economic opportunities from the transition. This critically includes energy and transport infrastructure, alongside digital infrastructure, resource processing infrastructure (e.g., for reverse logistics) and assets for growing regional supply chains (e.g., for bio based construction).

- **Grow green industries and supply chains:** We need to support green industries to grow - both businesses that are net zero and those that are enabling the transition to net zero (e.g., housing retrofit). By taking a supply chain approach to grow green industries, we can lock-in the economic benefits of the net zero transition within our region. For example by developing tree supply chains within our region, we can create new business opportunities and reduce carbon emissions from more local supply chains, as well as selling saplings to other regions.

Specific interventions around infrastructure, supply chains and green industries are identified in the Sector Action Plans.

7. Securing Investment

- **Attract and secure investment:** Delivering our carbon negative ambition will provide substantial investment opportunities. We must ensure a strategic and coordinated approach to investment to optimise blends of private and public sector investment in order to unlock economic opportunities and contribute to levelling up the region. Where appropriate, we will seek to **leverage investment through scale** – working with partners within and outside of the region. This will include joint funding bids and procurement.

Overarching Interventions	Lead & Partners	
As part of York and North Yorkshire's forthcoming Plan for Growth, develop Investment Plans to attract and optimise investment to deliver England's first carbon negative region. Plans will set out how private sector investment will be mobilised, alongside maximising the impact of public funding. [To be completed by end of March 2023]	**Y&NY LEP** Local Authorities, National Park Authorities	

8. Influencing Government Policy

- **Influence national Government policy:** York and North Yorkshire's ambition to be net zero by 2034 and carbon negative by 2040 goes further and faster than the UK Government's ambition to be net zero by 2050. As a result, there are a number of areas that we have identified where we need to work closely with central Government to ensure we have the policy in place to deliver on our carbon targets.

Overarching Interventions	Lead & Partners	
Work with key partners to update our policy asks as necessary and ensure where feasible that we speak with "one voice" to Government on critical issues. This will include identifying where there are significant funding gaps between national funding programmes and what's required to deliver interventions locally (e.g., additional costs associated with retrofitting older properties). These funding gaps will be evidenced from robust findings from feasibility studies and other relevant research. [Underway]	**Y&NY LEP, Local Authorities, National Park Authorities** Yorkshire & Humber Councils net zero policy workstream, Yorkshire & Humber Climate Commission Policy Forums, Drax, TechBuyer, Business Networks & Trade Bodies	
Increase visibility of good practice and evidence generation by local projects and programmes to inform national policy. Utilise existing and emerging links to national government (via the NE&Y Net Zero Hubs, devolution discussions, North of England Hydrogen Policy Forum etc) to raise awareness and profile of key findings from local research and demonstrator projects to inform national programmes and policy. [Underway]	**Y&NY LEP, Local Authorities, North East & Yorkshire Net Zero Hub**	

Reducing Emissions Across the Economy: Sector Action Plans

This section includes:

- Power
- Heating & Buildings
- Transport
- Business & Industry
- Environment - Land Use, Agriculture & Marine

Each sector includes:

- A **vision** statement & key principles – developed from extensive stakeholder engagement;
- **"Scale of ambition"** context – based on the findings from York and North Yorkshire's Carbon Abatement Pathways study and revised following stakeholder engagement;
- **"Why"** – rationale behind the need to decarbonise each sector, including key opportunities;
- **"What"** – key strategic priorities for each sector that will support the delivery of the scale of ambition;
- **"How"** – high level action plans, with actions prioritised as follows:

Immediate Actions: Actions that are either already underway or will commence before the end of March 2023 (FY22-23)	**Short-term Actions:** Actions that will commence in between April 2023 – March 2024 (FY23-24)	**Medium-term Actions:** Actions that will commence after April 2024

- **"Who"** - key partnerships involved in delivery; and
- **"Challenges & Risks"** – key challenges, risks and dependencies involved in delivery

1. Power

York and North Yorkshire's Vision:

A resilient power system that provides affordable energy to all and is net zero before 2035, following the overarching principles below:

- *Use a mix of complementary technologies (e.g., co-locating renewables and storage)*
- *Energy generation and storage is community-led and decentralised where possible to maximise benefits to local communities*
- *Makes the most of existing landscape and infrastructure – where possible, seeking multiple benefits (e.g., flood management, biodiversity) and avoiding land use conflicts*
- *Creates high value and sustainable jobs*

Scale of ambition to achieve net zero by 2034, and carbon negative by 2040...

- **Upgrade the electricity infrastructure** to enable over double the existing demand by 2038 (up to 102% higher annual demand)
- Install an additional 1,500 megawatt (MW) of **capacity from solar, onshore wind and hydropower** by 2030 and over 2,500 MW by 2038
- Deploy a **300 MW first-of-a-kind hydrogen (H2) turbine** online by 2030, with 300 MW subsequent increase every 3 years
- **Reduce peak demand** by 10% by 2038
- **Increase installed anaerobic digestion** (AD) generation capacity by 14MW by 2030 and 16MW by 2038
- **Increase installed small bioenergy generation** capacity by 42MW by 2030 and 60MW by 2038*
- **Deploy battery storage** to a scale of 441 MW capacity by 2030 and 736 MW capacity by 2038
- **Install Carbon Capture and Storage** (CCS) to large biomass and fossil plants, with 2 biomass turbines fitted with CCS technology at Drax by 2034, capturing 8 MtCO2/yr by 2030 (only 20% of which is attributed to region)
- **Deploy CCS retrofits onto Energy from Waste** (EfW) generation by 2030tt

*The uplift in small bioenergy generation capacity excludes anaerobic digestion, which is provided in the above AD recommendation.

Why?

1. **Reliable and affordable power underpins economic growth**, and is critical in decarbonising the economy. Exposure to volatile energy prices and the growing cost of living crisis demonstrates the importance of developing a strong renewable power sector to strengthen the region's energy security, and reduce costs for residents and businesses.

2. With **nationally significant power assets, growing low carbon technology sectors and a strong scientific innovation base**, the low carbon power transition has the potential to deliver substantial economic growth, job creation and export opportunities across the area.

3. York and North Yorkshire already has a lower regional grid carbon intensity than the national average and exports most of its power to outside the region. This provides a strong foundation for us to build on. Furthermore, with relatively low existing levels of solar PV and onshore wind deployment, there is a **significant opportunity for a rapid increase in renewable energy generation in the region – providing jobs and investment opportunities whilst preserving the unique landscape heritage of the region.**

What?

Strategic Priorities for Power (2022-2027)

1. Increase low carbon energy generation
Enable, secure investment and deliver rapid increases in capacity in renewables (including, Solar PV, onshore wind, hydropower, and anaerobic digestion).

2. Improve energy infrastructure
Facilitate investment and closer working between energy suppliers, flexibility providers (e.g. energy storage), distributers and users to ensure the electricity and gas distribution networks are ready to enable a rapidly-decarbonising future and provide equitable access.

3. Accelerate Carbon Capture, Utilisation & Storage (CCUS) deployment and ensure hydrogen readiness
Work with existing large-scale emitters and national government to accelerate CCUS deployment on power assets. Work with key industry stakeholders and national government to prepare for deploying a 300 MW first-of-a-kind H2 turbine by 2030.

How?

We will do this by...

Interventions	Lead & Partners	
Research, Planning & Strategy		
Local Area Energy Plans: regional strategic spatial plan designating future power project development, to be used to: provide evidence for Northern Powergrid to make a case to Ofgem for strategic infrastructure investment; create a portfolio of investment opportunities for developers of renewables and flexibility services (e.g. energy storage). [Draft plan by September 2022, adoption in 2023, annual delivery tracking]. *Note: also mentioned in Heat & Buildings as content overlaps sectors*	**Y&NY LEP, Local Authorities, Northern Gas Networks, Northern Powergrid** National Park Authorities	
Develop Ambitious RIIO business cases and Long Term Development Plans that use data generated during LAEPs to inform robust reopeners (2023-) and future business plans (2025-), resulting in efficient and resilient energy systems.	**Northern Powergrid and Northern Gas Networks**	
Collaboration & Innovation		
Cluster collaboration: Encourage co-located organisations to take a collaborative approach to energy infrastructure planning and investment, and support in seeking funding and delivery options. [2023 onwards]	**Y&NY LEP, Local Authorities** Business park landlords, Business Improvement Districts, community groups	
Programmes & Demonstrator Projects		
Support the development of low carbon energy projects: Develop and secure funding for a programme that provides flexible wrap-around development support and funding for feasibility studies to accelerate the development of low carbon energy projects. This would support a range of projects, including community energy projects and large-scale generation. [2023-2025]	**Y&NY LEP, Local Authorities** North East & Yorkshire Net Zero Hub	
Community Energy North: Provide regional support to community energy projects, with the mechanism finalised by March 2023. [Planning underway]	**North East & Yorkshire Net Zero Hub** Northern Powergrid, Y&NY LEP, Local Authorities.	

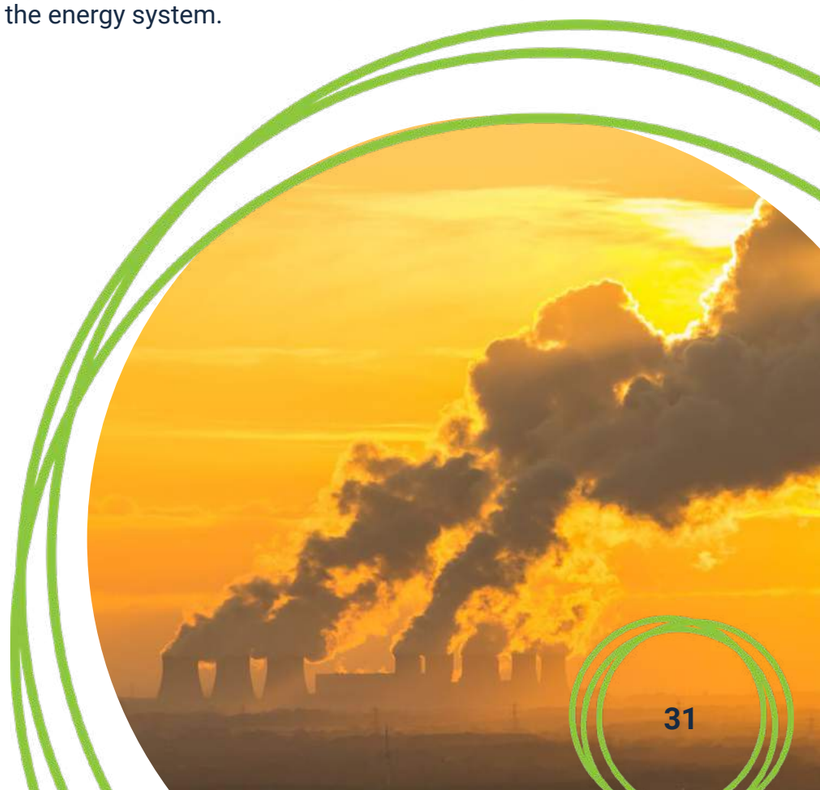
Interventions	Lead & Partners	
Influencing Government Policy		
Support for Energy from Waste (EfW) Carbon Capture and Storage (CCS): Work with existing EfW facilities and national government to progress CCS beyond industrial clusters, aligned to EfW's proposed inclusion in the UK Emissions Trading Scheme (by mid-late 2020s), including the potential to use Allerton Park as a demonstrator.	**North Yorkshire County Council & Amey** Y&NY LEP	
Future energy system governance: Engage with Ofgem and National Grid ESO to represent and address key regional priorities, including collaborative energy system planning, improved flexibility markets (including battery storage), increased investment and effective grid infrastructure strengthening. [Underway]	**Y&NY LEP** North East & Yorkshire Net Zero Hub, Local Authorities.	
Business models for BECCS and hydrogen: Work with government to encourage development and deployment of business models for negative emissions technologies and hydrogen (net zero generation for power and fuels), whilst minimising environmental harm.	**Drax** Y&NY LEP, Third Energy	

Who?

Many of the organisations involved in York and North Yorkshire's power sector are already committed to decarbonisation broadly in line with the Routemap ambition. Electricity distribution network operator **Northern Powergrid's** Business Plan for 2023-28 (**published December 2021**) has a strong focus on decarbonisation. Delivery of this plan is highly dependent on **Ofgem**, the energy regulator, who will decide on whether the plan is good value for money in late 2022. Northern Powergrid intend to use the **Local Area Energy Plan** to inform their future investment pipeline, via 'reopeners' (opportunities to change the 2023- 2028 Business Plan, should strong evidence show that further investment is needed) and via their next Business Plan period (from 2028).

Large existing energy generators in the region have plans that align with the Routemap, and smaller-scale renewable projects, often led by **communities,** are expanding rapidly. **Drax Group**, who run the biomass-powered Drax Power Plant in Selby, has the aim of becoming a **carbon negative company by 2030** via Biomass Energy Carbon Capture (Utilisation) and Storage (BECCS or BECCUS). They have been working closely with other **regional partners** and the **UK Government** to develop business models for carbon capture and storage; are part of the ground-breaking **Zero Carbon Humber and East Coast Cluster CCS projects;** and have committed to measures to further improve the sustainability of their biomass supply chain via the Glasgow Declaration on Sustainable Bioenergy. **Third Energy** aim to be at the forefront of North Yorkshire's transition from fossil fuels to sustainable energy, by transforming their facilities across Ryedale into a multi-purpose energy park and research centre. Other renewables developers active in the region (e.g. **Harmony Energy, Energy Oasis**) are developing closer links with local people and local government to accelerate renewables uptake in a region where there can be significant challenges, both from infrastructure (e.g. grid capacity) and community perspectives. Community-led energy has been limited in North Yorkshire, but new projects such as the community anaerobic digestor at Malton (development led by Circular Malton CIC) are reinvigorating the sector and providing a good example for others to follow.

As well as leading by example with their own assets and promoting successful local community- and business-led projects, **Local Authorities** and planning authorities in National Parks will have a role in planning and planning policy for a low carbon energy system. These partners have all been involved in the development so far of the York & North Yorkshire Local Area Energy Plan (LAEP), either via the Steering Group or the Technical Advisory Panel. Although the governance structure is not yet finalised, it is proposed that a **LAEP Delivery Group** will be formed to drive targeted action on the Plan and track progress – it is likely that the majority of these organisations will be part of this group, delivering and overseeing decarbonisation of the energy system.



Challenges & Risks

Although there is ambition and drive to make large-scale changes at a York & North Yorkshire level from a wide range of partners, it is clear that there are significant challenges to overcome which will be insurmountable without seismic changes that are as yet outside the reach and influence of key regional stakeholders. As such, each sector includes key challenges, risks and dependencies and how these will be mitigated to our best ability.

In the context of the power sector, the most important challenges are:

Key Challenges, Risks & Dependencies	Mitigation Approach
Influencing national planning policy – in order to streamline applications for energy generation and storage at every scale, and to provide Local Authorities with the power to encourage and enforce low carbon energy generation and use in new developments.	To be considered as a complementary topic area in the Heat & Buildings interventions on local planning policy reviews and influencing government policy. Engagement with central government around the outputs of the LAEPs also allows for productive conversations on this topic.
Ensuring that the physical and digital infrastructure for net zero energy systems is in place – this is a national issue that is being worked on by Ofgem, National Grid and DNOs across the country, but a swift resolution is necessary to unlock latent investment in renewables and flexibility, where grid infrastructure upgrade costs are the main barrier to securing development finance.	Engaging wherever possible with the key influencers (Ofgem, National Grid, DNOs, BEIS) to continually stress urgency and impacts of underperforming local infrastructure – e.g. via the Northern Powergrid Stakeholder Panel, the BEIS Community Energy Contact Group, and via consultations and calls for input on changing structures and legislation (see Interventions: Influencing Government Policy)
Securing funding, particularly for elements of the system where returns will be socialised rather than resulting in investor returns. Examples include: • grid infrastructure upgrades that are resilient for modelled/planned future demand; • cheap finance (grants, loans and co-investment mechanisms) for small businesses (including SMEs and farms) to invest in small-scale renewables and storage – creating the conditions for SMEs to participate in, and create a ground-swell of support for, a decarbonising energy system, in turn building resilient supply chains and keeping economic benefits within communities.	Supportive stakeholder groups with clear purpose can develop business cases for funding, pre-emptive of calls for projects, to create robust cases for investment (see Interventions: 'Develop Ambitious RIIO business cases', 'Cluster collaboration', 'Community Energy North' and complementary actions in Heat & Buildings, Business & Industry, and Environment, Land Use, Agriculture & Marine sectors).

2. Heat & Buildings

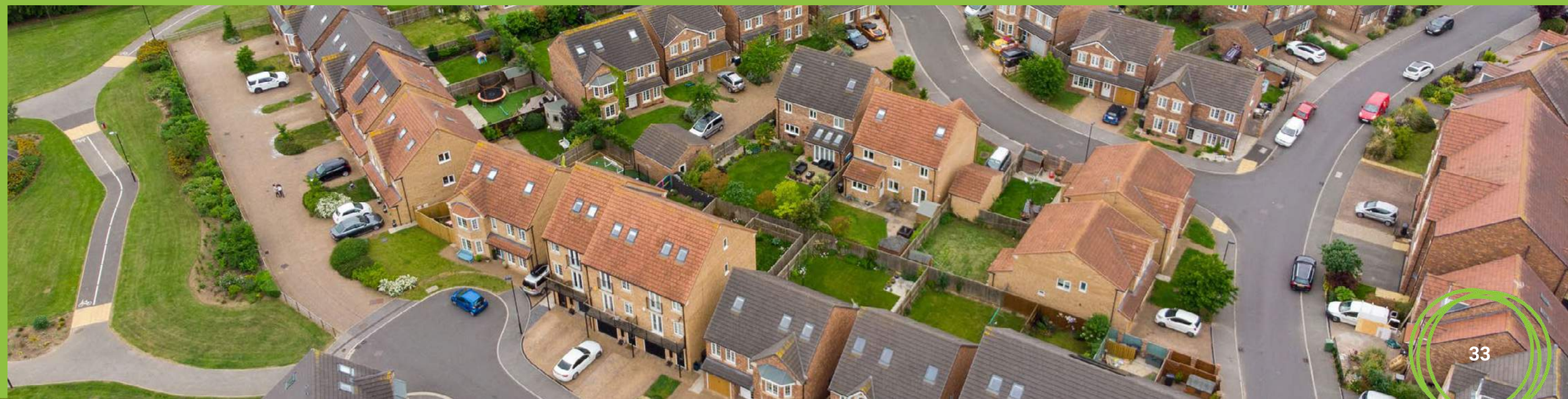
York and North Yorkshire's Vision:

For buildings that are affordable to heat without using fossil fuels, following the overarching principles below:

- *A "whole building", fabric first approach*
- *Maintaining existing character of buildings and heritage landscapes*
- *Socially equitable – ensuring lowest cost to consumers and that no one is left behind, alongside actively supporting community investment (e.g. energy co-ops)*
- *Maximise circular economy principles in buildings' construction, materials and use*
- *Creates long-term, high quality jobs*

Scale of ambition to achieve net zero by 2034, and carbon negative by 2040...

- **Retrofit homes** to at least an EPC C rating - 180,000 by 2030 and 250,000 by 2038
- **Retrofit public buildings** to at least an EPC C rating or above by 2027
- **Large-scale deployment of heat pumps** – 130,000-200,000 will be required by 2030, and 200,000-270,000 by 2038
- **Deploy district heating** to 10% of buildings by 2030 and over 18% of buildings by 2038
- **Install H_2 boilers** in between 13%-40% buildings by 2038 (dependant on gas grid deployment)
- **Eliminate oil boiler use** by 2030
- **Deploy rooftop solar PV** on 70,000 homes by 2030 and 101,00 by 2038
- **Deploy biobased construction materials** in 2,000 new homes by 2030, and 14,000 new homes by 2038



Why?

1. **Current emissions from buildings are around 1.8MtCO2e/year, accounting for 23% of total emissions in York & North Yorkshire.** Approximately two thirds of these emissions are from domestic buildings. The **region has a higher than average proportion of properties that are not connected to the gas network** (~20%), which limits the future heating system options. Y&NY also had a large proportion of detached homes relative to the national average, which typically have a high heat demand. This is compounded by having a higher proportion of very old (pre-1919) homes that are typically less well insulated and are more challenging to retrofit. As a result, Y&NY has a high proportion of homes with poor thermal efficiency buildings – currently around 68% of homes and 62% of non-domestic properties have an EPC rating below C.

2. Consequently, the **scale of the challenge to decarbonise the region's building stock is substantial**, however, it also provides a significant opportunity to **reduce energy bills and deliver health benefits**. Improving the thermal efficiency of homes can help tackle fuel poverty and support health and wellbeing, especially in light of the current cost of living crisis. In addition, reducing the number of fossil fuel boilers will also significantly reduce the various pollutants emitted, including nitrogen oxides, which negatively impact human health. For businesses, improving the energy performance of buildings can reduce operating costs.

3. Developing s**trong local supply chains that can deliver high quality building retrofits at scale provides a significant economic opportunity for the region**. As demand for retrofit grows, we need to have a supply chain that can keep up. In 2020, IPPR North research claimed that retrofitting homes across the North could provide 111,000 supply chain jobs across the UK by 2035, and boost GVA by £5.61m every year in supply chains across the UK. At a local level, research indicates that heat pump installation and energy efficiency measures alone could provide a £386m uplift in GVA by 2030 (from 2015 baseline).

What?

Strategic Priorities for Heat & Buildings (2022-2027)

1. Retrofit buildings at scale to reduce energy demand
Secure investment, build supply chains and provide support to enable a rapid increase in fabric-first retrofit of homes, public buildings and business premises.

2. Phase out fossil fuel use
Support the delivery of Government's ambition to start phasing out oil boilers in off-gas grid properties by 2026, and encourage accelerated delivery where possible. Use strategic planning to target technology change in the most optimal areas, incorporating heat pumps, heat networks, electric, biomass and a decarbonising gas grid as required.

3. Future-proof new buildings
Ensure that new buildings are built to higher fabric standards so that they will not need to be retrofitted in the short term future. Stimulate the development of a thriving, circular biobased construction sector in the region.

4. Ensure hydrogen readiness
Work with key industry stakeholders and national government to prepare for first domestic H2 boiler installs in the late 2020s, including rollout of necessary infrastructure.

How?

We will do this by...

Interventions	Lead & Partners	
Research, Planning & Strategy		
Local Area Energy Plans: Regional strategic spatial plan including retrofit priority areas and heat source zoning, to be used to: inform Local Plan reviews; create strategic approach to and market opportunities for heat networks; identify rooftop solar priority areas; plan gas grid hydrogen rollout. [Draft plan by September 2022, adoption in 2023, annual delivery tracking] *Note: also mentioned in Power as content overlaps sectors*	**Y&NY LEP, Local Authorities, Northern Gas Networks, Northern Powergrid** National Park Authorities	
Archetypal retrofit plans: further research on most appropriate retrofit approaches for hard-to-decarbonise homes, building on the Hitting Hard project (UK Community Renewal Fund, complete December 2022). [2023 onwards]	**Local Authorities** Y&NY LEP, RSLs, Historic England, National Park Authorities.	
Retrofit Strategy: Building on the LAEPs and existing work on retrofit planning by City of York Council, North Yorkshire's LGR Housing Workstream and Scarborough Borough Council, create a Y&NY-wide Retrofit Strategy. This will outline a phased approach for delivering retrofit at pace and scale. The approach will be aligned with national strategies and funding landscape, with a particular focus on incorporating innovative financing mechanisms and leveraging market enablers throughout the supply chain (including smart meter rollout). The plan will be based on a fabric-first approach to retrofit and will build upon the archetypal retrofit plans to ensure that measures are suitable for proposed types of property, alongside maintaining local character (e.g., heritage, conservation areas). [Draft outline plan by March 2023].	**Y&NY LEP, Local Authorities.** National Park Authorities	
Financing retrofit: Conduct a review of retrofit financing options and their applicability to Y&NY, and create partnerships with innovators in retrofit financing to enable creation of alternative financing model pilots in Y&NY (building on national research and the Scaling up Better Homes Yorkshire report) [2022-2024]	**Local Authorities,** Y&NY LEP, North East & Yorkshire Net Zero Hub	
Local planning policy review: Assess opportunities to: • maximise potential to specify high standards for new builds (without impacting viability arguments);	**Local Authorities, National Park Authorities**	
• incorporate good practice on retrofit of heritage buildings into planning policy and guidance. Learn from other localities that have successfully implemented robust new build guidance above national regulatory levels, and consider influencing national policy (e.g. permitted development rights) [2023-2024]		
Public Sector Decarbonisation Skills Fund: Via the North East & Yorkshire Net Zero Hub, Local Authorities have applied to the programme for fully-funded heat decarbonisations plans to be undertaken. Other public sector organisations (national parks, NHS) have partnered with LAs in their bids to develop plans for other public sector assets. Plans will be completed by the end of March 2023 [Underway]	**North East & Yorkshire Net Zero Hub, Y&NY LEP, Local Authorities, National Park Authorities & the NHS.**	
Reuse & adaptation of historic buildings: Work with partners to understand how we can encourage the reuse and adaptation of heritage assets. Gather knowledge and promote good practice examples of historic buildings' adaptation for business, cultural and community uses to provide inspiration and practical guidance for property owners, buyers and tenants [2023 onwards]	**Y&NY LEP** Historic England, Local Authorities, National Park Authorities, other partners to be confirmed.	
Utilise learnings from "Digital Twins" project for hospitals: Under the UK Community Renewal Fund programme (complete by December 2022), the York and Scarborough Teaching Hospitals NHS Foundation Trust are conducting in-depth energy futures modelling for their sites and buildings using digital twin approaches. If successful, this could be replicated across other large public estates. [2023 onwards]	**York & Scarborough Teaching Hospitals NHS Foundation Trust**	
Communication, Engagement & Movement Building		
One-stop-shop for energy efficiency: Develop plans and secure funding to establish a regional team(s) of trusted advisors who are able to advise and support residents and businesses to seamlessly access a patchwork of retrofit support (fabric-first and heat source switching) and making the most of national materials. The approach will build upon UK case studies, lessons from previous local provision (Yorkshire Energy Partnership) and existing local community services already in this space, ensuring that there is a financially self-sustaining model in place [2022 onwards]	**Y&NY LEP, Local Authorities** Community organisations	

Interventions	Lead & Partners	
Programmes & Demonstrator Projects		
Low-Carbon Housing Retrofit: Ensure a coordinated approach to develop projects and secure funding for housing retrofit to provide funding for fabric upgrades and low carbon heat sources (E.g., BEIS's Sustainable Warmth programmes, ECO, Boiler Upgrade Scheme) [2023-2028].	**Local Authorities, Y&NY LEP**	
Solar Together: explore opportunities to develop a combined solar PV and energy storage offer for residents and businesses, with a view to expanding deployment of solar PV on existing buildings, working across the Net Zero Hubs to evaluate best practice and assess collaborative opportunities. Include high-level opportunity mapping and publicity of savings to large estates (e.g. schools & colleges) [2022-23].	**Y&NY LEP** Net Zero Hubs, Local Authorities, Community organisations, Solar For Schools	
Community Buildings Decarbonisation: utilise outputs of the Community Buildings Decarbonisation feasibility studies programme (UK Community Renewal Fund, complete December 2022) and the Craven Carbon neutral churches trial, to publicise opportunities for decarbonising community buildings and build a pipeline of capital projects seeking funding [2023 onwards]	**Community organisations** Local Authorities, National Park Authorities, Y&NY LEP	
Developing Skills; Developing Infrastructure, Supply Chains & Green Industries		
Develop skills and supply chains for housing retrofit: Convene partners to co-develop an action plan to rapidly grow housing retrofit supply chains in York and North Yorkshire (Plan to be established by Nov 2022). The plan will ensure a significant uplift in local trained installers of insulation and low carbon heat sources to increase rate of deployment, create new jobs and grow the local retrofit industry in York & North Yorkshire. The plan will build on expertise and existing research across the NE&Y Net Zero Hub. [Underway]	**Y&NY LEP, FE&HE** N&EY Net Zero Hub	
Grow the circular biobased construction industry: Work with partners to implement the findings of the "Circular Biobased Construction in the North East and Yorkshire" report which quantified potential benefits of incorporating locally-sourced biobased materials into new buildings. The report identified an action plan to exploiting the £5-15bn worth of opportunities across the North East & Yorkshire, including initial actions on creating a **Circular Biobased Construction Working Group** and the development of demonstrator projects, e.g. at Dalby Forest. [Underway]	**Y&NY LEP, North East & Yorkshire Net Zero Hub**	
Influencing Government Policy		
Heat Network Zoning: work with BEIS to shape heat network policy, development and deployment, including proactively seeking opportunities to take part in pilots, such as Northallerton Heat Network Zoning pilot (BEIS-funded, January-September 2022) [Underway]	**Y&NY LEP** Local Authorities	
Expanding support for retrofit: Engage with BEIS to continue to push for more public support for retrofit, including expansion of capital programmes such as LAD, HUG and ECO, sector support such as Public Sector Decarbonisation Skills Fund, MEES enforcement and programmes to boost supply chains and workforce skills, and new financial models [Underway]	**Y&NY LEP, North East & Yorkshire Net Zero Hub**	
Better buildings now: work with Government to create higher quality standards for new buildings, both domestic and non-domestic, to remove the need for immediate retrofit (National Planning Policy Framework Part L) [2023 onwards]	**Lead to be identified**	
A clear path for hydrogen: lead stakeholders work with Government to develop a regulatory framework and business model for gas grid hydrogen deployment. [2023 onwards]	**Northern Gas Networks**	

Who?

Local authorities have significant influence when it comes to new buildings, and are also taking a leadership role in retrofitting homes, including through increased Minimum Energy Efficiency Standard enforcement for the private rented sector. However, they must be supported by **national government** and the **private sector** in order to facilitate the expansion in retrofit and heat source switching required to reach net zero, both through policy and access to finance (capital and revenue to support delivery).

Public sector partners are decarbonising their own estates, and amplifying a call to action to their large sphere of influence (e.g. employees, residents, visitors/customers, students). The Public Sector Decarbonisation Scheme (PSDS) has expanded the work being done directly by local authorities on their own estate (including successful applications from 6 out of our 11 local and national park authorities[4]). Projects such as Zero Carbon Craven and the visitor centres retrofit in the North York Moors National Park are good practice examples that can be shared to improve future local public sector retrofit. Current exploratory work on heat networks in Ryedale (collaboration with Ryedale District Council and Third Energy) and Northallerton (see Interventions) will create a blueprint for other green heat network projects in the region.

Hospitals and GPs in the region are covered by five different Trusts, who all have plans to become net zero by 2050 if not before (**in line with the NHS**), with Harrogate & District and York & Scarborough NHS Trusts both securing PSDS grants to support their transition. Similarly, most of the registered social landlords operating in the region have extensive plans to decarbonise their stock, and are seeking funding via the Social Housing Decarbonisation Fund to begin to close the significant gap between ambition and economically-deliverable plans. The training providers on our patch are also committing to net zero targets, via a **Green & Sustainable Development AMBITION**.

Community groups and voluntary organisations such as Community First Yorkshire already provide information to local residents on energy-saving advice for their homes, and many climate-facing community groups are seeking to work with local government to provide a coherent service to their communities (e.g. standardised communication materials, local supply chain strengthening).

Northern Gas Networks are committed to working closely with local and national government, and the electricity distribution network operator **Northern Powergrid**, to create a net zero energy system that provides accessible energy to all homes and businesses. As such they are already **working to deliver a plan** for future gas infrastructure to facilitate rollout of low-carbon biomethane and hydrogen.

There is a patchwork of important delivery partners across this area of the economy, with different bodies responsible at varying levels for different parts of the built environment (see Appendix B). In order to deliver the Routemap, each of these organisations/groups must be informed of the Routemap's targets and be confident in their role in delivery. Due to this complexity, the current table of actions focuses more closely on those groups who are closer to the public sector, but a more holistic list of commitments from existing actors in the field will be sought as the Routemap develops past its first iteration.

[4] Successful applications were from North Yorkshire County Council, Harrogate Borough Council, Hambleton District Council, Scarborough Borough Council and both the North York Moors and Yorkshire Dales National Park Authorities

Key Challenges, Risks & Dependencies	Mitigation Approach
Clarity on the roles and responsibilities of different stakeholders for retrofit – the lack of a clear lead department at national government level for driving forward retrofit and heat switching is resulting in a lack of continuity of strategy and funding, which has manifold knock-on impacts throughout the economy.	Continue to utilise existing and emerging links through to central government to push for more coordinated and long-term approaches to delivery of retrofit, via the NE&Y Net Zero Hubs, the Yorkshire and Humber Climate Commission, and discussions on devolution.
Continuity and clear messaging on retrofit as a national priority – despite some positive commitments within the Heat and Buildings Strategy, the gap between ambition and action is creating an uncertain environment for all participants in the retrofit and heat switching markets, and affects market confidence (see 'Clarity on roles…' above).	As above, plus using local powers to their fullest extent to build a sense of confidence in retrofit and heat source switching at a regional level (see Interventions table: LAEPs, one stop-shop, retrofit strategy etc.).
Capacity at Local Authority level to scale up retrofit efforts (see 'Clarity on roles…' above) – without a clear, nationally-set role for Local Authorities in all aspects of retrofit and heat switching, their ambition to lead locally is stymied by a lack of internal capacity, meaning actions taken are often reactive rather than strategic (i.e. in response to competitive, short term funding calls), resulting in short-term and fragmented Local Authority expertise and support functions (i.e. linked to individual capital projects).	As above, plus work with small teams involved in retrofit at Local Authorities to advocate for further resource internally, and continually explore opportunities to strengthen teams with project funding, organisational change (Local Government Reorganisation) and devolution (see Interventions: one-stop-shop, retrofit strategy, influencing government policy)
Relatively limited rollout of smart metering and data gaps in housing condition – building strategies and business cases for retrofit projects using incomplete and outdated information on the housing stock and their energy consumption results in large-scale capital retrofit programmes (e.g. LAD) becoming undeliverable within the boundaries of the funding, and it is difficult to build a stand-alone business case for such resource-intensive data-gathering exercises.	See 'Capacity at Local Authority level' above, plus using outputs of LAEPs to target data gathering exercises to areas of highest and most immediate need, building business cases pre-emptive of funding availability.

Challenges & Risks

In the context of the heat and buildings sector, the table below highlights the most important challenges/risks/dependencies and our approach to mitigate these to our best ability:

Key Challenges, Risks & Dependencies	Mitigation Approach
Clarity on the roles and responsibilities of different stakeholders for retrofit – the lack of a clear lead department at national government level for driving forward retrofit and heat switching is resulting in a lack of continuity of strategy and funding, which has manifold knock-on impacts throughout the economy.	Continue to utilise existing and emerging links through to central government to push for more coordinated and long-term approaches to delivery of retrofit, via the NE&Y Net Zero Hubs, the Yorkshire and Humber Climate Commission, and discussions on devolution.
Continuity and clear messaging on retrofit as a national priority – despite some positive commitments within the Heat and Buildings Strategy, the gap between ambition and action is creating an uncertain environment for all participants in the retrofit and heat switching markets, and affects market confidence (see 'Clarity on roles…' above).	As above, plus using local powers to their fullest extent to build a sense of confidence in retrofit and heat source switching at a regional level (see Interventions table: LAEPs, one stop-shop, retrofit strategy etc.).
Capacity at Local Authority level to scale up retrofit efforts (see 'Clarity on roles…' above) – without a clear, nationally-set role for Local Authorities in all aspects of retrofit and heat switching, their ambition to lead locally is stymied by a lack of internal capacity, meaning actions taken are often reactive rather than strategic (i.e. in response to competitive, short term funding calls), resulting in short-term and fragmented Local Authority expertise and support functions (i.e. linked to individual capital projects).	As above, plus work with small teams involved in retrofit at Local Authorities to advocate for further resource internally, and continually explore opportunities to strengthen teams with project funding, organisational change (Local Government Reorganisation) and devolution (see Interventions: one-stop-shop, retrofit strategy, influencing government policy)
Relatively limited rollout of smart metering and data gaps in housing condition – building strategies and business cases for retrofit projects using incomplete and outdated information on the housing stock and their energy consumption results in large-scale capital retrofit programmes (e.g. LAD) becoming undeliverable within the boundaries of the funding, and it is difficult to build a stand-alone business case for such resource-intensive data-gathering exercises.	See 'Capacity at Local Authority level' above, plus using outputs of LAEPs to target data gathering exercises to areas of highest and most immediate need, building business cases pre-emptive of funding availability.
Stronger interventions on market and supply chains for retrofit and off-site construction – in lieu of material progress on the bullets above, it is difficult to provide meaningful local supply chain action without significant seed funding to stimulate the sector.	Concerted effort at a local level may be able to begin overcoming these barrier – see Interventions on 'Developing Skills; Developing Infrastructure, supply chains and green industries'.
Clarity on whole-life carbon costs of dwellings, especially on replacing heating technology outside of natural cycles, and how this information should inform the roll-out of replacement 'low carbon' technologies.	Conduct initial literature search in collaboration with the Net Zero Hubs and assess need and local appetite for additional research on this topic.

3. Transport

York and North Yorkshire's Vision:

A low carbon transport system that makes it easy for individuals, businesses and other organisations to make green travel choices, following the overarching principles below:

- *Be socially equitable and inclusive – ensuring readily accessible sustainable transport options and that no one is excluded or feels left behind*
- *Be place-based - considering the different challenges and benefits of rural and urban environments, and enabling green inter-modal travel between places*
- *Prioritise the positive experience of the traveller (e.g., easiest, cheapest, quickest, safest) and promoting physically and mentally healthy lifestyles.*

Scale of ambition to achieve net zero by 2034, and carbon negative by 2040...

- **Reduce private car usage** by 48% by 2030
- **Increase active travel for short journeys**, ensuring walking and cycling accounts for 17% of distance travelled by 2038:
  - Increase of 40% in walking kms travelled by 2030
  - Increase of 900% in cycling kms travelled by 2030
- **Increase of passenger modal share by bus** to 8 % of all journeys and by train to 16% by 2030:
  - Increase in bus passengers km by 49% in 2030 and 56% by 2038
- **Roll-out of battery electric buses**, ensuring they account for 25% of the fleet by 2030 and 95% by 2038.
- **Roll-out of battery electric vehicles**, ensuring they account for 33% vehicles on the road by 2030, and 76% by 2038 (Battery electric vehicle sales to be in the order 20,000 per year by 2038)
- **Van activity decreasing** by 10% with share of vehicle stock being 16% battery electric vehicles by 2030 and 55% by 2038
- **HGV activity decreasing** by 19% with share of vehicle stock Diesel ICE decreasing from 74% in 2030 to 10% in 2038
- 10% of **freight is shifted from heavy goods vehicles to rail**
- 2% of **van traffic is replaced by cycle freight**
- **Sales of zero emissions heavy goods vehicles increasing** from around 250 per year in 2030 to close to 700 per year by 2038

Why?

1. **Transport is the highest greenhouse gas emitting sector** in York and North Yorkshire. This is largely the result of the rural nature of the region, which brings distinct challenges to decarbonising our transport system. Across the city of York, our towns, coastal and rural areas, we need to develop sustainable transport solutions that meet the needs of communities, businesses and other organisations.

2. We need to develop an **integrated multi-modal transport system whereby people can seamlessly move between green travel options**. Creating a net zero, multi-modal transport system will provide a multitude of benefits that will have a **tangible impact on people's lives and how businesses operate in our region**. The air we breathe will be cleaner, particularly in areas which are currently congested. Our health and wellbeing will benefit from it being easier to walk, cycle or run across our region. As we grow car clubs and other car sharing models, people will no longer need to own their own car and pay the associated costs. As outlined in the strategic priorities for transport, we are taking a travel hierarchy approach to prioritise the greenest forms of travel. We need to ensure that active travel, public transport and shared mobility schemes are easy, quick and affordable. With reduced journeys by private car, optimised logistic routes, and freight moved to rail where possible, it will be easier for businesses to move their products around the region - reducing journey times and costs.

3. Developing a sustainable transport system is particularly important to **enable the tourism industry in York and North Yorkshire to decarbonise**. There is an opportunity to improve active travel infrastructure and promote the region as a hiking, cycling and running destination. Improving the infrastructure required for electric vehicles will also enable the region to attract a growing number of eco-conscious tourists.

4. We must ensure that the movement to a net zero transport system is a **just transition** – makings sure that solutions, such as electric cars, car clubs and increased active travel – are both affordable and accessible to all. Plans will recognise different accessibility needs and ensure that places do not become inaccessible to those who identify as having a disability.

What?

Strategic Priorities for Transport (2022-2027)

1. Increase active travel
Develop the infrastructure and support behaviour change to rapidly increase the use of 'active travel' for short journeys (<2km walking and 8km cycling), including planning for '15 minute neighbourhoods'.

2. Decarbonise & increase use of public transport
Increase the use of public transport, whilst also decreasing carbon emissions through electrification and emerging hydrogen technology.

3. Enable the shift to low carbon vehicles
Develop the infrastructure and support behaviour change to enable the transition to shared ownership/mobility schemes, electric vehicles (EVs), electric bikes and other micro mobility devices.

4. Enable cleaner logistics
Develop the infrastructure to support the public sector and businesses utilise low carbon freight options, such as electrification of fleets, use of bio-fuels and emerging hydrogen technology, alongside freight modal shift to rail and local delivery logistics.

How?

We will do this by...

Interventions	Lead & Partners	
Research, Planning & Strategy		
Development of new **Local Transport Plans** that: • Significantly expand active travel infrastructure provision • Encourage development and implementation of LWCIPs, including expanding reach beyond town and city centres • Support the reallocation of road space to cycling, walking and public transport • Support expansion of shared mobility schemes (e.g., car clubs) • Support electric vehicle uptake [2023 onwards]	**Local Authorities** (TfN can support through providing evidence of the benefits of reduced car usage and increase active and public travel)	
Planning policy review to include development of effective strategy and planning for "15 minute neighbourhoods" from a transport perspective. [2023 onwards]	**Local Authorities**	
Further research understanding travel patterns: Convene partners, secure funding and co-design research to better understand why people travel within our region and improve the availability of travel data. This would include understanding the travel needs of people living in different places in York and North Yorkshire – from upland communities to the City of York to our coastline. This will inform the development of plans to ensure an integrated multi modal transport system. [2023 onwards]	**Y&NY LEP, Local Authorities, TfN, Universities**	
Coordinated approach to develop a green, integrated multi-modal transport system for residents and visitors across Y&NY. This will link to the development & delivery of Local Transport Plans, including: • **Coordinated approach to active travel** ensuring routes are safe and convenient for people, villages and nearby towns are connected, and access to the outdoors (without using a car) is improved. • **Explore options to deliver expanded and improved bus services** across the region. This will include exploration of best technology for rural routes, alongside financial and usage feasibility. • **Update studies of feasibility and demand** for passenger and freight rail services • **Coordinated approach to increased shared mobility schemes:** Convene partners to share best practice from existing sharing mobility schemes, including bike sharing & car clubs (e.g., HBC and NYCC have schemes in place with Liftshare to enable journey sharing, local car club in Harrogate run by Co-wheels) and identify further opportunities to increase/expand offering, such as exploring potential for a network of "mobility hubs" across Y&NY. This will include understanding the issues and opportunities for heritage, community and cultural activation. • **Coordinated approach to electric vehicle charging infrastructure roll-out** to ensure adequate charge points for a rapid increase in EV uptake and that people are no more than 30 miles from a charger. [2023 onwards]	**Local Authorities** TfN Y&NY LEP, community groups, key service providers and other private sector partners (E.g., West & North Yorkshire Chamber of Commerce's Transport & Environment Policy group, Enterprise Holdings), National Park Authorities.	
Communication, Engagement & Movement Building		
Transport focused campaign: As part of the region-wide public campaign, design and deliver a transport focused engagement campaign that targets all key stakeholders to raise awareness of green transport options and incentivise behaviour change. This will include targeting visitors to the area – promoting the region as a cycling & walking destination and ensuring that they are aware of green transport options before travelling to the region. [2023 onwards]	**Local Authorities**, National Park Authorities, TfN, neighbouring CAs. Further partners to be identified.	
Undertake further **stakeholder engagement** on the **potential to decarbonise rail** through a rolling programme of rail electrification where feasible, exploring and/or trialling hydrogen trains, and opportunities for additional measures such as reopening lines, improving signalling and junction improvements. [2024 onwards]	**Lead & partners to be confirmed.**	
Collaboration & Innovation		
Joint-working with neighbouring areas to ensure a joined-up approach to developing a green transport system across boundaries. This will focus on improving connectivity within and beyond the region, and also shaping TfN's future research projects. [2023 onwards]	**Transport for the North (TfN)**, North East & Yorkshire Net Zero Hub, CAs & LEPs.	
Reducing need for travel & supporting sustainable travel: Work with key anchor institutions to assess staff and customer travel needs. Work with anchors to reduce the need for travel (where feasible and desirable) and support staff/ customers to choose sustainable travel options when travel is necessary. [2023 onwards]	**Y&NY LEP** Public & private sector anchor institutions	

Interventions	Lead & Partners	
Support research and innovation to enable EV battery recycling: Work with regional and national partners through research initiatives and collaborative projects to improve EV battery recycling (including exploring potential for local EV battery recycling) [2023 onwards]	**Innovate UK, Local Authorities, University of York**	
Skills; Infrastructure, Supply Chains & Green Industries		
As part of Low Carbon Skills Implementation Plan: • Assess local skills required to support rail decarbonisation. • Support the development of supply chains for electric vehicle charging infrastructure: Work with partners to ensure that local supply chains are established to support the growing installation and maintenance for EVs and charging infrastructure. [2023 onwards]	Y&NY LEP, West & North Yorkshire Chamber of Commerce. Lead & wider partners to be confirmed.	
Programmes & Demonstrator Projects		
Bus Fleet Decarbonisation: Work with bus operators to decarbonise the bus fleet, and strategic introduction of zero emission requirements in tendered services. There will be a focus on ensuring convenient, affordable and quality bus provision. [2023 onwards]	**Local Authorities, Bus Operators**	
Public sector fleet decarbonisation: utilise outputs from the UK Community Renewal Funded 'A&EV' study (complete by December 2022), to inform business cases for EV charging hubs for large sites with varied EV use (fleet plus staff and visitors), such as hospitals. [2023 onwards]	**Yorkshire Ambulance Service** NHS Trusts, Local Authorities	
Low carbon public transport trials: Build on existing best practice and lessons learnt (e.g., YorBus, EV trials for community transport by Ryedale Community Transport, Hambleton Community Active EC travel to work), develop additional trials, such as on-demand shared transport to support public transport provision. [2023 onwards]	**Local Authorities** Community First Yorkshire	
Personal Electric Transport Hubs: utilise outputs of the UK Community Renewal Funded 'Local E-motion' research and business case development (complete by December 2022), to identify further suitable personal electric mobility hubs across Y&NY, and where feasible seek delivery options for demonstrators. [2023 onwards]	**Local Authorities** Y&NY LEP	
Freight trials: Assess feasibility and implement trials of freight modal shift, consolidation and sustainable last mile delivery (including cycle freight and electric road vehicles) for places across York and North Yorkshire. This would include exploring options for areas with existing high delivery activity and within new developments.[2024 onwards]	**Lead & partners to be identified**	

Interventions	Lead & Partners	
HVO trials: Assess viability of using HVO in local authority fleets across York and North Yorkshire for waste collection and small hand machinery, currently being trialled during this financial year in the region. [Underway]	**Local Authorities**	
Investment		
Prioritise transport funding towards enabling low carbon travel choices (including maintenance of cycle routes and pavements in winter) [2022 onwards]	**Local Authorities**	
Influencing Government Policy		
Work with partners to influence Government policy and investment in the following areas: • Acceleration and increase of regional investment from national Government in low carbon transport infrastructure, including EV charging points and rail. • Increased national investment to support provision of quality bus provision. • Increased national investment is skills development. [2023 onwards]	**Local Authorities**	

Who?

Local authorities have a key leadership role to play in the decarbonisation of our transport system. The development of new Local Transport Plans can unlock transformational change for an integrated net zero transport system to increase active travel, support public transport use and accelerate the shift to electric vehicles.

Through building further partnerships with the **wider public sector** and other **key anchor institutions** in the region, we can work together to co-design solutions that have scale.

Further work is required with the **private sector** to understand business supply chains and how businesses can work together to reduce emissions from freight.

Particularly for transport, we need to look wider than our region and work with neighbouring areas to support decarbonisation. This includes working with **Transport for the North** and supporting the delivery of their Transport Decarbonisation Strategy. We also need to work with **national partners**, recognising that particularly for rail, key decisions and levers to decarbonise remain at a national level.

Challenges & Risks

In the context of Transport, the table below highlights the most important challenges/risks/dependencies and our approach to mitigate these to our best ability:

Key Challenges, Risks & Dependencies	Mitigation Approach
Level of investment and national policy change required to provide required infrastructure and services to enable a green inter-modal transport system. This is a particularly prominent issue due to the rural nature of the region making it more challenging and costly to decarbonise transport. In relation to public transport, a shift in funding models is required to deliver adequate levels of public transport provision, alongside aligning standards and legislative obligations from service providers.	Key areas to influence national policy have been identified within the Action Plan. We will work with local and regional partners (e.g., Yorkshire & Humber Climate Commission) to influence national policy and investment.
Rapid development of skills and supply chains is required to enable electric vehicle charging provision and rail decarbonisation.	Actions have been identified around supporting skills and supply chain development, but this needs to be underpinned by national funding.
Decarbonising transport and the shift to green transport options is largely reliant on behaviour change. We need to see rapid increases of active travel and use of public transport, alongside a reduction of private car use. These are ultimately personal choices that individuals make.	Actions include a transport-focused communication campaign and a number of actions support making it easy and convenient for people to make green transport options. Further "carrots" and "sticks" may be required to create long term behaviour change.
High upfront costs to consumers to purchase electric vehicles.	As a region, there is little we can do to reduce the costs of EVs. However, the Routemap does support expanding shared mobility schemes (such as car clubs), which can reduce the upfront costs of EVs to individuals. There's also an opportunity to support the second-hand EV market.
Lack of low carbon technology currently available for larger vehicles is a key challenge.	The region will seek to trial new technology as it comes available.
Current economic viability of public transport is a significant barrier and	Actions within the Routemap support increasing the number of passengers
growing risk - rising fuel and driver costs, combined with driver shortages and the reduced passenger numbers and changed habits following the pandemic. At the same time, affordability and quality of public transport service impacts on uptake.	using public transport. Local authorities are committed to delivering high quality bus provision. However, additional funding from national government is likely to be required if costs increase.
Existing plans to upgrade major roads may increase the use of private cars.	Plans needs to be put in place to ensure that the design of major upgrade schemes incentivise green transport options, rather than encourage the use of private. For example, ensuring segregated cycle names and ease of public transport.
Critical risk that as we transition to EVs, the region is **offshoring carbon emissions** due to the emissions associated with production.	As part of the region's ambition to move towards a circular economy, we will encourage the second hand EV market and battery recycling.

4. Industry & Business

York and North Yorkshire's Vision:

Our businesses are thriving – realising new low carbon opportunities, saving costs through efficiency and working together to innovate, drive change and build new supply chains, following the overarching principles below:

- *Small businesses are at the heart of the net zero transition*
- *Businesses are equipped with the knowledge, skills and finance to enable them to realise the benefits*
- *Business support is designed to meet the different needs of businesses – from size, to sector to geographical location.*

Scale of ambition to achieve net zero by 2034, and carbon negative by 2040...

- **Retrofit over 62% of existing business premises** by 2038
- **Increase installation of rooftop solar** on business premises, approximately 48 Gwh each year up to 2038
- **Increase energy efficiency** of businesses to reduce energy demand by 25% by 2030
- **Increase electrification of industry**, particularly for low temperature heat and heat on smaller sites*
- **Increase fuel switching to bioenergy**, so that bioenergy accounts for 10% of industry fuel use by 2030 and 11% by 2038
- **Increase material efficiency and circularity** of business processes and products, resulting in a 15-40% reduction in energy consumption by 2038
- **Shift short journeys of light freight to cycle and double the proportion of freight carried by rail** by 2030 (from 10% to 20%).
- **Deploy district heating** to cover between 12-22% of non-domestic heat by 2038
- **Deploy hydrogen boilers** to supply approximately 11% of non-domestic heat by 2038

* %s increase in electrification are highly dependent on sector and technology options

Why?

1. **Every business has a part to play in delivering net zero** and beyond to carbon negative. York and North Yorkshire's **ambitious pathway to become England's first carbon negative region will provide our businesses with distinct advantages**, from accessing new markets and saving money, to improving public perception and attracting talent. We will enable our businesses to move faster in cutting their emissions – providing the support and networks to collaborate – to create a culture of moving forward that will ensure both large and small businesses unlock the benefits of the transition to net zero.

2. **Climate change is a critical business risk.** Across the world, more extreme weather events will disrupt global supply chains, damage physical assets and increase costs of purchasing products and resources. In York and North Yorkshire, we have already experienced the impact of flooding on our businesses and communities. With an economy that is reliant on farming, food manufacturing and tourism, our economy is on the frontline of climate change impacts. Taking action now will enable businesses to future-proof their operations and also be ready for new environmental and climate-related policy. In the long term, sustainability is good for business and will support local communities to thrive.

3. York and North Yorkshire has the **opportunity to be home to one of the UK's first large scale hydrogen and Carbon Capture & Storage (CCS) projects**, facilitating decarbonisation of heat and industry, as well as Bio-energy with Carbon Capture and Storage (BECCS). This sits alongside unique opportunities in the bio-economy (such as bio-based construction, bio-fuels and hemp), as well as prevalent opportunities in growing local supply chains for housing retrofit, renewables and electric vehicle infrastructure.

4. Over **40,000 businesses with a GVA of over £19bn** call York and North Yorkshire home. Key foundation industries include the visitor economy; food and drink production; insurance, finance, business and professional services; packaging technologies and advanced logistics; and structural steel and engineering. Important growth sectors include sustainable energy & bioeconomy; agri-tech; digi-tech, data and creative industries; advanced manufacturing; health & life sciences; and rail innovation.[5]

5. As York and North Yorkshire has limited heavy industry, **SMEs will be a driving force in the transition to net zero**. SMEs face distinct challenges in lowering their emissions, particularly around lack of knowledge, alongside having the time and funding to change how they operate. However, our SMEs are the heart of our economy – with vision, passion and far-reaching impact. Equipped with the right support, our small businesses can thrive from the transition to net zero. The journey to net zero will look different for every business and this will be recognised when support programmes are designed.

[5] KADA (2022) YNY Priority Sector Research Report

What?

Strategic Priorities for Transport (2022-2027)

1. Increase active travel
Develop the infrastructure and support behaviour change to rapidly increase the use of 'active travel' for short journeys (<2km walking and 8km cycling), including planning for '15 minute neighbourhoods'.

2. Decarbonise & increase use of public transport
Increase the use of public transport, whilst also decreasing carbon emissions through electrification and emerging hydrogen technology.

3. Enable the shift to low carbon vehicles
Develop the infrastructure and support behaviour change to enable the transition to shared ownership/mobility schemes, electric vehicles (EVs), electric bikes and other micro mobility devices.

4. Enable cleaner logistics
Develop the infrastructure to support the public sector and businesses utilise low carbon freight options, such as electrification of fleets, use of bio-fuels and emerging hydrogen technology, alongside freight modal shift to rail and local delivery logistics.

What?

Strategic Priorities for Industry & Business (2022-2027)

1. Improve energy and resource efficiency
Support businesses to save money through improving energy and resource efficiency of their operations.

> In practical terms, this means reducing energy bills through retrofitting to improve the energy efficiency of business premises, as well as simple changes such as switching off lights and switching to low carbon technology, such as LED lighting. Making processes more efficient and minimising waste means businesses can reduce costs and increase profits, as well as reducing their environmental impact.

2. Decarbonise heat and power supply
Enable whole-system solutions to decarbonise heat and power, including electrification, fuel-switching to bioenergy, district heat networks and renewables installation.

> For businesses, options include switching to low carbon heating options and green tariffs, and exploring options to generate energy on site (such as Solar PV). This can reduce running costs, support energy security and help businesses deliver on net zero ambitions.

3. Develop cleaner logistics
Develop infrastructure and support businesses to optimise routes, switch to low-emission fuels and renewable electricity, and where feasible move light freight to cargo bikes and heavy freight to rail transport.

> Improving supply chains to make them shorter and more efficient can change how businesses move their products and materials around the region, saving money through reducing fuel costs, as well as strengthening brand reputation. Potential options will depend on the type of business and location.

4. Move towards circular business models & sustainable supply chains
Support businesses to change the notion of 'business as usual', and help them develop the skills and knowledge they need to adapt to a new way of working. This could include adopting circular business models, and enabling the development of sustainable supply chains that are resilient to economic shocks and climate change impacts.

> Moving towards a circular business model could mean:
> - Minimising waste in operations AND/OR utilising waste as a feedstock
> - Extending product life e.g., through designing a product to be easily maintained and repaired
> - Using more sustainable materials e.g., biobased materials
> - Optimising product use – e.g., using a sharing platform so that products can be used by more individuals or businesses – increasing income potential
> - Recover resources – e.g., using a leasing model, establishing a return scheme and reverse logistics.
>
> These business models can enable businesses to save costs, better meet customer needs, build their reputation as a sustainable brand and access new customers. Developing sustainable supply chains and shortening supply chains where possible will make it easier for businesses to source materials sustainably, as well as ensuring money stays in the local economy.

How?

We will do this by...

Delivering actions across key sectors – including foundational industries, such as tourism and food and drink production, alongside supporting emerging growth sectors to decarbonise. Actions also cover supporting the development of green industries that are integral to enabling the region to get to net zero, such as businesses providing low carbon technology.

Interventions	Lead & Partners	
Research, Planning & Strategy		
Local Area Energy Plans: As detailed in the Power section, develop and implement regional strategic spatial plan to decarbonise the energy system. We will ensure that businesses have the opportunity to shape these plans and effective implementation of the plans will ensure that businesses have the infrastructure in place to enable carbon reduction. [Underway]	**Y&NY LEP, Local Authorities, Northern Powergrid, Northern Gas Networks**	
Develop Decarbonisation Plans for Large Industrial Sites: Secure funding and develop a programme of support to develop decarbonisation plans for large industrial sites. The support should include funding to carry out audits and feasibility studies. The development of the plans will be industry led, and local authorities will be lead partners for sites that they own. [2023 onwards]	**Y&NY LEP, Businesses, Local Authorities**	
Survey Small Industry Sites: survey small industry sites to understand the current technologies on all sites and applicability of low carbon options. Results will lead into refinement of LAEP and infrastructure policies, especially for hydrogen network development in late 2020s. The development of the plans will be industry led, and local authorities will be lead partners for sites that they own. [2023 onwards]	**Y&NY LEP, Businesses, Local Authorities**	
Carbon capture utilisation: Support and promote research in carbon dioxide utilisation to provide diverse business opportunities and increase circularity of carbon capture. [Underway]	**University of York (Green Chemistry Centre of Excellence), Drax**	
Explore sites for early potential hydrogen use: identify potential sites and undertake initial feasibility work. [2024 onwards]	**Lead to be identified**	
TransFIRe project: as part of the TransFIRe project, over the course of three years, we will work with local authorities and businesses to explore waste stream mapping, resource use, and opportunities for symbiosis within key industries and industrial sites. TransFIRe (Transforming Foundation Industries Research and Innovation hub) was developed in response to the Industrial Strategy Challenge Fund (ISCF) call to transform the foundation industries, namely: chemicals, cement, ceramics, glass, metals and paper. These industries produce 75% of all materials in the UK economy and are vital for the UK's manufacturing and construction industries. Together, foundation industries are worth £52 billion to the UK economy and produce 28 million tonnes of materials per year, accounting for about 10% of the UK total CO2 emissions. [Underway]	**TransFIRe Consortium** (led by Cranfield University, and locally by University of York) Y&NY LEP, Local Authorities, Businesses	
Communication, Engagement & Movement Building		
Engage businesses through Circular Towns & Communities projects and develop a Circular Business Champions Network: As part of the Circular Communities and Towns programme, take a place-based approach to engage and activate businesses in the circular economy. We will also work with partners to develop a network of businesses that are already demonstrating circular economy best practice and will advocate for CE in their communities/towns/business networks. [Underway]	**Y&NY LEP** Community First Yorkshire, Local Authorities, Circular Malton CIC, CaVCa, Selby District AVS & other community groups.	
Establish industry networks/clusters/groups to lead the development of sector focused plans to reach net zero. These groups will be led by industry leaders, and also facilitate the sharing of best practice and fostering of a collaborative approach. The industry leads will act as net zero champions, advocating for net zero within their communities and networks. This work will utilise our strong business networks already within the region to help SMEs realise the opportunity and get involved. These networks/clusters/groups would include, but not limited to, the following sectors: • Tourism • Food & drink • Retail	**Industry leads to be confirmed** Yorkshire Circular Lab, FSB, North & West Yorkshire Chamber of Commerce (University of York Management School to support food & drink group)	

Interventions	Lead & Partners	
(This action also links to planning, strategy and collaboration) [2023 onwards] ***Example: Tourism*** *Building on the outputs of an initial workshop with stakeholders in June 2022, co-develop a phased approach to create a sustainable, net zero tourism sector across Y&NY. This will include identifying quick wins and a longer term plan to create mindset shifts and behaviour change. The Plan will cover the different elements of tourism, including travel, food and accommodation, with a focus on creating better experiences and a legacy through sustainable tourism. This work will build upon and be aligned with various other streams of tourism work, including tourism work through Local Government Reorganisation process in North Yorkshire, York's forthcoming tourism strategy and work at a Yorkshire and Humber level to develop a new destination marketing strategy.*		
One-stop-shop for energy efficiency: Develop plans and secure funding to establish a regional team(s) of trusted advisors who are able to advise and support residents and businesses to seamlessly access a patchwork of retrofit support (fabric-first and heat source switching) and make the most of national materials. The approach will build upon UK case studies, lessons from previous local provision (Yorkshire Energy Partnership) and existing local community services already in this space, ensuring that there is a financially self-sustaining model in place. [2022 onwards]	**Y&NY LEP, Local Authorities** Community organisations	
Collaboration & Innovation		
Work with Innovate UK to maximise opportunities around key areas of innovation required for Net Zero: • **Power innovation:** storage technologies (hydrogen, ammonia, compression, chemical flow), demand side response, hydrogen electricity generation, CO2 capture & utilisation. • **Industrial innovation:** industrial technologies to reduce carbon emissions. • **Transport data & systems:** real time tracking/monitoring to enable better management of traffic flows & multi-modal green transport systems. • **Agriculture:** low carbon farming models and technology. • **CE & circular business models:** collaborative circular economy pilot projects (e.g., EV battery recycling); support for businesses to innovate to pilot CE business models.	**Y&NY LEP, Innovate UK**	

Interventions	Lead & Partners	
This will include: 1. Identifying individual businesses and clusters in Y&NY that are innovating in these areas and putting in place a package of support to help them access national funding streams 2. Working with Y&NY Growth Hub, support adoption and diffusion of innovative net zero technologies. [2022 onwards]		
Infrastructure, Supply Chains & Green Industries		
Develop material processing, recycling & reverse logistics infrastructure: Research and coordinate schemes to increase industrial recycling, especially closed loop recycling for glass, plastics and aggregates. Working with industry partners and local authorities to explore the potential for reverse logistics to reduce resource use in line with the proposed Deposit Return Schemes and Extended Producer Responsibility policies. [2024 onwards]	**Local Authorities,** Y&NY LEP, other partners to be confirmed.	
Sustainable public procurement: Y&NY local authorities and other public sector organisations to strengthen procurement policy to support net zero ambitions. This will help reduce emissions in the public sector, ensure our supply chains are more resilient to climate-related shocks, and will provide an incentive for companies within the region to offer low-carbon and circular options to meet procurement criteria. This will include incorporating sustainability criteria in tender evaluations, making use of the UK Government Buying Standards and the RU Green Public Procurement Tool, as well as implementing the recently developed low carbon procurement toolkits for: 1. Services – including catering, furniture, ICT hardware, transport and vehicles; 2. Built environment – including new build, maintenance, refurbishment and highways. [2023 onwards]	**Local Authorities & other public sector partners** WRAP	
Develop SME supply chains: Linked to the SME Net Zero Programme, provide support for Y&NY SMEs to become more sustainable so that they are able to meet the public sector's increasing sustainability standards. [2023 onwards]	**Y&NY LEP, Local Authorities**	
Grow green industries: Work with key partners such as the Growth Hub, Sparkfund, PAPI, and Innovate UK to identify and support low-carbon and circular innovation and opportunities within the region.	**Y&NY LEP,** West & North Yorkshire Chamber of Commerce,	

Interventions	Lead & Partners	
This will also include encouraging start-up green tech companies in our region to assist with the transition, alongside promoting new green market opportunities to existing businesses. [2022 onwards]	Business Support Programmes	
Programmes & Demonstrator Projects		
SME Net Zero Programme: Develop, secure funding and deliver a package of measures to support SMEs on their journeys to become net zero and embed CE principles in how they operate. The programme will address critical barriers that SMEs currently face in engaging with the net zero agenda around: costs; knowledge, skills & capacity gaps; and business model pivoting/adaptation. **The programme will provide:** • Education, tools & exemplar case studies - to make it easy for businesses to understand their existing carbon footprint and how to reduce it (building on Y&NY LEP's Net Zero Business Toolkit & existing case study bank). • Financial incentives. • Skills development & capacity building. • Consultancy support for business model redesign. The programme will be fully co-designed with business intermediaries & SMEs to ensure that it is fit for purpose, recognising that businesses have different needs (as a result of their size, rural – urban location, sector and stage of their net zero journey). **To support the delivery of the programme, an SME-focused communications strategy will be developed.** Communications will help SMEs understand the benefits and opportunities of sustainable working, and will have a range of approaches to recognise different business needs. [2023 onwards]	**Y&NY LEP** (Growth Hub & net zero design group) FSB, West & North Chamber of Commerce, Local Authorities.	
UoY Sustainability Action Plan Project: Student volunteers from UoY's ESAY programme will help local organisations, businesses or charities to kickstart actions to improve their environmental sustainability. Launching in 2022, teams will be trained to use the Net Positive Futures Social impact tool as a starting point, and the organisation and the team will identify areas where they already have good practises and where improvements can be made. Students then undertake research into other local sustainability initiatives and find	**University of York**	

Interventions	Lead & Partners	
examples of carbon cutting actions to present back as an action plan for the charity, and also share these with the other teams to build up a database of actions. [Underway]		
Influencing National Policy		
Working with partners, engage with the central government to inform and direct national policies on specific issues, including: • Support early **deployment of Carbon Capture Utilisation & Storage (CCUS) infrastructure** in Yorkshire & Humber. • **National funding to support building retrofit** to overcome high upfront costs for businesses. • **Incentives for businesses to engage** and **take action** to reduce their carbon footprint (e.g., tax relief for building retrofit). • Develop business models and financial incentives for **industrial fuel switching.** • Research/evidence gathering on **hydrogen and electrification technologies for industry.** • Additional investment from Ofgem for **infrastructure upgrades** in the region. • Implementation of **national green procurement guidelines**. • Stricter **industrial emissions regulations and carbon intensity targets/trajectories.** • Ensuring national **net zero policy and support programmes are designed for SMEs**. • **Ensuring high energy efficiency standards for commercial properties,** with retrofit support targeting commercial landlords. • **Funding for SMEs** to pilot innovative circular business models. [2022 onwards]	**Y&NY LEP** Yorkshire & Humber Councils net zero carbon sub-group; Yorkshire & Humber Climate Commission SME specific areas: FSB	

Who?

To reach, engage and activate the diversity of businesses within our region, **business intermediaries**, such as the Federation of Small Businesses, West and North Yorkshire Chamber of Commerce, and **industry groups** will be critical. Y&NY LEP's **Growth Hub** and **local authorities** will also have key roles to play in terms of supporting the design of business programmes and engaging local businesses.

An important part of our approach is unlocking collaboration and peer-to-peer working through **developing networks** and **clusters.** This will enable businesses to share best practice, develop collaborative projects and solve collective challenges. This is expected to build capacity and capabilities of businesses.

We will seek to take a **supply chain approach** where possible to mobilise different actors to move in the same direction, and ensure they are able to realise new business opportunities from the transition to net zero.

We will work collaboratively with regional partners, such as the **North East & Yorkshire Net Zero Hub** and **Yorkshire & Humber Climate Commission**, to share lessons learnt and develop programmes at scale where a wider regional approach is appropriate.

We will work to develop net-zero business skills within the region, so that every business is equipped to deal with the transition to a net zero economy. This will help bolster our net-zero skills base within the region, with businesses able to share best practice, and employees able to share knowledge as they progress within their careers.

Challenges & Risks

In the context of Business & Industry, the table below highlights the most important challenges/risks/dependencies and our approach to mitigate these to our best ability:

Key Challenges, Risks & Dependencies	Mitigation Approach
Dependency of national funding and policy change to provide the "carrot" and "stick" to enable businesses to reach net zero. Actions are highly dependent on national policy and a high proportion of interventions require Government funding. Opportunity for Y&NY to use Government funding in a more effective way, leveraging private sector investment and utilising our natural assets to store carbon.	A major barrier for many SMEs in participating in net-zero measures is lack of time and knowledge. We aim to overcome this barrier through our SME net-zero support programme, which will offer skills training and knowledge for businesses, but partner schemes such as TransFIRe and the UoY's ESAY programme will also help businesses realise the benefits and opportunities (including financial), by moving to sustainable ways of working. By creating this grassroots change, we also hope to provide a strong evidence base for legislative change from Government, as well as a case for funding to help support business transition.
Constrained supply chains. Throughout discussions, the importance of building local, sustainable supply chains was recognised. Current supply chains for building retrofit were identified as a critical challenge, which urgently need improving to deliver the ambitious scale of retrofit set out in the Routemap. Currently demand is not a sufficient driver for business diversification – business will respond to market opportunity and it's not strong enough at present to instigate that change, but that could also be prompted by national policy/incentives.	We will aim to begin building sustainable supply chains within the region; the TransFIRe project will be key, as it targets foundation industries, an may lead to change in how these industries interact with other parts of their supply chain. This change will also offer case studies to showcase the market opportunities to businesses within the region, and the processes needed to change. Our aim to build sustainable public procurement supply chains is also crucial to creating change; by providing an incentive for suppliers to become more sustainable, we can also hope to create lower-carbon supply chains locally.
Skills base for a net zero economy. Linked to the supply chain challenges, the group discussed the critical need for developing the necessary skills in the economy for the transition to net zero and beyond. It was also discussed that ensuring we have a strong net zero skills base can be used as a lever to attract businesses into the region.	To help develop the skills base we need for transition, we will ensure that these concepts are embedded in training and education, to familiarise our young people with them. This will be coupled with careers support to inspire them seek roles in sectors that champion net-zero. By supporting our green industries within the region, we can also help them grow, creating a flow of roles in these sectors for people completing their education. We will also ensure our current SMEs have the opportunity to develop net-zero skills and knowledge through our SME support programme, which will include skills modules designed for SMEs to improve their carbon literacy.

5. Environment - Land Use, Agriculture & Marine

York and North Yorkshire's Vision:

Our region is working together to restore, enhance and protect our unique rural, marine and coastal environments, following the overarching principles below:

- *Ensure that food production is central to the approach*
- *Support more resilient businesses (e.g., income diversification, "marketable products")*
- *A bottom-up, flexible approach that empowers farmers and other land managers to make their own decisions and ensures no one is left behind*
- *Maintain and strengthen biodiversity for positive environmental impacts overall (e.g. avoid monocultures, support changes that benefit nature and landscapes)*
- *Enhance coastal and marine management and develop connectivity with land-based initiatives.*

Scale of ambition to achieve net zero by 2034, and carbon negative by 2040...

- Plant **37,000 hectares of new woodland** by 2038
- Increase amount of **hedgerows in the region by 20%** by 2038, alongside improvements in hedgerow width and health
- 100% of upland and lowland **peatlands under restoration** by 2038
- **Improve manure management**
- Decarbonisation of **on-farm machinery**
- Increase **bioenergy crops to reach over 5,000 hectares** by 2038
- Achieve **30% reduction in food waste** by 2030

Why?

1. **Land and marine are critical natural assets.** They provide us with the fundamentals of life: food, clean water, timber, and the natural regulation of hazards such as flooding. Key to the effective functioning of these is biodiversity. They also inherently sequester and store carbon so are essential resources to mitigate climate change. With a **distinctive coastline, two National Parks, three Areas of Outstanding Natural Beauty** and over 70% of our geography being used for agriculture, we are uniquely positioned to use our natural assets to support the delivery of net zero, improve biodiversity and level up our national economy.

2. **Natural capital directly supports 11% of our GVA**, with the opportunity for natural capital related GVA to grow by 31% by 2050. If we fail to increase investment in our natural capital, we **risk continued degradation of our natural capital** – resulting in a 5% loss in the sector's GVA, and an increase in greenhouse gas (GHG) emissions owing to our region's high proportion of degraded peatlands, which will continue to emit carbon unless they are restored.

3. Due to the rural nature of our region and high dependency on natural capital, **we are on the frontline of increasingly frequent weather extremes and other climate change impacts**. Flood risk damage and disruption creates substantial costs for our residents and businesses; drought risks and heat waves cause significant disruption to agriculture and wider industries; and we are at risk from increased fires, especially on the upland moors, which could increase air pollution and significantly affect our tourism industry. Meanwhile, some biodiversity losses may be irreversible.

What?

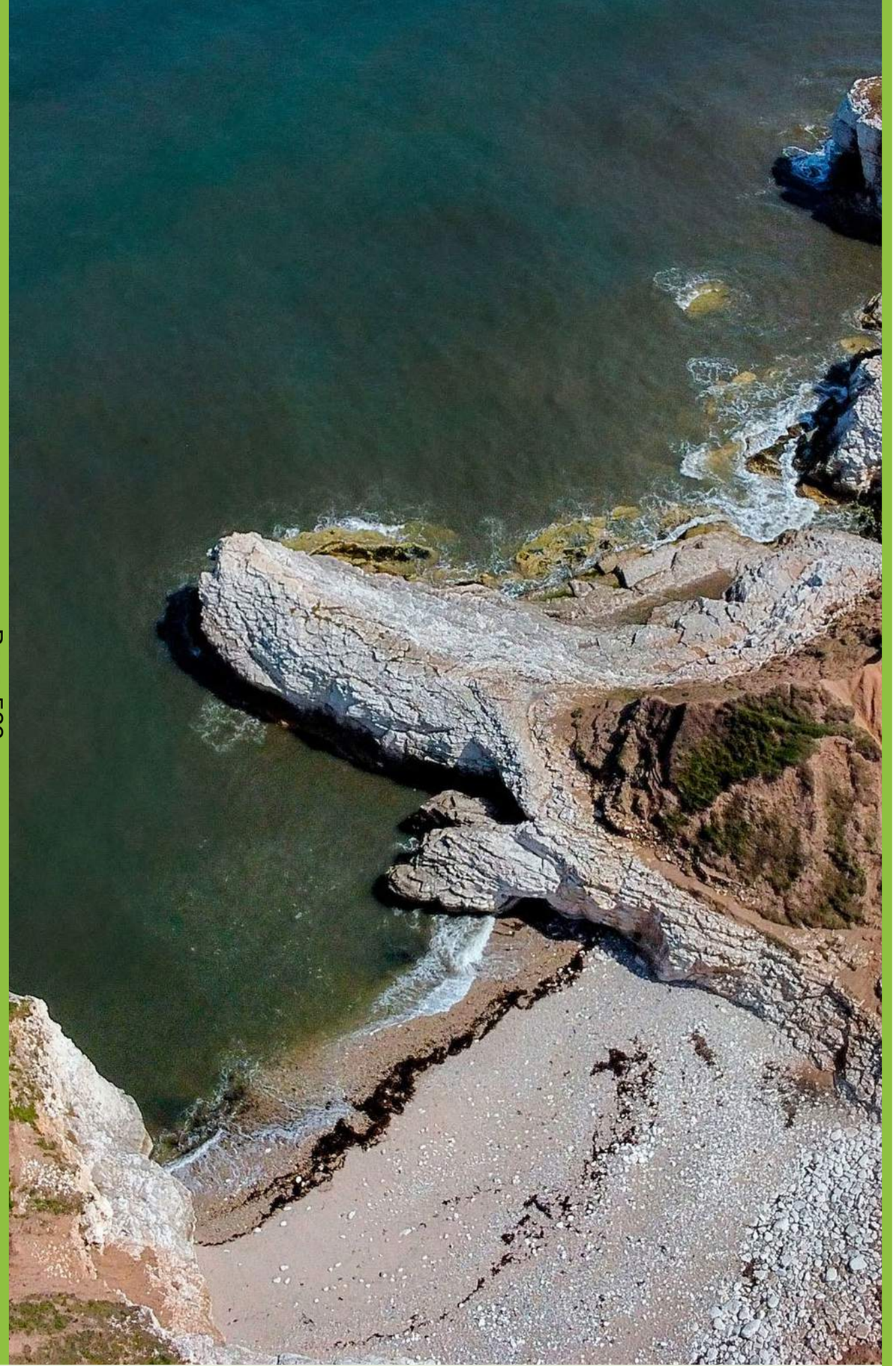
Strategic Priorities for Land Use, Agriculture & Marine (2022-2027)

1. Improve productivity to reduce emissions
By improving productivity and efficiency, farmers will produce the same quantity of food (or more) with fewer inputs, in smarter ways embracing low carbon technology, improved management of rivers and streams, and creating resilient, sustainable food supply chains:

Increase efficiency through low carbon technology	Support uptake of agri-tech, renewables and other low carbon technology to increase efficiency, alongside supporting partnership working to facilitate collaboration, innovation and the sharing of best practice.
Improved management of rivers and streams	Support partnership working with landowners and land managers to develop an integrated water management approach to improve water quality.
Reduce emissions in resilient food supply chains	Build partnerships to support the development of shortened, sustainable food supply chains, reduce waste and improve food security.

2. Increase storage of carbon in our landscapes
By changing land management practices, use we can capture more carbon – in soils, hedgerows and trees, and peatlands, alongside maintaining and strengthening ecological diversity:

Increase regenerative agriculture	Working with partners, promote regenerative agriculture to improve soils and carbon sequestration, alongside promoting and building confidence in new opportunities around bio-based products.



Manage tree planting & hedgerows	Support partnerships, build local supply chains and ensure a strategic approach to increase planting of trees (including those outside of woodlands). Promote good management and maintenance of existing tree stocks and hedgerows.
Restore upland and lowland peatlands	Support partnerships to restore upland and lowland peatlands – improving biodiversity, managing flooding and providing clean water.

3. Enhance marine and coastal ecosystems to improve carbon sequestration

By protecting and changing coastal* and marine management, we can store more carbon and develop greater connectivity and partnerships with land based initiatives.

* For the purposed of this Routemap coastal is defined IFCA 6-mile boundary

Carbon storage in marine and coastal habitats	Explore the potential of carbon storage in coastal and specific marine habitats, informed by co-benefits and impacts on biodiversity.
Enhance, manage and protect habitats	Develop partnerships and programmes to enhance, manage and protect marine and coastal habitats and to develop nature based solutions in marine and coastal realm. Ensure connectivity between in-land and coastal water bodies, protecting regenerating landscapes and coastal water quality.
Support sustainable fisheries and aquaculture	Develop partnerships and programmes to support and develop long-term sustainable fisheries and aquaculture including use of low carbon equipment.

How?

We will do this by...

Interventions	Lead & Partners	
Research, Planning & Strategy		
Land Use & Agriculture		
Local Nature Recovery Strategy: Develop a Local Nature Recovery Strategy (LNRS) that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. In York & North Yorkshire, we will explore how the LNRS can include coastal ecosystems. [Planning underway]	**North Yorkshire County Council** Local Nature Partnership, National Park Authorities.	
Natural Capital Investment Plan: Secure funding to develop a Natural Capital Investment Plan for York and North Yorkshire. The overarching aim of the Natural Capital Investment Plan (NCIP) is to ensure a strategic and coordinated approach to investment in natural capital across York and North Yorkshire. This will enable the region to respond to climate change, and unlock the economic opportunities of becoming England's first carbon-negative region. The Plan will directly contribute to delivering Government's priorities around net zero, nature recovery and levelling-up. The **specific objectives** of the Natural Capital Investment Plan are: 1. **To attract and optimise investment** in YNY's natural capital, leveraging private sector investment to maximise the impact of public funding 2. **To improve biodiversity, soil health and access to the outdoors** to support nature recovery, carbon sequestration, economic resilience and human wellbeing. 3. **To provide a long-term, strategic approach** to land-use change to ensure competing pressures (particularly food security) are fully understood and addressed 4. **To drive collaboration** within and beyond the region to build capacity, ensure alignment and enable change at pace and scale 5. **To empower land owners and land managers** to shape the region's future. [Planning underway]	**Y&NY LEP** DEFRA, Local Nature Partnership, National Park Authorities, Local Authorities	
Food Security – Linked to the NCIP, we will work with partners to understand the competing pressures on land use and determine the implications of environmental land	**To be confirmed.**	

Interventions	Lead & Partners	
management and biodiversity drivers on food production. Understand land classification and ensure a strategic approach to protect food supply in UK as well as protecting the landscape. [2023 onwards]		
Net Zero Food Hub - To build an inclusive and dynamic network of interdisciplinary researchers, businesses, government, and civil society, able to co-design and deliver innovative research that improves decision-making around Net Zero Agri-Food Systems. [2023-2025]	**University of York** Grow Yorkshire	
Bio-products – Support the market with research and development of biobased products and solutions to allow significant scale-up of market opportunities and encourage development of new supply chains that give farmers confidence to invest – for example in: Hemp Fibre, Miscanthus, Wool. Seaweed and Kelp are key opportunities with lots of interest from NY farmers for cattle feed. Potential for circular linkages in creating supply chains between marine and livestock farming. [2023 onwards]	**North Yorkshire & York Local Nature Partnership** Natural England, Biorenewables Development Centre, NYCC, NFU	
Promote the Integrated water management strategy. Promote the implementation of contingency planning on farms to tackle the dual risks of flooding and water supply disruption, better understand our water demand and act to reduce waste and, encourage best practice in the management of land and water. [2023 onwards]	**NFU** (TBC)	
Agri-Forestry – further research to establish opportunities to provide farmers with the knowledge and skills to use agri-forestry to effectively utilise underproductive areas of farmland such as corners of fields [2023 onwards]	**To be confirmed**	
Marine & Coastal		
Marine Planning & Licensing: Where feasible, ensure marine planning and licensing supports the delivery of the strategic priorities set out in the Routemap.	**MMO**	
Developing a natural capital approach for our marine & coastal environment: On the Yorkshire coast, we are starting to develop our understanding of the wide-ranging services provided to us by the marine ecosystem. Working with our partners across the region, we are exploring how a marine natural capital accounting system might work, and how it could link with a terrestrial system. We have started this process by reviewing the work carried out so far, identifying current gaps in knowledge and highlighting the different	**Yorkshire Marine Nature Partnership**	

Interventions	Lead & Partners	
aspects of marine natural capital on the Yorkshire coast. This will include developing plans to improve data for key ecosystems, utilising MMO's evidence base. [2023-2028]		
Carbon sequestration research: Kelp and seagrass (inshore) are important assets but more research is needed to assess current state of the east coast forest before plans and projects can be developed. [2023 onwards]	**Lead to be agreed.** Yorkshire Marine Nature Partnership	
Developing Skills		
As part of Low Carbon Skills Implementation Plan, develop plans to improve skills in the following areas: • Regenerative farming & soil management • Assisting farmers and producers to supply directly to public sector procurements (Schools, Hospitals etc.) including contract management. • Precision farming techniques (link to Peer to Peer and Special Interest Group). • Undertaking farm carbon audits.	**Y&NY LEP & Partners**	
Collaboration & Innovation		
Land Use & Agriculture		
Delivery of FixOurFood Programme (~2026): • **Regenerative Farming** (Research area 1) Yorkshire contains 13-17% of the UK's crop production area (for cereals, oilseed rape, potatoes, field vegetables and glasshouse production), with 10-14% of the UK's livestock headcount (cattle, sheep and poultry). The variety of farming systems within the region and the diversity of soil and land cover combined with networks of innovative farmers, makes it an excellent test bed for more regenerative approaches. • **Hybrid Business Models** (production, supply, consumption) (Research area 2) The Yorkshire region incorporates diverse elements of food production, supply and consumption. It has the highest concentration of food and drink businesses in the UK and our aim is to improve their social and environmental impact. • **Sustainable & Healthy Food** (Research area 3) Yorkshire is ethnically diverse with significant social and economic deprivation and ill health. Many areas show some of the worst income deprivation statistics affecting children in England. • **Shortened Food Supply Chains** – Ensure clarity between 'buying locally' and 'shortened supply chains' to help enable better sourcing and choices.	**University of York** University of Leeds, City of York Council, University of Oxford, Cranfield University , Spark York, Grow Yorkshire, Food Foundation (and others)	

Interventions	Lead & Partners	
Sustainable public procurement could be an important tool in this developed by working with anchor institutions. [Underway]		
Precision Agriculture – Working with partners to develop understanding and uptake of precision farming techniques and associated technologies. Potential to establish a regional Farmer Special Interest Group. [2023-2025]	**Future Farmers of Yorkshire**, Grow Yorkshire, NFU (TBC)	
Circular Economy – The Local Nature Partnership promote how local landscapes can support local green energy (e.g. through AD) and has the potential to create new jobs, improve biodiversity, and provide green energy. [2023 onwards]	**LNP**, plus others to be confirmed	
Electric vehicles & machinery - Supporting the decarbonisation of farm machinery and working with partners to promote Electric Vehicle charging points in rural locations to assist the transition to low carbon transport Support partnerships that develop inward investment in Agri-tech and accelerate growth of clean-tech, digital and circular economy business models. [2023 onwards]	**To be confirmed**	
Facilitating collaboration to support community woodland projects: Bring together key partners involved in community woodland projects to share best practice and bring forward further initiatives. [2023-2025]	**Local Authorities,** LNP, White Rose Forest, Yorkshire Dales Millennium Trust	
Marine & Coastal		
Support Yorkshire Marine Nature Partnership: Continue to support the Yorkshire Marine Nature Partnership (YMNP) which brings people together to share expertise, skills and local knowledge for the benefit of our important marine and coastal environment. The Partnership will have a key role to play in enabling collaborating and building capacity to increase the ability of marine and coastal ecosystems to sequester carbon. [Underway]	**Yorkshire Marine Nature Partnership,** Y&NY LEP	
As part of Circular Towns & Communities project, build on the initiative run by Yorkshire Wildlife Trust (YWT) – **"fishing for litter"** to reduce ocean plastics (2023-TBC)	**To be confirmed**	
Explore feasibility of early-stage projects, including: • **Marine & Coastal - nature based solutions:** High potential for nature based solutions e.g., "biofilms" for reducing erosion on infrastructure. • **Blue carbon credits:** Potential to establish 'blue carbon credits' and be a demonstrator area – biodiversity net gains for seas which could be a USP for the region.	Yorkshire Marine Nature Partnership (Other partners and lead to be confirmed)	

Interventions	Lead & Partners	
• **Source to Sea approach:** Opportunity to engage with catchment partnerships/inland waterways take a 'Source to Sea' approach to connect land based priorities to marine. [2023]		
Programmes & Demonstrator Projects		
Land Use & Agriculture		
Farming in Protected Landscapes (FiPL): Create case studies and utilise lessons learnt from the current FiPL programme to shape future policy and programmes. [2023-2025]	**National Park Authorities, AONBs, Grow Yorkshire**	
Carbon Audits - Secure funding to build on pilots carried out on upland farms and roll-out a wider programme of farm carbon audits. (In the initial pilot, one farm is now producing certified 'carbon neutral beef', which has proved a catalyst for big changes to their upland farming system. **Specialist Advisors** - Secure funding for a team of specialist farm advisors to act on the baseline created by the Audits, engage with upland farmers providing targeted business advice and develop interventions to help upland stock farmers make the transition to a more efficient, financially profitable, low carbon farming system. Ideally, the specialist advisors will be farmers who are advocates for low carbon farming techniques in the upland environment.	**Lead to be confirmed.** National Park Authorities, Nidderdale AONB, Yorkshire Water, Grow Yorkshire	
Hemp-30 Project aims to increase the amount of industrial hemp 100-fold in the UK seeking to establish industrial hemp as a major UK crop. The project will draw on the University's world-leading expertise in molecular plant breeding technology to fast track improvement of hemp traits to meet the needs of developing markets. Researchers will target traits such as biomass yield, fibre quality and drought resistance to produce varieties of hemp that are best suited to UK growing conditions [Underway -2027]	**University of York**	
White Rose Forest: Delivery of the White Rose Action Plan 2021-25 – which sets targets for tree planting and woodland creation across North and West Yorkshire over the next four years. Seven million trees, the equivalent of 4900 football pitches or 3500 hectares, could be planted in North and West Yorkshire between 2021 and 2025, with the support of landowners and farmers, and funding from the Government's Nature for Climate fund. **Wider partners** will support collaboration with tree and woodland planting opportunities e.g. Government's Nature for Climate Fund. [Underway]	**White Rose Forest,** North Yorkshire County Council, City of York Council, Harrogate Borough Council, Craven District Council, National Park Authorities, Forestry Commission, Woodland Trust and National Trust	

Interventions	Lead & Partners	
Tees-Swale: Naturally-Connected – with funding from the National Lottery Heritage Fund, a 5-year programme working in partnership with High Nature Value Farmers and local landowners in Upper Teesdale and Swaledale to restore and connect priority habitats. The investment will help to reverse the decline in biodiversity, through peatland restoration, grassland management and restoration, rush management, wetland creation, woodland and scrub creation – creating a more resilient landscape that stores more carbon. [Underway]	**North Pennines AONB Partnership, Yorkshire Dales NPA, Environment Agency** Richmondshire District Council, Yorkshire Peat Partnership, Yorkshire Dales Rivers Trust, Yorkshire Water, Natural England, Yorkshire Dales Millennium Trust	
Ryevitalise: with funding from the National Lottery Heritage Fund, a 5-year landscape partnership programme working with land managers to improve the aquatic habitats of the Rye, and the rare and threatened species that the river and wider landscape supports. The project delivers this through river restoration, woodland and meadow creation, veteran tree conservation and invasive species control as well as a significant cultural heritage focus to reconnect people with the river. [Underway]	**NYMNPA, Rivers Trust, English Heritage, Environment Agency, Forestry Commission, HH AONB, National Trust, Natural England, NYCC, Ryedale District Council, Yorkshire Derwent Partnership, Yorkshire Water, Woodland Trust, Butterfly Conservation**	
Upland peat restoration programme: Coordinated by the Yorkshire Peat Partnership, continue collaborative work to restore upland peat. Between November 2020 and March 2021 the Yorkshire Peat Partnership completed 36,574 ha* of peat restoration work which is 38% of the estimated 95,796 ha* of blanket bog in Yorkshire (*this is defined as upland management units containing peat). Future projects include: • The Yorkshire Peat Partnership received £4.8 million from Natural England's Nature for Climate fund. Combined with match funding from Yorkshire Water and a private	**Yorkshire Peat Partnership** Local Nature Partnership, Yorkshire Water, Natural England, National Park Authorities, Environment Agency Nidderdale AONB, NFU	

Interventions	Lead & Partners	
landowner, it will enable a £6.5 million leap forward in peatland restoration in the northern uplands delivering a major restoration and monitoring programme across 3,510 a of peatland in the Yorkshire Dales and North York Moors National Parks and the Nidderdale and North Pennines Areas of Outstanding Natural Beauty. • Funding from Innovate UK's Knowledge Transfer Programme and VP plc will allow YPP to find an answer to a major recurring issue with sloping, bare peat facing into the prevailing wind. Whatever is done to revegetate it, southwest facing bare peat is scoured by the wind and requires multiple interventions. Working with the University of Manchester, YPP hope to find techniques and materials that will address this challenge and consolidate the integrity of restoration work on these sites. [Underway]		
Lowland peat restoration project – the key challenge is to develop, with partners, an action plan working with the Yorkshire Wildlife Trust to secure funding to trial a package of measures to support farmers to restore lowland peatland, including: • Farm carbon audits – to establish initial carbon baselines and recommend key measures to reduce emissions and sequester carbon on farms. • Exploratory engagement & research – working with farmers to understand how lowland peat can be restored, without compromising farm productivity. • Paludiculture* pilots – working with BioYorkshire, explore the potential of innovative paludiculture approaches to re-wet peatlands, but still be highly productive for farming. (*Paludiculture is the practice of farming on wet land). [2023-2026]	**Yorkshire Peat Partnership** NFU, CLA, Nidderdale AONB, Yorkshire Water	
Skell Valley Scheme: The National Trust and **Nidderdale Area of Outstanding Natural Beauty (AONB)** are the lead partners of sixteen organisations who have come together to deliver the Skell Valley scheme, which will create a sustainable future for the Skell Valley. £2.5m has been secured to deliver a programme of projects that will ensure: • Landscape is resilient - We'll help tackle the threats of climate change and ensure we play our part in a 'green' recovery following the COVID-19 pandemic- making the landscape, its people and the local economy more resilient. • Nature Thrives - We'll reverse the decline in nature, conserve ancient trees and woodlands and the wildlife they support and create nature-rich spaces where people live.	**National Trust & Nidderdale AONB**	

Interventions	Lead & Partners	
• People are empowered - We'll empower people to deliver projects for nature, heritage and landscapes by supporting them in learning the skills they need and removing current barriers that stop people accessing the outdoors and nature around them. • Heritage is celebrated - We'll save our heritage from the threats of climate change and general neglect and create new and exciting opportunities for people to explore the nature and history of the Skell Valley and be involved in its care. Key learnings from the project will be utilised to shape future policy and actions within the Routemap. [Underway]		
Vertical, urban farm pilot. As part of FixOurFood, the project is developing an urban vertical farm (Grow It York): investigating how such a farm can improve the environmental impact of local food businesses and have social impact on the local community. Lessons learnt from the pilot will be used to explore the potential for a network of vertical urban farms across the region. [Underway-2027]	**Make it York** Spark, University of York (FixOurFood)	
Marine & Coastal		
Concrete Coast Project: made possible by the Water Environment Improvement Fund (WEIF), the project will explore options for improving the ecological value of artificial structures along our coastline. The project will look at how we can encourage wildlife back to artificial shorelines through simple and cost-effective methods, without changing the function or integrity of man-made coastal structures. In the long-term, this will increase biodiversity and provide more opportunities for coastal wildlife. [2023-2025]	**Yorkshire Marine Nature Partnership**, Environment Agency, East Riding of Yorkshire Council, Scarborough Borough Council, University of Hull	
Infrastructure, Supply Chains & Green Industries		
Land Use & Agriculture		
Yorkshire Tree Supply Chain project – mapping the end-to-end stakeholders associated with tree planting and management to understand the potential to grow the supply chain within the region. [Underway]	**North Yorkshire County Council** University of Huddersfield, Grow Yorkshire, White Rose Forest	
Local Food Economy – Promote balanced diets featuring plant-based foods, such as coarse grains, legumes, fruits and vegetables, and animal sourced food produced sustainably in low carbon systems. British farming with its extensive, grass-based, grazing systems produces some of the most sustainable beef in the world (Government's Committee on	**NFU**, Future Farmers of Yorkshire, Deliciously Yorkshire and others	

Interventions	Lead & Partners	
Climate Change - greenhouse gas emissions from UK beef are about half the global average). Local authorities can boost agri-food by procuring local and regional produce. Simplifying the procurement process and improving food procurement practices support local producers and farmers. [2023-2025]		
Creation of a **Yorkshire Hemp Special Interest Group** to drive the growing and use of industrial hemp. The Group will build upon the findings and recommendations from the Yorkshire Hemp Supply Chain research project – which mapped the stakeholders, existing supply chains and potential for growth. [Underway]	**Biorenewables Development Centre** Grow Yorkshire, University of York, Clarion Solicitors	
Dynamic Purchasing Platform. To develop a platform to shorten food supply chains and connect SME food producers to public sector procurement. [2023-2025]	**Springfield Agri,** Crown Commercial Service, University of York, Deliciously Yorkshire, Grow Yorkshire	
Marine & Coastal		
Developing supply chains: Opportunity to develop supply chains for green industries e.g., aquaculture. Current challenges relate to lack of processing facilities and infrastructure (e.g., need processing facilities for seafood production & aquaculture). [2023-2025]	**To be confirmed**	
Influencing Government Policy		
Land Use & Agriculture		
Environmental Land Management Scheme (ELMs): We will engage with DEFRA to explore a mechanism to identify and support funding applications from York and North Yorkshire which align to the strategic priorities set out in the Routemap. This would enable us to gain insights into projects and which programmes are delivering these. [Underway]	**Y&NY LEP, Local Authorities, National Park Authorities** Grow Yorkshire, YFFRN & partners	
On-farm renewables: Policy and funding to promote small scale renewables on farms and help fast-track grid connection capacity. Whilst strengthening planning controls to protect productive farmland from being used for large scale developments, ensuring planning process is consistent across the UK. [2023 onwards]	**To be confirmed.** NFU, CLA	
Carbon Offsetting - Policy requires clarification and consistency. Needs recognition of the existing biodiversity in the landscape which is being earmarked for carbon sequestration. [2023 onwards]	**To be confirmed**	
Marine & Coastal		
Influencing Policy: Due to lack of direct influence past 6 miles there is potential to form networks to establish evidence base and influence Government policy. [2023 onwards]	**Y&NY LEP, Yorkshire Marine Nature Partnership** (and others)	
National Policy: Work to influence national policy where appropriate (e.g., reducing mechanical dredging). [2023 onwards]	**To be confirmed**	

Who?

For land use and agriculture, **Grow Yorkshire** will be a key strategic partner, with a key role in developing and supporting partnership working. We will collaborate with key stakeholders to deliver support and develop funding opportunities to assist landowners, farmers and rural businesses to plan, innovate and deliver a net zero future. Working with partners we will enable farms to become carbon negative by providing support and enabling a "whole farm" approach to greenhouse gas emissions that improves farm productivity, resilience and biodiversity - including improving soil health, improving manure management and decarbonising machinery.

For marine and coastal ecosystems, the **Yorkshire Marine Nature Partnership** will be a key convenor to support collaboration and partnership working.

Groups and organisations that have been identified to support and deliver the strategic priorities for land use, agriculture and marine are included in the table on the next page.

Partner Organisations	Supporting Strategies
1. Improving productivity to reduce emissions:	
NFU – Net Zero farming	**Achieving Net Zero - Farming's 2040 goal**
NFU – Facts about British Meat	**https://www.nfuonline.com/archive?treeid=140205**
CLA – Net Zero Transition	**The Net Zero Transition**
Yorkshire Dales National Park Authority	**National Park Management Plan 2019-2024**
North York Moors National Park Authority	**North York Moors National Park Management Plan 2022-2027**
Howardian Hills AONB	**Howardian Hills Management Plan 2019-2024**
Nidderdale AONB	**Management Plan 2019-2024**
FixOurFood Programme (University of Leeds, City of York Council, University of Oxford, Cranfield, Spark York, Grow Yorkshire, The Food Foundation, Deliciouslyorkshire (and others))	**Programme Overview**
NY&Y Local Nature Partnership	**Local Nature Partnership Strategy**
Yorkshire Agricultural Society (Future Farmers of Yorkshire, Farm Scientist Network, Yorkshire Food, Farming & Rural Network)	
2. Storing of carbon in the landscape:	
NFU	**Achieving Net Zero - Farming's 2040 goal**
CLA	**The Net Zero Transition**
White Rose Forest	
Yorkshire Dales National Park Authority	**National Park Management Plan 2019-2024**
North York Moors National Park Authority	**North York Moors National Park Management Plan 2022-2027**
Howardian Hills AONB	**Howardian Hills Management Plan 2019-2024**
Nidderdale AONB	**Management Plan 2019-2024**
NY&Y Local Nature Partnership	**Local Nature Partnership Strategy**
FERA Science	
Yorkshire Peat Partnership (managed - Yorkshire Wildlife Trust)	
The Rivers Trust	
Yorkshire Water	**Yorkshire Water Carbon Strategy**
Biorenewables Development Centre	
BioYorkshire (University of York, Askham Bryan & FERA Science)	
Yorkshire Agricultural Society (Future Farmers of Yorkshire, Farm Scientist Network, Yorkshire Food, Farming & Rural Network)	
FixOurFood Programme (University of Leeds, City of York Council, University of Oxford, Cranfield, Spark York, Grow Yorkshire, The Food Foundation, Deliciouslyorkshire (and others))	**Programme Overview**
3. Enhance marine and coastal ecosystems to improve carbon sequestration	
Yorkshire Marine Nature Partnership	**NE Inshore & Offshore Marine Plan** **2016-2021 Flamborough Head Marine Management Plan**
North York Moors National Park Authority	**North York Moors National Park Management Plan 2022-2027**
Circular Coast - growing a sustainable future for communities on the Yorkshire Coast	**https://cavca.org.uk/circular-coast/**
River basin management plans	**Environment Agency** **https://www.gov.uk/government/collections/draft-river-basin-management-plans-2021**

Challenges & Risks

In the context of Land Use, Agriculture & Marine, the table below highlights the most important challenges/risks/dependencies and our approach to mitigate these to our best ability:

Key Challenges, Risks & Dependencies	Mitigation Approach
Supply chains: Shortened, resilient supply chains are key to development of several interventions in order to deliver the ambitious scale of change throughout the Land Use, Agriculture and Marine section of the Routemap. Supply and demand requires careful balancing across the entire supply chain, enough at present to instigate that change, but that could also be prompted by national policy/incentives.	Undertake professional supply chain research and mapping to ensure relationships are understood across the supply chain, weaknesses are highlighted and opportunities for development identified.
Skills for Environmental Land Management: (including Regen Ag, Precision Ag, Agri-tech and Agri-forestry). Across this section of the Routemap there is significant concern regarding current and future skills provision critical for delivering the transition to net zero and beyond.	Formation of Specialist Interest Groups to share best practice and encourage peer-to-peer learning. Ensure basic business skills training and support is available and accessible. Work with skills providers and Ag colleges to ensure appropriate training is available.
Public Sector Food Procurement. Local Authorities can boost agri-food sector and boost climate-friendly food supply chains by procuring local and regional produce.	Simplify public sector procurement policy and improve food procurement practices to ensure barriers to SME producers are minimised.
Carbon Trading and Offset. Requires policy development and structured market approach	Promote new markets for carbon offsetting. Ensure appropriate land use – managing marginal and less productive land for carbon storage and renewable projects.
Investment in new technologies and best practice. Many land and marine productivity initiatives require investment.	Support capital investment programmes for development of technology solutions and infrastructure. Ensure local strategies are rural proofed to ensure SME businesses have access to investment and skills development Support partnership working to drive inward investment in Agri-tech accelerating growth of clean-tech.
Research and Development. Lack of funding and investment hinders sector R&D progress, delaying research entering the market to lower carbon emissions within the Routemap timeframe.	Support development of science parks, research centres and knowledge sharing in the rural economy to fast-track land and marine research and development. Engage with Agri R&D centres, facilitate agri-tech investment and promote Special Interest Groups and partnership organisations. Promote knowledge of new technologies to boost business confidence.
Managing Tress and Hedgerows. Requires specialist knowledge and advice to ensure appropriate planting for the land and understanding of biodiversity impacts. Supply chain resilience, skills and long term management are key risks to the scale of ambition.	Understand regional supply chain potential and opportunities for making resilient. Work with landowners and farmers to ensure best solutions are obtained and tree planting opportunities outside woodland recognised. Promote new markets for locally produced timber and wood fuel.
Bio Based Products. Requires supply chain development to provide confidence to growers and vertical markets and significant scale-up of opportunities	Support promotion of markets for bio-based products. Establishing resilient markets for product would provide confidence for investment by farmers.
Clean Energy. Landowners and farmers well placed to host renewable energy but competition for land with other low carbon initiatives is a key risk (for example tree planting, rewilding) whilst ensuring food production is maintained. Therefore a clear land use strategy is required.	Policy required to promote renewable energy infrastructure, grid connection capacity and infrastructure ensuring appropriate location of land based solar PV farms safeguarding productive farm land for food production. Support for AD projects. Knowledge exchange mechanism needed for new opportunities.

Governance, Performance Monitoring & Reporting

Governance Model

Over the next 12 months, we will be developing a governance model to ensure the effective implementation of York and North Yorkshire's Routemap to Carbon Negative. Where possible, we will seek to utilise existing governance structures to support the embedding of net zero and avoid duplication. It is important to note that York and North Yorkshire is currently in a period of transition, with local government reorganisation underway in North Yorkshire, and York and North Yorkshire underway with discussions with Government around a devolution deal for the area.

The governance model will need to reflect the multitude of partners that need to be involved to deliver this Routemap, and be designed to ensure swift decision making to enable the Routemap to be a living document.

Performance Monitoring & Reporting

Working with partners, we will be developing more detailed implementation plans for the specific areas outlined in the Routemap. As part of these implementation plans, key milestones, success criteria and risks registers will be developed to enable performance to be tracked against the interventions set out in the Routemap. This will also allow us to measure progress towards delivering the Routemap's strategic priorities.

We will also establish a mechanism to measure reductions in York and North Yorkshire's carbon emissions, and assess whether they are falling at a rate to deliver our ambition to be net zero by 2034 and the associated "scale of ambition" for each sector within the Routemap. This is likely to involve repeating the emissions modelling that was carried out in the Carbon Abatement Pathways study.

Aligned with the governance structure, we will ensure regular reporting to appropriate boards, partnerships and groups. We will publish a report annually on progress made delivering the Routemap, alongside any changes made to priorities, approaches or action plans.

Appendix A

Summary of key studies that form the evidence base of York and North Yorkshire's Routemap to Carbon Negative

The Routemap has drawn on a number of cross-sector studies:

1. Tyndall Centre Study: A carbon budget for York, North & West Yorkshire

Based on analysis by the Tyndall Centre, the study recommended that for York, North Yorkshire and West Yorkshire to make its 'fair' contribution towards the Paris Climate Change Agreement, we need to:

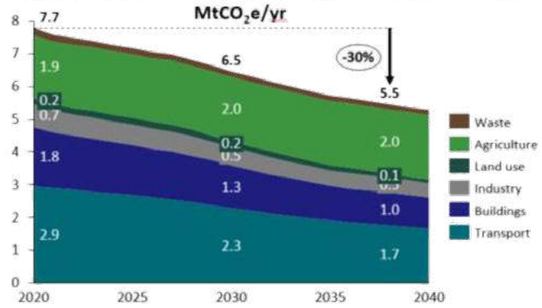
- Stay within a cumulative carbon dioxide emissions budget of between 91 and 107 million tonnes (MtCO2), depending upon the allocation of the budget, for the period of 2020 to 2100. At 2016 CO2 emission levels, the region would use this entire budget within 5 to 6 years.
- Initiate an immediate programme of CO2 mitigation to deliver annual cuts in emissions averaging 13% to 15% - depending on allocation method - to deliver a Paris aligned carbon budget. These annual reductions in emissions require national and local action, and would be part of a wider collaboration across local authorities.
- Reach zero carbon no later than 2041.

2. York & North Yorkshire Carbon Abatement Pathways Study (Element Energy)

The research focused on:

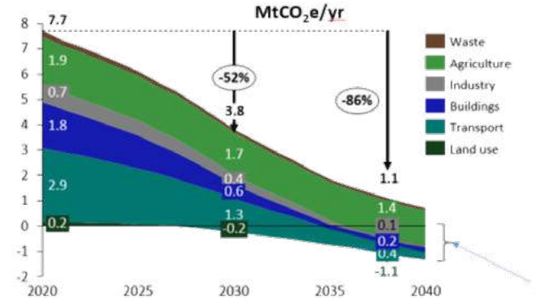
- Developing technically robust emissions reductions pathways, to enable the region to meet proposed net zero emission reduction targets.
- Identifying key milestones, decision points, policies and interventions that can drive the transition toward these outcomes, including timeframes of actions and roles of stakeholders in delivering actions.

Baseline scenario – slow progress results in around 30% emissions reduction by 2038



- This graph shows the region's emissions projection under the baseline scenario, divided into the contribution from each of the sectors. The numbers on the graph show the emissions in 2020, 2030 and 2038 for each sector and the total.
- **The baseline scenario sees a 30% reduction in emissions by 2038, with 5.5 $MtCO_2e/yr$ remaining in 2038.**
- All sectors see slow change due to lack of strong incentives for consumers and businesses to switch to low carbon heat, transport and other practices.

Max ambition scenario – highly ambitious roll out of electric vehicles, active travel, heat pumps & tree planting makes rapid progress



- This graph shows the region's emissions projection under the Max ambition scenario, divided into the contribution from each of the sectors.
- The scenario sees an 86% reduction in emissions by 2038, with 1.1 $MtCO_2e/yr$ remaining in 2038. When BECCS negative emissions from Drax are included, the region reaches net zero in 2034 and by 2038 is considerably net negative (see later).
- All sectors see rapid change, requiring strong incentives for consumers and businesses to switch to low carbon heat, transport and other practices.

Land use emissions are negative, offsetting some residual emissions in other sectors

The research recommended that to get to net zero by 2034, the region would need to have achieved the following by 2038:

Transport

- Sales of zero emissions cars reach ca. 20,000/yr by 2038
- Walking increases by 50% & cycling increases 9x compared to today
- Public transport capacity doubles compared to today

Buildings & industry

- Retrofit of 250k homes to reach EPC C or better
- 270k heat pumps installed (62% homes), or 58/day from 2025-2035
- Hydrogen equipment developed and deployed for industry

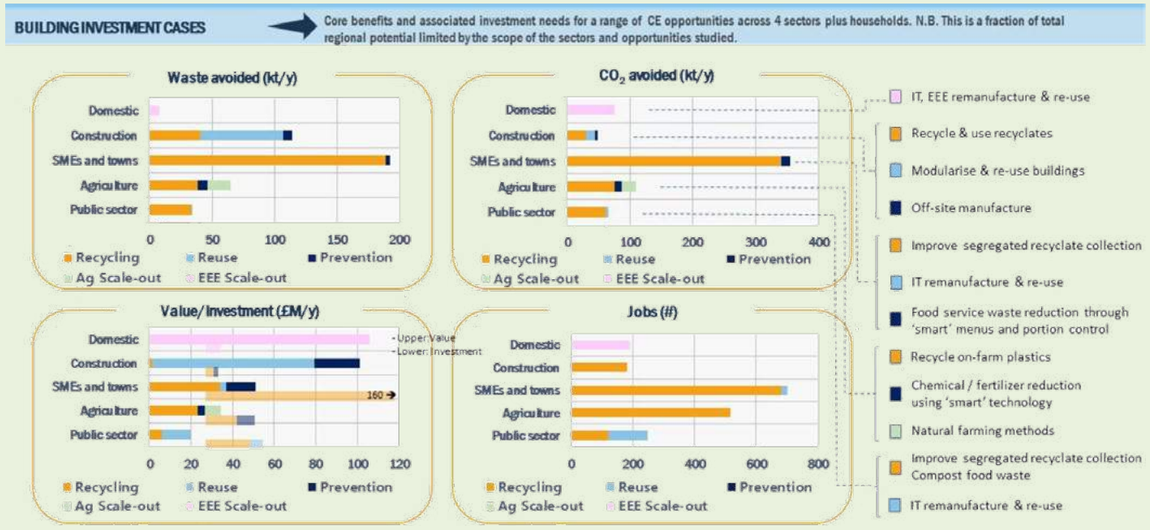
Land use and agriculture

- 100% peatland restored to minimise emissions
- Forest area almost doubles, reaching 91 kha
- Diet change to reduce meat and dairy consumption by 32%

Power

- Solar PV and onshore wind reach 2960 MW (175 MW/yr from 2020-2030)
- CCS deployed at scale from 2027 enabling BECCS (-17 $MtCO_2/yr$, 2038)
- Electricity infrastructure investment enabling 102% higher annual demand

3. Circular Economy Investment Case Research (Oakdene Hollins)
At a high level, it is estimated that the benefits of moving towards a circular economy equate to a potential value of £3 billion per year in York and North Yorkshire. Across 15 specific opportunities evaluated, the research estimated CO2e savings of 650 kt/y, value generated of over £300m/y and the permanent creation of over 1,800 jobs. Accompanying investment was around £240m in total.

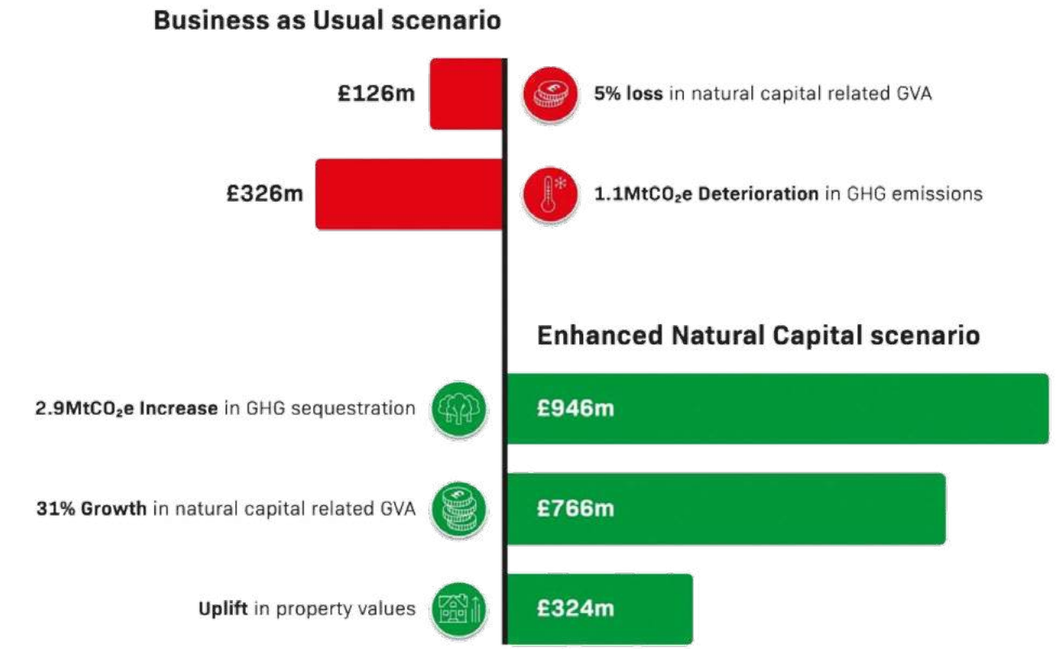


4. Natural Capital Study (Eftec)
The aim of the study was to understand the importance of natural capital to the economy of York and North Yorkshire, in order to identify how natural capital assets can be used sustainably to support economic performance and improve productivity.

The study found that:

- Natural capital directly supports 11% of our GVA , with the opportunity for natural capital related GVA to grow by 31% by 2050.
- If we fail to increase investment in our natural capital, we risk continued degradation of our natural capital – resulting in a 5% loss in the sector's GVA, and an increase in greenhouse gas (GHG) emissions owing to our region's high proportion of degraded peatlands, which will continue to emit carbon unless they are restored.
- Due to the rural nature of our region and high dependency on natural capital, we are on the frontline of increasingly frequent weather extremes and other climate change impacts.
- By investing in our natural capital, we could sequester an additional 2.9MtCO2e.

Change in economic impact by scenario (by 2050) for *York and North Yorkshire*



Source: York & North Yorkshire and West Yorkshire Natural Capital Study (2020)

5. Low Carbon and the Circular Economy: An Assessment of Skills Supply and Demand
Delivering York and North Yorkshire's carbon negative ambition will require major transitions and depend on having the right type, level and volume of skills in place. The research advanced understanding of what skills businesses require to deliver a low carbon, circular economy; how far education and training providers are delivering these; and what barriers and solutions exist to enhancing future delivery.

While low carbon and circular economy transition are relevant to all sectors, we focused on four sectors where the speed and scale of transition will be critical to achieving net zero goals: energy and engineering; construction (and related roles/trades); automotive; and digital skills (as an enabler).

The research sets out key recommendations to overcome existing barriers and ensure the region has the skills required for the transition to net zero, and beyond.

6. Celebrating our Distinctive Heritage
'Celebrating our Distinctive Heritage', a report jointly commissioned by Historic England and York & North Yorkshire LEP, builds a better understanding of the historic environments of York, North Yorkshire and the East Riding and highlights wide-ranging opportunities for good economic growth. Launched at the beginning of September 2021, the report acts as a call to action for thinking and acting differently with regards to heritage. The study provides a number of recommendations, many of which link to the region's carbon negative ambition:

1. **The scale of the opportunity is huge:** The sheer numbers and diversity of our historic sites, and the quality of the environments in which they are located, creates opportunities for good growth throughout the area. Heritage assets have the potential to support sustainable economic reuse, and there are ample opportunities that creative approaches could unlock.
2. **Thinking and acting differently is imperative:** The Coronavirus pandemic has provided a range of stark lessons on the resilience, potential – and vulnerabilities – of the region's historic places. We must learn from them; adapting to the needs of the 21st century and the challenges we will face, not least in terms of decarbonisation and adapting to the effects of climate change.
3. **People, places and the economy benefit from a well-maintained historic environment:** The strength of the synergies between improving quality of place, quality of life and economic development, and looking after our heritage is striking. Conservation and adaptation of historic buildings has major benefits in terms of sustainability, can contribute to regenerating town centres and can help unlock local economic opportunities.
4. **York, North Yorkshire and the East Riding – strong and distinctive brands:** The area is well known as a historic part of the country, and is renowned for its environmental quality. This is an excellent hook from which to hang marketing and promotion at a variety of scales.
5. **Value of diversity:** While the region has many places with similar origin stories, they retain clear and distinct characters –informed by local geology, industries and buildings styles. This diversity of place is an important strength which can add value to specific and complementary economic and experiential offers.

A number of sector-specific studies have also informed the Routemap, including:

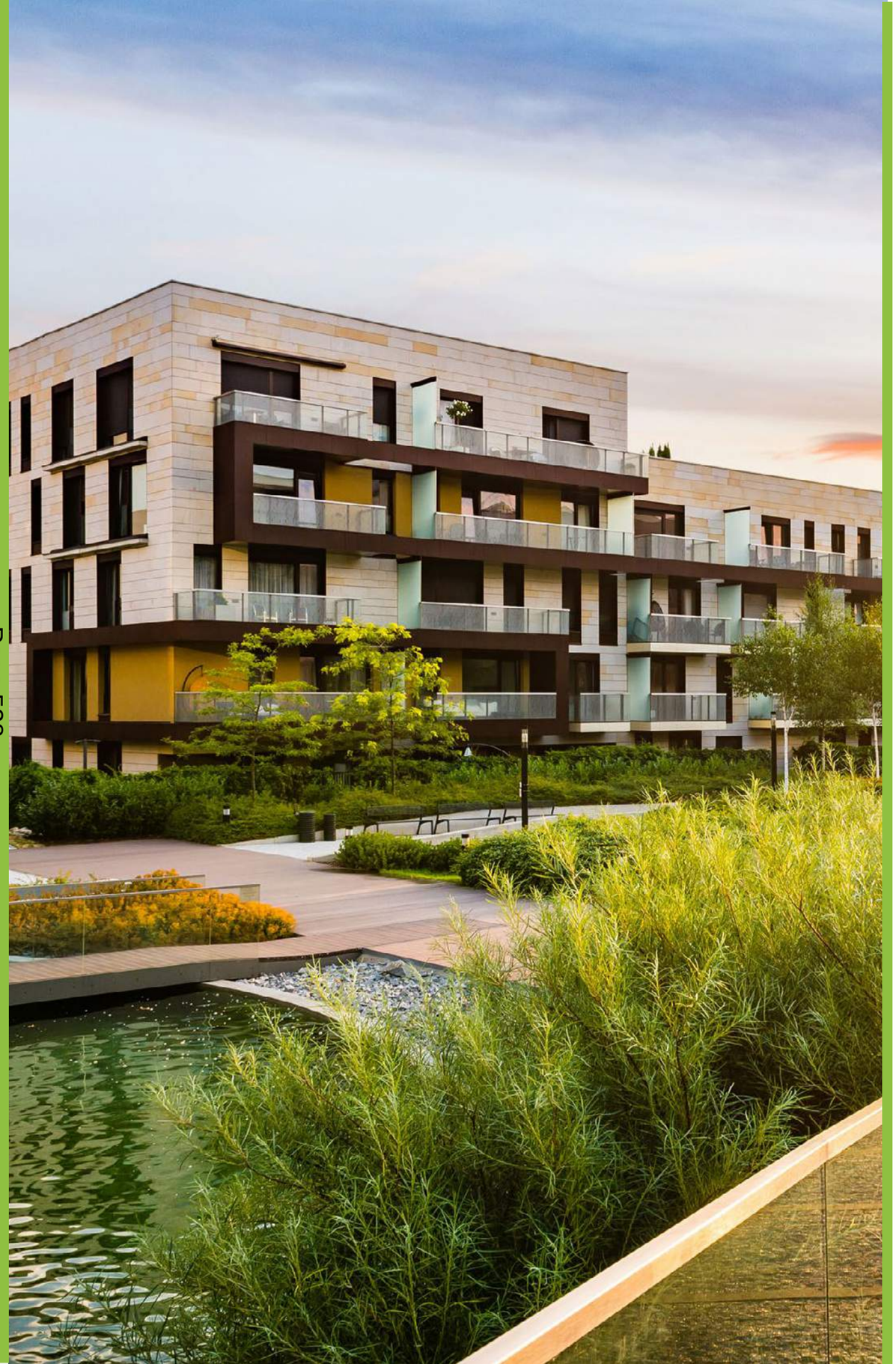
7. Circular Biobased Construction in the North East & Yorkshire (Arup & Material Cultures)
The research found that the North East and Yorkshire has much of the existing agricultural and industrial infrastructure required to make the shift from carbon intensive to biobased construction, as well as a wealth of knowledge and skills in the private sector. The potential benefits include:

- Carbon reduction: using biobased materials to build the homes required in the North East and Yorkshire over the next 17 years could save up to 2.88 megatonnes of CO_2.
- Economic growth: a shift from current supply chains and methods to regionally grown and processed biobased construction could generate up to £1.9 billion.
- Improving human wellbeing: building with biobased materials can reduce indoor air pollutants, making constructions safer and improving air quality within buildings.

8. Yorkshire Hemp Supply Chain (Promar)
Hemp has an efficient carbon sequestration structure resulting in its ability to successfully capture and store atmospheric carbon dioxide, with the ability to store up to 22 tonnes of carbon per hectare. This study focused on mapping the existing supply chain for hemp and analysing its potential growth. The study found that the hemp supply chain in Yorkshire operates well despite its small scale. However, gaps in the chain in regard to collaboration and technical manufacturing facilities means that there are areas of improvement that can be made to further strengthen the sector. The research concluded that there is significant opportunity for Yorkshire to capitalise on the growing demand for hemp globally.

Appendix B

Existing groups and their level of involvement and influence in decarbonising the built environment



	Existing buildings		New buildings	
	Domestic	**Non-domestic**	**Domestic**	**Non-domestic**
Y&NY Registered Providers Group	*Specifically social housing*		*Specifically social housing*	
Y&NY Housing Board			*Regional strategic oversight*	
York Housing Energy Efficiency Board	*Specifically City of York*			
Local Authority (LA) Planning departments	*Local oversight of retrofit applications (structural changes/ conservation area)*	*Local oversight of retrofit applications (structural changes/ conservation area)*	*Local oversight of individual applications*	*Local oversight of individual applications*
Local Plan teams			*Local strategic planning*	*Local strategic planning*
LA Home Improvement teams	*Track record, focussed on fuel poor*			
LA economic development teams		*Some influence, no explicit role*		*Some influence, no explicit role*

York and North Yorkshire's

Routemap to Carbon Negative

Get in touch

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York & North Yorkshire
LOCAL ENTERPRISE
PARTNERSHIP

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Appendix two - Draft North Yorkshire Council Climate Change Strategy 2023-2030

Proposed draft for public consultation

Note: the document will be designed up by NYCC print team before public consultation

Introduction to consultation

Thank you for taking the time to read the North Yorkshire Council Climate Change Strategy Consultation Draft. This document sets out how the new North Yorkshire Council (NYC) is proposing to respond to the Climate Emergency and we welcome your comments on the approach outlined. We have posed a number of questions to guide your response and these will help us to finalise the Strategy ready for the new Council in Summer 2023 and to develop our Climate Change Action Plan.

Our common understanding of the causes and impacts of climate change - and what we can do about it - is growing throughout society. It is reflected in the media and particularly in conversations about energy security in recent months. If you want to know more about what is causing our climate to change, or would like better understanding of some of the terms and scientific expressions in this Strategy, please look in the 'supporting documents' section at the end including a glossary. There are also lots of links to other documents mentioned in the Strategy.

But you don't need to be a scientist to read this Strategy, just someone with an interest in how we will address climate change in North Yorkshire. The priorities outlined in the Strategy are for everyone to have their say about – if you live, work or visit in our area. We would like to use this consultation not only to hear your views but to open up an ongoing conversation so that we can continue to work together. Please take this opportunity to sign up to our Climate Change newsletter *here*. If there is anything you would like to ask, please do contact us.

We are in the 'public consultation' period, *Give dates when known* where you can tell us your views before we agree a final version in Summer 2023. As well as the on line document with consultation questions and the 'Let's Talk' process, we will be holding three virtual briefing sessions for the Town and Parish Councillors, the Voluntary and Community Sector and an open event for all residents and businesses. We will be running a session for young people to share their views as well. You can find details of these on our website https://www.northyorks.gov.uk/beyond-carbon

Pop into your local library to see a printed copy of the draft Strategy or for help on how to respond if you don't want to do this on line. If you need the Strategy in a different way such as 'easy to read' or a different language, please let us know using the contact details below.

Please contact climatechange@northyorks.gov.uk or telephone 01609 780780 or if you need any help to respond to us.

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Foreword – Cllr Greg White, Executive Member with Climate Change Portfolio

In July 2022, North Yorkshire County Council (NYCC) declared a Climate Emergency which will roll over to our new North Yorkshire Council from April 2023[1]. We recognised the global and local impacts of climate change caused by humans are amongst the most serious issues facing our society and committed the Council to play its part in tackling the causes and impacts of climate change. Unprecedented UK summer temperatures experienced in 2022 and national and international extreme weather events such as storms and floods show us what the future will be like if we do not take action now. For North Yorkshire the risks include threats to food, energy and water security, damage to homes, businesses and infrastructure assets, poorer health outcomes and an increased cost burden for public services.

Most Governments have agreed that that we need to keep global temperature rise well below 2°C, and try to keep it below 1.5°C. We must reduce greenhouse gas emissions through a 'whole system approach' and everyone will need to think about everyday activities such as how we live, where we get our power from, how we choose to travel, work and shop. Our world systems are interconnected and we must all play our part to make this happen before it is too late and we cannot stop climate change.

The actions we all need to take to reduce greenhouse gas emissions shouldn't mean that we will experience a poorer quality of life. When we improve the health of the planet, we will improve global health, equality and economic stability. These actions will also help us all to move into a 'low carbon economy' where our economic growth, jobs and skills, housing and energy security all support climate change ambitions. The Strategy outcomes will also benefit health and wellbeing by reducing health inequalities, protecting people from extremes of climate change and reducing calls on public services in the

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future. These outcomes will also help deliver the Rural Commission recommendations [2] to ensure a future for our thriving rural communities. We describe these 'co-benefits' further in the Strategy.

But what can **we** do? A small area of just one country. As North Yorkshire Council we will have a direct connection with our residents, communities, businesses and partners. We can lead, enable and influence activities through the services which we deliver, the responses we make to Government and the regulatory and strategic functions we carry out and this will continue in the new Council. We are also a major employer and landlord and we can use all these functions to address climate change in our normal everyday activity. A lot of technical research, evidence building and joint working has already happened so that we are all fully aware of many of the activities which we need to take across North Yorkshire to reduce our greenhouse gas emissions, prepare for the impacts of climate change and to support nature recovery. We call these 'climate responsible' actions.

The new North Yorkshire Council alongside the proposed York and North Yorkshire Mayoral Combined Authority (from April 2024) presents us with a fantastic opportunity to develop our joined-up approach. Together, we can take actions to tackle the causes and impacts of climate change in line with Government policy and our national legal obligation to be 'net zero by 2050' [3] and local ambition to be the first carbon negative region by 2040 [4].

Advice from the Intergovernmental Panel on Climate Change through to national Government is that we must support nature recovery as part of our approach to climate change – we cannot do one without the other. This Strategy will outline what role North Yorkshire Council has in taking our part in that action. The activities that we are proposing are attainable and mean that we can play our part in reducing climate change.

Can we afford to tackle climate change? All budgets are under severe pressure in response to national and global financial and supply chain issues and as we recover from the Covid 19 pandemic. We have significant and demanding statutory responsibilities as a local authority to provide essential and critical services to support communities, vulnerable people and businesses. The activities proposed in the Strategy include some direct operational actions as well as place shaping and enabling the development of a low carbon economy and society. Some of these will require up front capital investment and may include large scale projects. We must ensure we are ready to seize opportunities to secure external funding to deliver locally.

We also have a leading role in 'shaping' the place of North Yorkshire and influencing the local and national policies that determine how our society operates to enable everyone to take climate responsible actions. This is a shift in 'business as usual' priorities and may require little additional funding, just a willingness to innovate and change, working closely together with our communities.

This Strategy sets out how North Yorkshire Council will respond to the Climate Emergency in leading, enabling and influencing activities. Some activities will require legislative changes or national financial instruments, but there is a leading role for our Council to use our powers and levers to take action. There will be challenging choices to make as to how best to use our land to maintain food and energy security, or our budgets to support vital services for vulnerable people. The Strategy outlines where Council resources can best be deployed to greatest effect and to play our part in reducing greenhouse gases, preparing for a changing climate and in supporting the natural world on which we all depend. The Strategy shows how our ambition is achievable and attainable and the green boxes throughout the document the key actions we are proposing to undertake.

We do know that we, as a Council, cannot do this on our own. Every business, organisation, public sector body and community needs to play its part. By working together and sharing your views, comments, suggestions, activities and experiences we can ensure we make our climate ambitions a reality for everyone.

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NORTH YORKSHIRE COUNCIL | 1 April 2023

Our **Draft Climate Change Strategy** sets out how North Yorkshire Council will respond to the climate emergency by:

Reducing greenhouse gas emissions ✔ Preparing for the climate changing ✔ Supporting nature to thrive ✔

We will work with partners to achieve the ambition to be a carbon negative region by 2040 and encourage residents, businesses and visitors to take climate responsible actions.

Mitigation – reducing North Yorkshire's emissions

- A low energy and low carbon **built environment** powered by local **renewable energy**.
- Easy, accessible, and affordable low carbon **transport** to enable active travel, public transport, and electric vehicles.
- A low waste and **circular economy** with support for communities and businesses to reduce resource use and benefit from green economic growth.
- Making the most of our land to **store carbon**.
- Encouraging **everyone** to reduce carbon emissions.

Adaptation – preparing North Yorkshire for climate impacts

- Ensuring that North Yorkshire is climate resilient: reducing exposure to, prepare for, cope with and recover better from **extreme weather events** and global supply chain and health impacts that will become more intense and frequent.
- We will draw up **climate adaptation plans to support infrastructure, services and residents** to prepare and adapt.
- Adaptation for and by **nature**, enabling nature to adapt to changing habitats and using nature based solutions to cool our towns and reduce flash flooding.

Supporting Nature – helping the natural world, on which we depend, to thrive

- Developing strong **forward plans and community partnerships** for nature.
- **Protect, enhance and link important nature sites and corridors** and realise opportunities to grow sustainable economic prosperity.
- **Prioritise nature based solutions** to climate change mitigation and adaptation.

North Yorkshire Council – becoming a Climate Responsible Council

- The Council aims to be **carbon neutral by 2030** and will measure and report its progress annually.
- A detailed **decarbonisation programme** will cover our buildings, fleet, and the goods and services we buy and how we use our **assets** to support nature.
- Climate Responsible actions will be built into the Council's **governance and culture**, training, impact assessments, officer groups, and regular progress reporting.

Our work will take place within a set of principles that ensure our climate change activity is fair, evidence-based, and represents good value. We will maximise the co-benefits of climate action to support a good quality of life and greener, fairer, stronger economy.

We will regularly review this strategy and the action plan that will follow to ensure it is delivered and remains up to date. We will also monitor and report on our progress and publicly report our corporate and North Yorkshire wide carbon footprint.

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1 Introduction

Over the last few years many people have become aware of what is causing our world to heat up and our climate to change: The burning of fossil fuels such as coal, oil and natural gas releases gases that form a blanket around the planet acting as a greenhouse to trap too much heat. These 'greenhouse gases' include carbon dioxide, methane and nitrous oxide. The description is sometimes shortened to just 'carbon' and reducing the gases is called 'decarbonisation'.

How we humans and the natural ecosystems around us (that support society to thrive) cope with the changing climate is the biggest and most grave challenge that we face. The impacts of climate change on our everyday lives are outlined in section 2 below. Around the world, countries are uniting to reduce the level of greenhouse gases. The 'Conference of Parties' known as COP26 held in Glasgow in 2021 and COP27 in Egypt in 2022 asked us all to join in that task. In July 2022, recognising the scale of the challenge, North Yorkshire County Council declared a Climate Emergency and this Strategy sets out how North Yorkshire Council (NYC) will play its part in responding to the challenge.

From April 2023, the new NYC will be responsible for all the local authority services previously delivered by eight local authorities. Further background and details of priorities and services of the new Council are outlined in the Council Plan [5].

In 2022 the eight local authorities, along with the National Parks and City of York Council and many other partners worked collaboratively with the York and North Yorkshire Local Enterprise Partnership (LEP) to create the 'York and North Yorkshire Routemap to Carbon Negative' [4] (the 'Routemap'). This is an ambitious co-owned plan to deliver net zero by 2034, and reaching our carbon negative ambition by 2040. The Routemap is very clear that successful delivery requires the combined, simultaneous and proactive commitment of business and communities as well as public sector bodies. In addition, delivery of net zero is dependant on a number of critical factors that are outside of the direct control of the York and North Yorkshire region, particularly national funding and policy change. As a result of this feedback, each of the Routemap sections sets out the risks and dependencies.

The Routemap provides a springboard for action which this Strategy capitalises on. We also benefit from the Yorkshire and Humber Climate Commission Action Plan which sets out 50 actions required at a regional scale [6].

Now the formation of the new Council presents the opportunity to fully respond to the Climate Emergency.

- ☑ We need to reduce carbon emissions.
- ☑ We need to prepare for the changing climate.
- ☑ We need to support nature to thrive.

If our activities, and those of our partners and residents, tick all three boxes, we will be taking **climate responsible** actions.

The purpose of the NYC Climate Change Strategy Consultation Draft (the 'Strategy') is therefore to outline the Council's response to the Climate Emergency and how we will help deliver the Routemap ambition for the region to be net zero by 2034 and carbon negative by 2040.

The green boxes throughout the Strategy highlight where NYC can act to achieve our purpose:

> We will work with partners to help to achieve the shared ambition that the region is net zero by 2034 and carbon negative by 2040.
> We will also encourage residents, businesses and visitors to take climate responsible actions and play their part in helping to achieve this shared ambition.

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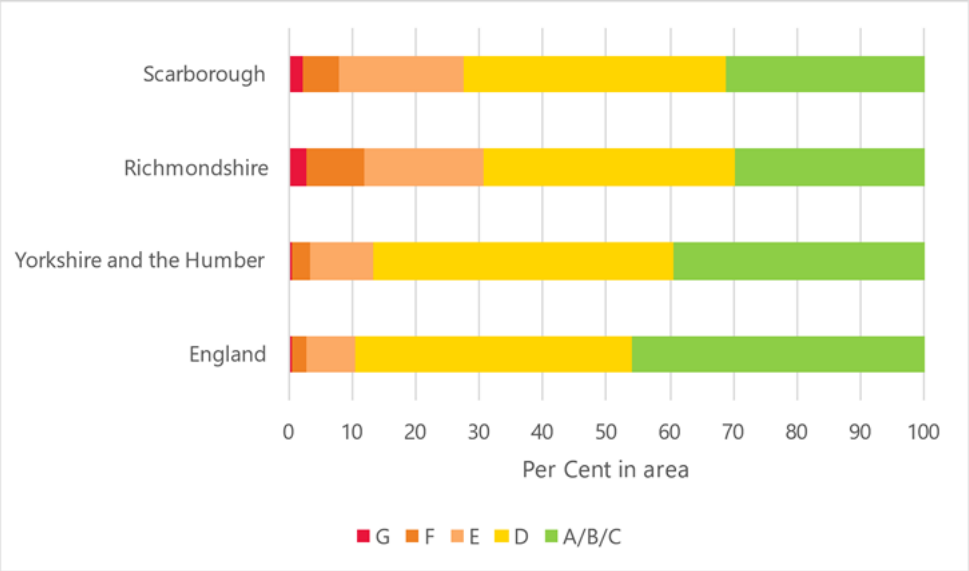
The Strategy sets out the current position in North Yorkshire, outlines our ambitions and targets and proposes the Council's response to the Climate Emergency through reducing greenhouse gas emissions, adapting to the changing climate and supporting nature. It builds on the strategies and actions developed by the eight predecessor local authorities to NYC. The Strategy outlines where NYC can best deploy its resources to make our contribution to the targets not only for our own operational activity, but also to support the residents, businesses and visitors in North Yorkshire to take climate responsible actions.

Climate change cuts through all services that NYC will deliver and we need to consider how every service and 'lever' can support the achievement of the ambitions. Every service will need to transform to a greater or lesser extent to reduce carbon emissions, both directly and via its suppliers and customers to enable NYC, the region and indeed the UK to meet internationally binding emission reduction targets agreed at previous COPs.

Every service delivered by North Yorkshire Council will consider how it will take climate responsible actions and support the region to be net zero by 2034 and carbon negative by 2040.

North Yorkshire has particular challenges in responding to the Climate Emergency in addition to those experienced nationally such as energy security and the traditional dependence on fossil fuels to power our economy.

- Over 85% of North Yorkshire is described as 'super sparse'. The rural nature of the area means travel and transport are harder to decarbonise. In addition, motorways and major roads contribute large proportion of emissions from 'through traffic' over which we have little influence.
- Our houses tend to be older and less energy efficient than in urban areas. The chart shows results of Energy Performance Certificate ratings from two rural districts, compared with the England Average. (Where A is the most energy efficient rating and G the worst.)



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- The limited electrical grid capacity in many places causes additional challenges in renewable energy supply to the grid and decarbonising options for transport and buildings.

But we also have great opportunities to support our ambitions.

- Town and parish councils, local communities and businesses that are enthusiastic in supporting climate action.
- Strong partnerships with organisations working across the region.
- Landscapes and natural resources to support all aspects of the climate emergency. North Yorkshire has vast tree canopy, peat reserves, soil and grassland cover. These are often called 'natural capital assets'.
- Leading research and technological advances in Yorkshire such as research into the Local Area Energy Plan [8], and industry clusters for Carbon Capture and Storage, bio economy and green hydrogen production.
- Networks of innovative small businesses and skills providers and leadership to move towards a 'greener, fairer, stronger' economy.
- People and communities of North Yorkshire who have such enthusiasm and resilience shown repeatedly in our respond to the covid-19 pandemic challenges.

Working together across North Yorkshire, we can reduce our carbon emissions and support nature to thrive. We can and must prepare for climate change impacts. Taking action now will reduce costs and impacts in future years.

2 Climate Change Policy Context, Risks and Impacts

Our Strategy is guided by and will support a hierarchy of climate change related strategy and policy.

You can read more about these international and national policies using the links in the 'supporting documents' section [4, 6-14]. All the strategies have the same key messages and priorities – to reduce greenhouse gas emissions, to adapt to climate change and to support nature recovery.

The overarching international policy is that set at the UN Climate Change Conference (COP21) which reached the historic 'Paris Agreement' [8]. The Agreement, supported by the Intergovernmental Panel on Climate Change (IPCC) sets long-term goals to guide all nations:

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"Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change. "

Risks and Impacts of Climate Change

Climate change is not something just in the future. We are already seeing changes in the UK climate, with average temperatures having risen by around 1.2 ºC over the last century in the UK. This might seem like a small change but even this can drive unprecedented weather events. For example, what used to be a 1-in-100-year flood event can become a 1-in-10-year event. The IPCC advises that we should prepare for warming up to 4ºC and if we do not stop global warming, sea levels will rise from ice melt, something that cannot be reversed. We are seeing a trend towards warmer winters and hotter summers, sea levels around our coast are rising by around 3mm a year and there is evidence of changing rainfall patterns with more intense rain and windstorms. Information on the way that the climate will change is shown by the UK Climate Projections centre, produced by the Met Office [15]. This includes rainfall, temperature and sea level rise. These changes cause an impact on nature, our economy and on public health and wellbeing both in the immediate aftermath of an extreme weather event and over the longer term. The changes are identified as 'risks' and include:

- Risks to nature:
  - Loss of biodiversity as plants and animals can't adapt quickly enough to climate change.
  - Acidity levels and temperature change of the sea cause changes to migration patterns and loss of habitat.
  - Loss of existing carbon stores such as peatland from drying out or forest fires. Local examples are the wildfires on the North York Moors such as 2003 pictured here. [Photo from NYMNPA]

- Risks to economic infrastructure:
  - Soil health, crop, livestock and forestry production decline due to loss of natural pollinator insects, water scarcity, sea water flooding, rainfall erosion and wildfires and new invasive pests and diseases. These will impact on food production.
  - Business locations such as industrial estates and supply chains and distribution networks are at risk for severe disruption of 'business as usual' and 'just in time' deliveries.
  - Costs both in monetary terms and also mental health of 'clear up' from communities impacted by flooding or storms.
  - Infrastructure failures such as public water supplies due to lengthy droughts, transport routes damaged by landslips and extreme temperatures causing road and rail materials to become unstable. Telecommunications and electricity connections are also at risk if powerlines are damaged by extreme storm events and high temperatures.

The existing A59 at Kex Gill / Blubberhouses currently suffers from an increasing number of closures as a result of landslips in the area. The southern side of the valley, through which the A59 passes, has a history of landslips resulting in debris falling into the road. This results in the road being closed to allow works to secure the slopes, to clear any debris from the road and repair any damage to the highway. The Kex Gill has a history of landslips and instability, over the years there have been many unplanned and costly closures. This poses a resilience and safety concern for North Yorkshire County Council. As a result, a new road is required.

- Risks to human health can be summarised through the effects of:
  - Extreme weather causing increases in flash floods or prolonged high temperatures. Heat related death and illness will impact on our most vulnerable populations; people with long term health conditions, the very young and very old are more likely to have negative impacts. During the 2022 heatwaves there were 3,271 excess deaths in the UK

with all of us feeling the impact within our daily lives. Skin cancer and sunburn from increased exposure to ultraviolet (UV) light is also anticipated.

- Changing distribution of disease vectors: Increases in food, water and vector borne diseases may be seen due to higher temperatures, drought, flooding, changes in habitat and rainfall patterns. Melting glaciers are also revealing new viruses and bacteria to which current plants and animals are no longer be immune. Infectious disease spread is changing alongside our changing climate and populations are at an increased risk of emerging diseases and co-epidemics with changes in the response to infections due to increased temperatures for sustained periods on the fever response and medication side effects.
- Overall changes in society including food availability and malnutrition, violence and mass refugee flow are anticipated due to lack of resources and global political tensions. Climate change will also worsen health inequalities placing additional pressure on health care organisations. Those currently experiencing the greatest health inequalities, and greatest socioeconomic deprivation are the people whose health will be harmed first and worst and will likely disproportionately feel the burden of climate change, are those who contribute least to its causes, whilst lacking resources to adapt, mitigate and protect themselves within our communities.

We must therefore take action to reduce these risks and this Strategy sets out how we will do that.

3 What is the position for North Yorkshire and what are our targets?

- **North Yorkshire** is an attractive place to live, work and visit. Our county - the largest in England - has an enviable identity with a brand globally renowned for its culture and spectacular landscapes. The county has a varied and vibrant local economy, the lifeblood of which is defined by over 32,000 small and medium enterprises which form 99% of all businesses. A high proportion are linked to the tourist and visitor economy and strong North Yorkshire brand. There is a diverse and dispersed population of an estimated 620,610 people across a geographical area of over 8,000 square kilometres. Large parts of the county sit within two beautiful National Parks, and amongst three Areas of Outstanding Natural Beauty. 11% of the area is covered with tree canopy and there is 67 km (42 miles) of coastline. 98% of the county is either sparsely or super-sparsely populated with just over a third of the population living in these areas. This results in a population density of just 77 people per square kilometre, compared with an average of 432 for England. We have over 9,200 km (6700 miles) of roads and 4000 km (2480 miles) of footways which are maintained by the Council. In addition, there are around 240 km (150 miles) of 'trunk roads' such as motorway and major A roads that are maintained by the Highways England. There are over 300,000 dwellings in North Yorkshire. NYC will have around 8400 council homes and there are a further 27,000 housing units provided by Registered Providers of social housing across the area. (These figures will be updated in from the latest census reports as they become available in 2023.)

- **Greenhouse gas emissions for North Yorkshire** are supplied annually by Government, [16] Data includes the 3 main greenhouse gases with the figure being shown as kilo (1000) tonnes of Carbon Dioxide 'equivalents' ($ktCO_2e$) and is based on the 'production' of gases in the area, not 'consumption' based emissions from goods and services which we generate from importing products or travelling outside of the area. In 2020 North Yorkshire produced 5,829 $ktCO_2e$. The figures are broken down into 8 sectors shown in diagram 1:

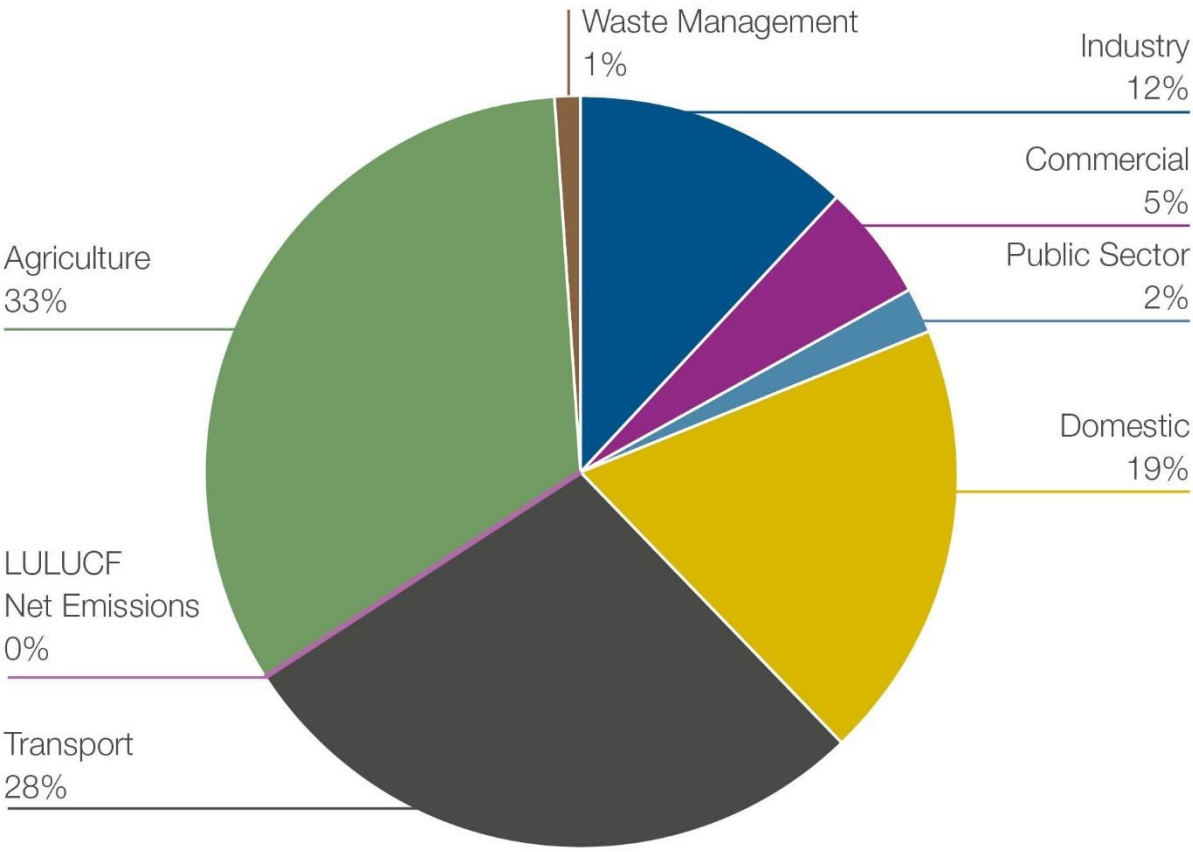

Diagram 1 [Note LULUCF is Landuse, Landuse Change and Forestry. As much of our land is a store of carbon, it has very low emissions as a sector.]

There are other datasets available which show 'snapshots in time' and these will be helpful in terms of targeting specific geographical interventions required. This includes the 'Scatter Cities' data [17] and the CREDS place based calculator from 2018 [18] – an example below (diagram 2) from the Harrogate area shows the carbon footprint 'per person'.

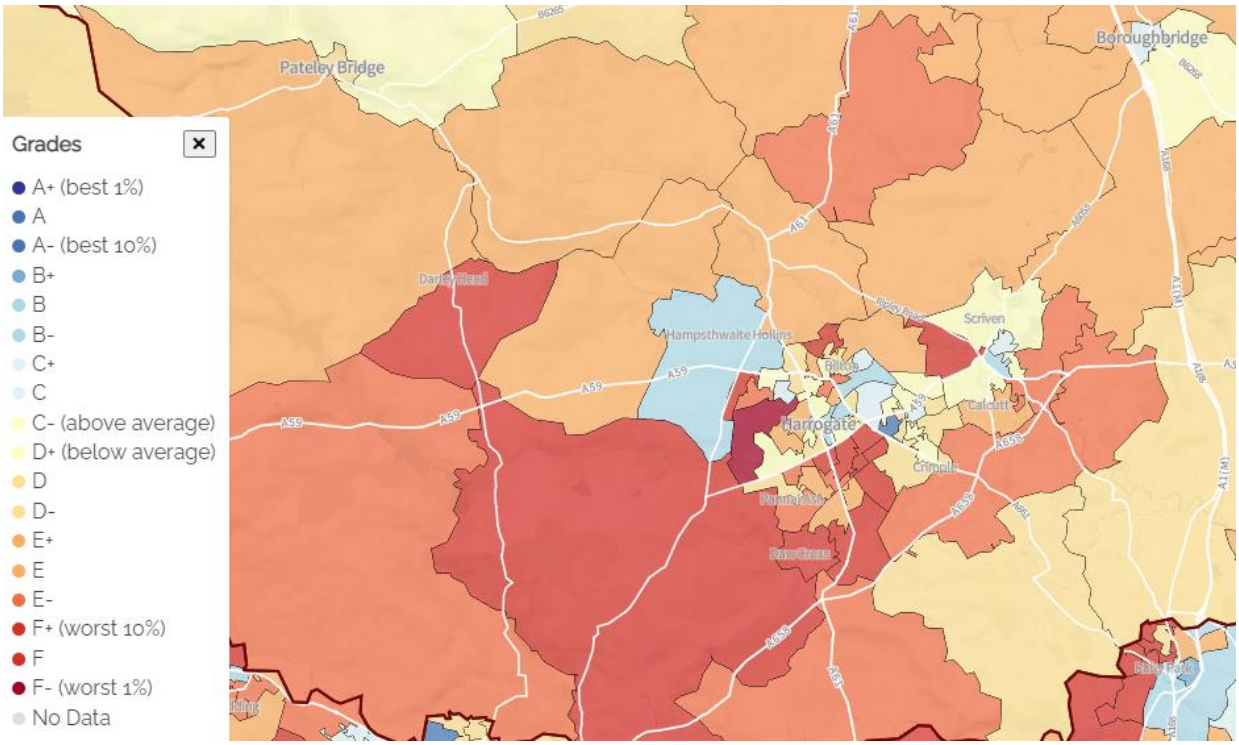

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Diagram 2

A key document is the Local Area Energy Plan for York and North Yorkshire [19]which identifies place-based energy supply and demand at a very detailed level.

4 Ambitions and Targets

Climate change is clearly a global issue and all the nations on our planet have to act. International and national legally binding targets are our starting point. To tackle climate change and its negative impacts, most world leaders signed the historic Paris Agreement in 2015 [8.] . The Agreement sets long-term goals to guide all nations to substantially reduce global greenhouse gas emissions to limit the global temperature increase in this century to 2 degrees celsius while pursuing efforts to limit the increase even further to 1.5 degrees celsius.

The UK is committed to achieving this international goal and in 2019 became the first major economy in the world to pass laws to end its contribution to global warming by 2050. The target will require the UK to bring all greenhouse gas emissions to net zero by 2050. The UK's 2050 net zero target — one of the most ambitious in the world — was recommended by the Committee on Climate Change, the UK's independent climate advisory body. 'Net zero' means any emissions would be balanced by schemes to offset an equivalent amount of greenhouse gases from the atmosphere, such as planting trees or using technology like carbon capture and storage. It is also termed 'carbon neutral'.

At a regional scale, in York and North Yorkshire, the LEP has worked together with businesses, local authorities, communities and universities, colleges and schools to co create the 'York and North Yorkshire's Routemap to Carbon Negative' [4]. This sets out an ambitious pathway to deliver carbon reduction at the necessary pace and scale to reach carbon neutral in 2034 and carbon negative by 2040. This ambition is included in the 'Devolution Deal' and will be a key priority of the proposed Mayoral Combined Authority (MCA) from May 2024.

"As part of its Net Zero strategy, the Government recognises that devolved and local government can play an essential role in meeting national net zero ambitions. Local leaders in York and North Yorkshire and elsewhere are well placed to engage with all parts of their communities and to understand local policy, political, social, and economic nuances relevant to climate action. This is why the devolution framework grants places the opportunity to adopt innovative local proposals to deliver action on climate change and the UK's net zero targets." Devolution Deal point 82. [20]

Diagram 3

The Routemap outlines a series of ambitions, targets and actions for York and North Yorkshire, across key sectors of Power, Buildings, Transport, Industry and Business and Landuse, Agriculture and Marine. Diagram 3 shows just a snapshot of targets for all partners in the region to work towards and are not separated out for particular geographic areas of North Yorkshire or just for NYC to achieve. We describe (in section 7 below) the activities that we will prioritise to

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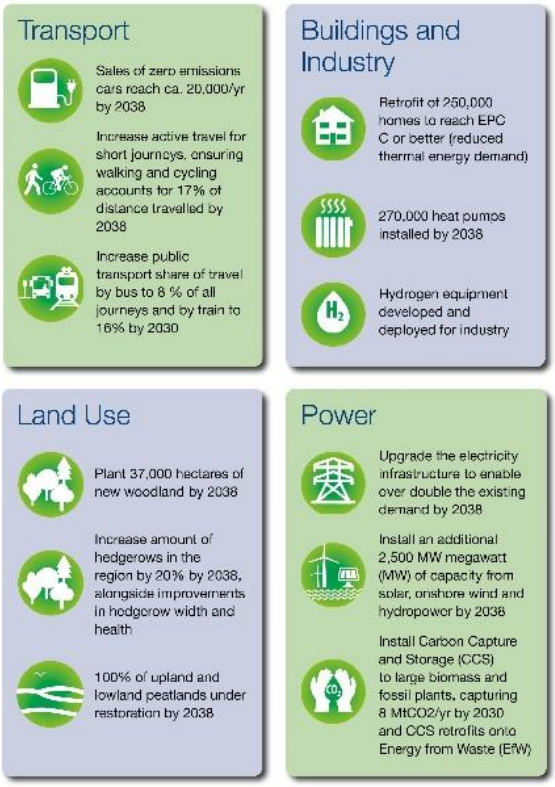

support delivery of the regional ambitions We will provide a focus for climate action across North Yorkshire and will identify activities where we can lead, enable and influence climate responsible actions.

To support this, we have also set a target for the **North Yorkshire Council to be net zero in its operational emissions by 2030**. This will include our operational activity over which we have decision making influence and control, including our enterprise companies. We will also work with the companies we buy goods and services from to support their decarbonisation journey. In some cases there may not be a locally feasible solution to decarbonising. Where we cannot reduce greenhouse gas emissions, we will improve the capture of carbon dioxide through increased tree planting – a process known as sequestration (recognising this is not an instant or quick fix) and we will investigate other 'carbon capture and storage' opportunities and technologies.

Our Strategy therefore covers the period to 2030. This is a fast-moving area in terms of data, national policy, changing infrastructure and innovative technological advances. Consequently, we will revisit the targets every two years when the Strategy is refreshed to review new and emerging evidence. This may include setting a carbon budget target to ensure that we are making sufficient progress.

We know these are extremely challenging and ambitious targets. We must accept that, at present, it may not be technically or financially possible to achieve them and they will require significant Central Government policy interventions to drive the economic and infrastructure systems to change which we will continue to work with partners to lobby for. However, we have set our sights high and are determined to achieve the targets where this is at all possible.

The Strategy will be delivered through an Action Plan written and refreshed every year based on evidence of performance and new policy or advances in technology. This will show how we are making progress and where we need to take further action. (See section 6 below for more detail on this).

We will develop a process, by December 2023, to accurately measure our operational carbon emissions and improve our ability to analyse and anticipate the pathway to net zero and when this will be achieved.

5 Principles and Co Benefits

We have adopted the following principles in both the development and delivery of the Strategy and recognised the 'co-benefits' of taking climate responsible actions to ensure that our approach is efficient, effective and flexible.

- **Principles**
  - **Equality of opportunity**. We want to enable equal access to the low carbon economy so that every person, business and community is able to take climate responsible action. At a

global scale we want to ensure our climate actions do not inadvertently impact negatively on other geographical areas.

- **Work and collaborate with partners** to share common goals, best practice and reduce duplication in our localities.
  - Public bodies: Including local, regional and national government, anchor institutions and our further and higher education and school partners. Preparing for the pMCA to ensure foundations are in place so that activities can transfer as appropriate and maximising the benefits of the Devolution Deal in North Yorkshire.
  - Private organisations: Including local business, utility companies and supporting NYC suppliers to decarbonise.
  - Voluntary and community groups: Including the community energy pathfinder programme, community based circular economy projects and community businesses.
  - Resident engagement: dialogue and feedback with communities, particularly young people.

- **Using the Evidence:** Using data and behavioural insights to maximise successful impact of interventions and ensuring confidence in 'big ticket' investments through feasibility and business case planning. For example, the Local Area Energy Plan supports spatial approach to energy investment to indicate the most appropriate technology is used preventing 'stranded assets'. We want to be flexible and adaptive to accommodate new legislative and policy issues, technological advances and data-based evidence.

- **Financially aware:** We will support capital investments with behaviour change activities to ensure effective outcomes and take a risk-based approach to delivery to encourage innovative solutions. We will ensure climate responsible actions contribute to sustainable economic growth and that residents and businesses are able to benefit from the low carbon economy with the skills they need. We will maximise external funding opportunities by ensuring we are aware of these and plan for them.

Co-benefits

The Strategy will recognise the tremendous 'co-benefits' and 'co-dependencies' from climate actions as we move into a low carbon economy. This is where a climate activity also has a positive impact on other priorities, services and outcomes for communities.

Graphic / Icons here to bookmark co-benefits throughout the document

- Public Health;. The impacts of climate change will result in poorer health outcomes and greater health inequalities. Improved housing, increasing active travel, improving air quality and access to greenspace that can result from climate change activities all support people to live healthier lives experience many co benefits that lead to substantial health gains and reduced health risks. As a result, the benefits and challenges to health from climate change and associated policy are cross-cutting in all areas. Diagram 4 outlines how health and climate change are linked.

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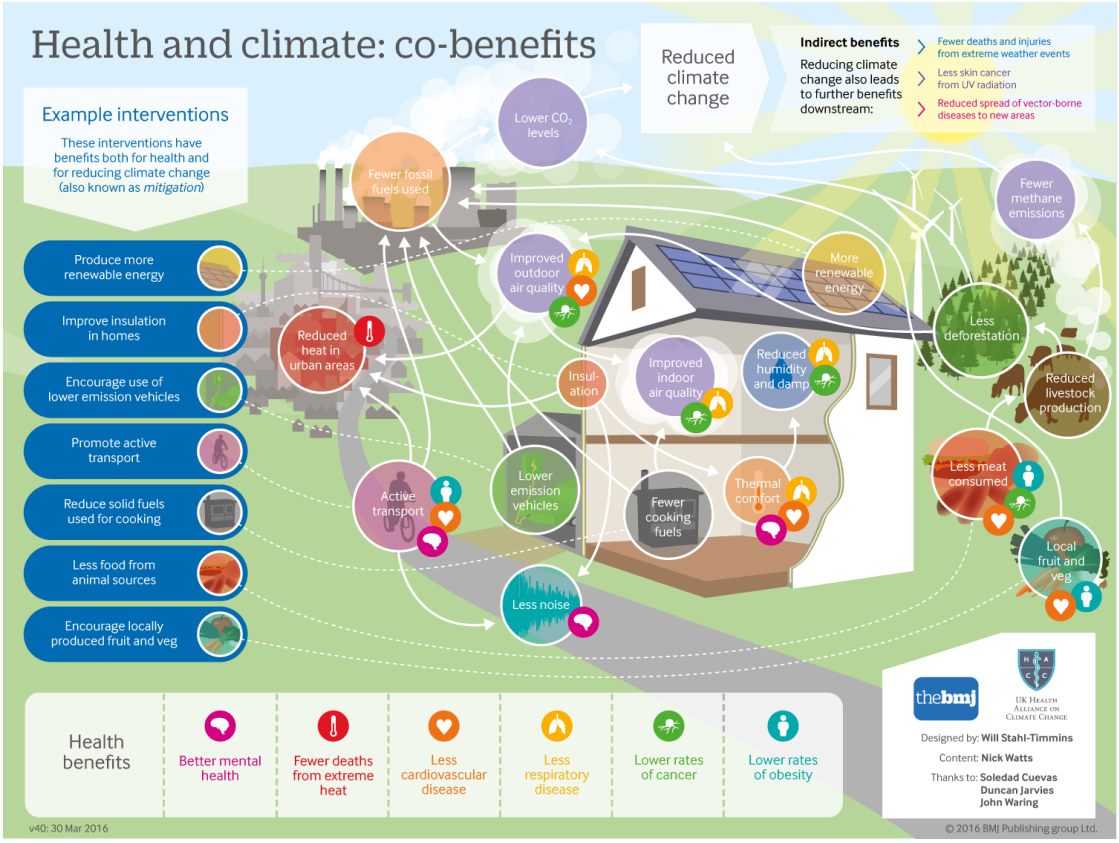

Diagram 4

- Improvements in air quality: This is anticipated as we move into the low carbon economy, according to the Government department for Environment[21]. As air pollution is a complex mixture of different chemicals the individual potential each low-carbon measure has to generate cleaner air strongly depends on which pollutant is being considered. For example, increased uptake of electric vehicles has the potential to support reductions in road transport emissions of nitrogen oxides (NO_x).
- Economic Development: As we move to a low carbon economy there are many opportunities to embrace new technology and use natural capital to support economic growth. To maximise economic benefit, we will work with local businesses to build supply chains and grow the skills base to support employment, circular economy and community owned businesses.
- Resilience and vulnerability to economic shocks such as the energy price rise and to temperature shocks such as heatwaves is no longer a technical question, it is real for us here in North Yorkshire. Taking climate responsible actions will improve climate resilience for everyone and bring people together to develop solutions for local places such as community owned assets and improved access to greenspaces. Building resilient communities that can respond to the challenges ahead and adapt is essential.
- Financial: Reducing our energy use and increasing renewable energy generation and security will reduce energy prices for everyone, not least the public sector services.
- Environmental: Improved access to high quality greenspaces, improved air quality in town centres, reduced flood risk, protected and enhanced landscapes all result from climate responsible action.
- Rural Commission and Rural Task Force outcomes *insert ref: The actions outlined in the Strategy will help to achieve the beautiful, connected and future facing rural thriving communities.

6 Delivery of the Strategy – Activities and Performance

This Strategy outlines the approach NYC will take to tackling causes and impacts of climate change and comes at the right time for our new Council. However, taking climate responsible actions is the key to making a difference and we will do this through closely monitoring and driving the delivery of the Strategy 'on the ground'. To do this we will create a Climate Change Action Plan, regularly review progress, keep local people involved and consider how we will fund the activities.

(a) Climate Change Action Plan: The Plan will be agreed by September 2023. Initially, it will bring together the eight Action Plans from North Yorkshire Local Authorities and the implementation plans being developed for the Routemap. By 2024, it will also have a directorate and service level focus to identify how each part of the NYC will contribute to the targets. The Action Plan will provide a timeline for delivery of the Strategy and prioritisation of actions and will meet the requirements of the ISO Net Zero Guidelines agreed at COP27 in November 2022 [22].

(b) Performance Management: Measuring how the Strategy is being delivered and what impact it is having will demonstrate progress towards our ambitions and identify where we need to take alternative actions. To ensure delivery the following governance process will be operated:

a. **NYC Transport and Economy Scrutiny Committee** will review Strategy impact and Action Plan progress twice a year with an annual update and report to the **Executive.** The Strategy will be refreshed every two years to take account of new information and advances in technology.
b. **The Beyond Carbon Board** (Lead officers within NYC) will continue to monitor operational carbon reduction activity and widen their remit to include Climate Change Strategy and Action Plan delivery at bimonthly meetings (6 per year).
c. **Operational Groups** will be established as required to drive delivery of particular sectors such as transport, housing retrofits and where there are multiple Council touchpoints in delivery such as to the school network. These may be in conjunction with other partners (including protected landscapes) and the LEP to avoid duplication, particularly in transition to the pMCA.
d. There is potential to support the establishment of an **external 'reference group'** of public private and voluntary sector organisations to review progress and support NYC on climate change issues. We will work with regional partners to explore options.

(c) Communications and Engagement

Only by working together with residents, businesses and visitors in North Yorkshire can we achieve our ambitions for climate responsible actions. Talking with the community, embracing ideas and opportunities, sharing best practices to repeat and scale up and working collaboratively with partners is key for the Strategy and in providing confidence that NYC is addressing climate change through this period of transition in local government and the unprecedented energy price rises. During the development of the Strategy we spoke to many community-based environment groups around North Yorkshire and everyone was keen to keep the dialogue going across the County.

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As a Council, we will

- Share performance data
- Provide an online collaboration space and e-newsletter for communities and businesses to share best practice, celebrate success and scale up local initiatives
- Provide access to information about climate change through the libraries network as trusted local hubs
- Support young people to get involved in climate change action

(d) Financing the Strategy

The Council delivers a wide range of vital public services and severe cost pressures are anticipated due to the Covid pandemic, current energy crisis and inflation the impacts of which are anticipated to last many years. It is our role to balance the cost of taking actions and the implications and cost of not taking actions. However, the scope and approach adopted in the Strategy also has the potential to reduce public service costs through reducing both energy usage and demands for public services through the co-benefits. For example, by improving local energy security and providing commercial opportunities for the Council, for local businesses and community enterprises.

- In some cases, such as policy and behaviour change, there will not be a financial cost to activities as they become 'business as usual'.

- In other cases, pump priming or 'up front' feasibility studies, investment grade business plans and smaller scale capital costs will be required to change to low carbon infrastructure. This may in turn lead to decreased revenue or running costs. Business cases will indicate return on investment.

- For larger scale infrastructure interventions, substantial cost investments may be required and Government grants, Devolution Deal finance, emerging financial instruments and private sector partnerships will be explored to support investment. We must be ready to bid for and prepare investment grade business cases for projects to ensure delivery of the Strategy.

We will ensure we are ready and prepared to seize all appropriate opportunities for additional funding to help achieve the ambitions for the Council set out in the Strategy and for the region in the Routemap.

For example, there are current and emerging opportunities to obtain external funding in North Yorkshire to deliver on ambitions.

- Home Upgrade Grant Round 2 – to support off gas domestic properties to improve energy efficiency and low carbon heating.
- New capital and revenue funding programmes through the North Yorkshire Shared Prosperity Fund, Rural England Development Fund and York and North Yorkshire Net Zero fund linked to the Devolution Deal.

7 Objectives

North Yorkshire Council will prioritise three objectives:

Mitigation: Reducing our impact on the climate by decreasing greenhouse gas emissions.

Adaptation: Preparing for the climate to change.

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Supporting Nature: Helping the natural world, on which we depend, to thrive.

7(a) Mitigation – This means reducing our impact on the climate by decreasing greenhouse gas emissions. This is done by:

- decreasing production of the greenhouse gases by reducing energy demand and modernising agricultural processes.
- generating and using low carbon energy such as solar power as an alternative to fossil fuels.
- Capturing greenhouse gas emissions and storing them in organic sinks such as trees, hedgerows, grasslands, peat and seaweed (kelp) and capturing carbon from industrial processes.

We now have a Local Area Energy Plan for North Yorkshire and this will support decision making as to when, where and how we can undertake these measures most effectively. Mitigation provides many opportunities for investment in the low carbon local economy. Equipping people and businesses in our area to benefit from new technologies and developing new skills is essential through all our priorities particularly supporting the work of the LEP.

Although mitigation activities will be delivered through every service, there are priority areas, where NYC services can best be deployed to have the greatest impact and these are described below.

The Routemap priorities which NYC can help to deliver for the built environment are to:

- Retrofit buildings at scale to reduce energy demand
- Phase out fossil fuel use
- Future proof new buildings
- Ensure Hydrogen readiness

Our mitigation priorities:

- **The Built Environment** – where people live, work and relax in places like houses, offices shops and industrial sites, town centres, sports centres and community buildings. NYC is responsible for many 'built assets' such as houses, industrial estates and even castles and harbours. 19% of carbon emissions in North Yorkshire is from the domestic housing sector. Improving the fabric of buildings to reduce energy demand and decarbonising heat in buildings is called 'retrofitting' and making these changes provides homes and properties that are easier to heat and healthier to live and work in. This is a particular challenge in North Yorkshire due to the age and traditional construction of the buildings stock and the high-quality protected landscapes and historic listed buildings which require specific retrofit actions. However, there is central government financial support for housing retrofit and we need to be ready to take advantage of that investment in this area. We must also ensure new buildings are 'future proofed' so they are both energy efficient and adapted to climate change impacts.

To mitigate carbon emissions from the built environment we need to:

Co benefit symbol and health

i. Retrofit commercial and residential properties and assets using a 'fabric first' approach.
   - ❖ Improve energy efficiency of buildings, homes and assets such as streetlighting.
   - ❖ Decarbonise heating in buildings through using low carbon technology and renewable energy.

Craven District Council has cut costs and carbon by installing sheep's wool insulation, solar panels and air source heat pumps (ASHPs) across its public buildings and 28 Yorkshire Housing properties as part of the 'Zero Carbon Craven' project. [23] Installation began in 2021 of a wide range of renewable energy measures including over 500 solar

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panels. These measures are estimated to save 272ktCO_2e for the whole project. Also in 2021, Hambleton District Council's leisure service secured £4.7m Government Public Sector Decarbonisation Scheme (PSDS) funding to install energy saving systems across their portfolio of leisure centres, this included installation of ASHPs, solar panels, battery storage, LED lighting and smart metering. The estimated annual carbon saving is 601ktCO_2e

PHOTO CDC solar PV and NLC ASHP

- ❖ Support home and property owners (including landlords) to retrofit properties. Working with partners to develop and deliver a York and North Yorkshire Retrofit Strategy to improve access to advice and finance and developing the local supply chains and skills required such as installing and maintaining air source heat pumps.

Through the 'Hitting Hard' project, Scarborough Borough Council and Richmondshire District Council have developed an action plan of how to effectively deliver retrofit for 'hard to decarbonise' homes. Through the implementation of large scale retrofit programmes across North Yorkshire we have identified a particular challenge in targeting older, technically difficult properties in heritage areas and protected landscapes. This project has provided the technical details to better plan future work programmes to include more tailored building measures and improved access to data. These outputs will be integral in developing a retrofit strategy and will be at the heart of future retrofit projects.

We will create, by December 2023, a 'property' and 'social housing' decarbonisation plan for all NYC built assets.

ii. Ensure new buildings are developed to be 'climate responsible'.

Co benefit symbol Economic

- ❖ Use the Development Plans and building control enforcement to ensure new properties do not require retrofitting in future. Influence national policy agenda to improve standards and viability assessments for developments.
- ❖ Help North Yorkshire businesses to gain skills and win contracts to develop low carbon buildings, including 'biobased' construction.

➢ **Travel and Transport** – how we travel around in our daily lives; to work, to visit, to shop and to enjoy ourselves.

The transport sector is responsible for 28% of carbon emissions in North Yorkshire. This comes from the way that people travel and how goods are transported within and through the area. Most of our city, towns and villages are rural meaning that we sometimes have to travel long distances to get to shops, schools and healthcare, as well as getting to work. The North Yorkshire Local Transport Plan sets out our plans and strategies for maintaining and improving all aspects of the local transport system. The next version of the plan, due by 2024, will also set out how we will make 'quantifiable carbon reductions'

As the Highway Authority, we are responsible for all adopted roads and footways within North Yorkshire and for the management, maintenance and improvement of the highway network.

The Routemap priorities for transport which NYC can help to deliver are:

- Increase active travel
- Decarbonise and increase use of public transport
- Enable the shift to low carbon vehicles
- Enable cleaner logistics (the movement of goods and products)

To mitigate carbon emissions from travel and transport we need to reduce travel in fossil fuel vehicles by:

i. improving access to digital services and to services provided close to people's homes.

We will continue to improve high speed broadband and mobile telephone coverage across North Yorkshire through the NYNET [24] programme.

ii. Increase walking and cycling opportunities for shorter trips through providing safer routes in 'Local Cycling and Walking Plans' , training through 'Bikeability' and innovation using E Bikes and scooters.

Co benefit symbol for health

Local E Motion: Richmondshire District Council and Scarborough Borough Council commissioned a series of studies on electric powered personal transport options Community Renewal Fund. Four locations were chosen: Eastfield and Whitby in Scarborough and Catterick Garrison and Hawes/Leyburn in Richmondshire. This study looked at e-scooters, e-bikes and car clubs. After public consultation and an analysis on the most effective schemes for tacking emissions and inequality a feasibility study was completed to advise on how to take forward the schemes. [25]

iii. Support people to choose multi person travel options, such as public transport (buses and trains), car share and car clubs.

iv. Increase access to 'alternative fuels' for vehicles. Implement the NYCC EV Charging Strategy,[26] investigate the feasibility of green hydrogen and other low carbon fuels as technology develops.

We will create, by December 2023, a 'fleet decarbonisation plan' for all NYC vehicles and a low carbon staff travel plan.

v. Ensure low carbon travel choices are supported by the Development Plan process and Neighbourhood Plan place making and Local Transport Plan. This includes ensuring services are located close to homes (called '15 minute neighbourhoods') and promote sustainable travel options in the visitor economy.

We will aim to have a Development Plan in place or progressed as far as possible by 2028.

We will aim to have the Local Transport Plan for North Yorkshire in place by Summer 2024 (subject to Government guidance).

- **Waste and Circular Economy** – Reduce waste and reduce the need to create new resources. By reducing the amount of waste that we create and by finding new uses for that waste, we reduce the need to create new resources which uses energy. This approach is called the 'circular economy' as it keeps goods in circulation for longer. The new Council will be responsible for both waste collection and disposal in collaboration with City of York through Yorwaste and Allerton Waste

The Routemap priorities for waste and circular economy which NYC can help to support delivery of include:

- Accelerate Carbon Capture, Utilisation and Storage (CCUS)
- Improving energy and resource efficiency
- Move towards circular business models and sustainable supply chains

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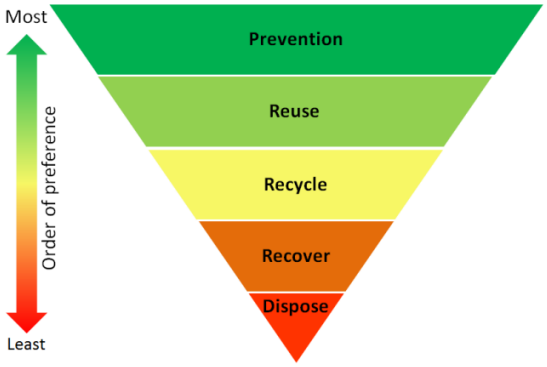
Recovery Park and various recycling organisations. This presents an opportunity to speed up the pace of change for waste reduction and use of new technology for reuse and recycling.

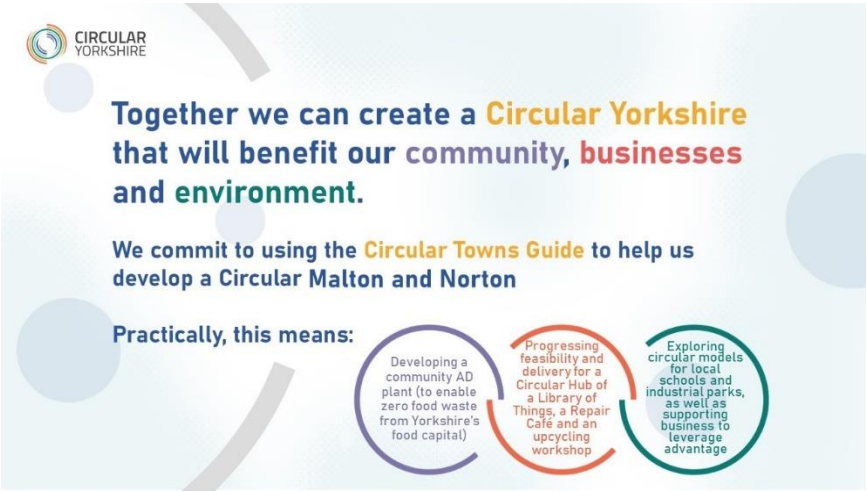
To mitigate carbon emissions from waste we need to:



i. Take the 'waste hierarchy' approach our waste management. We need to encourage behaviour change to reduce, reuse and recycle to minimise waste. We will focus on reducing the need for unnecessary single use plastics and reducing food waste. We will not replace products until the end of their effective life and will consider ecodesign and longevity when purchasing products.

The North Yorkshire Rotters are a group of volunteers supported by North Yorkshire County Council. They promote home composting, reduce, reuse and recycling and the 'love food hate waste' campaigns at events and offer free talks and school workshops across North Yorkshire. These campaigns highlight the practical ways that our residents can reduce waste, save money and help the environment. Insert ref PHOTO SMOOTHY BIKE

ii. Support delivery of the York and North Yorkshire Circular Economy Strategy [12] in policy development and support businesses and communities to deploy 'circular' projects to create a competitive circular economy. Policies such as the Economic Development and Procurement will lead this area.



Circular Malton & Norton's Eden Circular Hub is intended to be a UK showcase, combining a community based anaerobic digester facility generating clean energy from local commercial food waste, with the provision of Innovation support services in the field of sustainability, bio and circular economies. Such innovation support is a first for a rural area, thereby creating accessibility, enabling businesses to boost productivity and resilience and through education, exciting the younger generation and signposting opportunities as well as upskilling for all. The community feedback shows this concept creates excellent pride in the town and activates local people to realise their actions will make a difference in addressing climate change.

- **Renewable energy transition** – increasing the amount of energy we generate and store from renewable sources such as solar power, hydro, natural heat and emerging technology and markets

The Routemap priorities which NYC can help to deliver include increase in low carbon energy generation.

for ‘green’ hydrogen. Developing large scale renewable energy generation is a particular challenge in our rural areas due to the capacity of the national electrical grid infrastructure and competing demands for landuse. Energy security is now a national priority and the opportunities we have in North Yorkshire to generate reliable, affordable and smaller scale, localised community owned power is becoming a reality. We need to ensure the right technology is used in the right place.

To mitigate carbon emissions by increasing renewable energy generation we need to:

i. Plan for renewable energy generation. The Local Area Energy Plan[19] , completed in December 2022 shows us where and when renewable energy could be developed and where it will be needed and how it can best be used.
ii. Increase renewable and low carbon energy capacity at differing scales such as on individual buildings, carparks and harbours and at large scales such as solar parks.

There are two former landfill sites both operated by Yorwaste (a company jointly owned by NYC and City of York Council (CYC)) which could generate renewable energy. There is potential for solar power generation at both sites, potentially with addition of wind subject to further investigation. Both sites have potential for up to 28MW of solar capacity with around a further 4MW of wind so a total opportunity of up to 64MWs of installed capacity which could produce up to 78,000 MWHs of electricity per year (equivalent to around 27,000 households) and would also exceed the combined electricity used by both current NYCC and City of York Council. In addition, the solar power has the potential to manufacture green hydrogen on site as a fuel for larger vehicles.

iii. support community energy projects and co-ops to improve local energy security, create community owned assets and overcome grid constraints. There are already organisations supporting community energy capacity in the region and we can support collaborative actions through the Community Energy Pathfinder programme.[27]

Co benefit symbol: community

We will investigate how NYC Assets such as land and buildings can best be used to generate low carbon energy to ‘offset’ Council carbon emissions. This includes opportunities at the jointly owned assets Energy from Waste plant and closed landfill sites, and for vegetation management and food waste for Anaerobic Digestion.

- **Agricultural emissions** – supporting North Yorkshire’s agricultural economy to decarbonise. North Yorkshire has a strong agricultural economy with both food security and many businesses dependent upon land-based industries both directly and indirectly such as food manufacturing. The landscape and settlements that we cherish have been created by the types of farming that happen here and this also supports the visitor economy. However, emissions from agriculture are 33% of the North Yorkshire total. As a Council we have less interaction with this sector than other economic sectors but we can work in partnership to support decarbonisation activity.

Public health symbol

i. Support agricultural businesses to calculate and reduce their emissions through partnerships such as protected landscapes and Grow Yorkshire [28]
ii. Increase efficiency of food production through low carbon technologies
iii. Support local food supply chain initiatives such as reducing ‘food miles’, and improved quality to encourage ‘sustainable’ diets.

- **Capturing and storing carbon** – where we cannot decrease emissions, we need to capture and store them to reach net zero. Carbon Dioxide that is released from fossil fuels can be removed from the atmosphere by natural processes such as growing new trees and protecting carbon stores such

as existing woodlands and peat bogs. It can also be done through industrial technology processes 'Carbon Capture and Storage' (CCS). The carbon must be locked away permanently to ensure this process is effective.

To mitigate carbon emissions using capture and storage we need to:

i. Encourage the use of farming techniques to store carbon in the landscape such as regenerative agriculture, tree, hedgerow and soil management.

'Farming in Protected Landscapes' funding is managed by AONBs and National Park Authorities to deliver on four priorities – climate, nature, people, place. The programme currently runs during the Agricultural Transition Period to 31 March 2024. The programme allows farmers and land managers located within protected landscapes to receive funding for projects on their land that will achieve the priorities. It is an ideal way to address both agricultural decarbonisation and adapting to climate change at a landscape scale. In Nidderdale AONB a variety of projects have been funded including soil carbon audits, tackling invasive non-native species, training for regenerative farming, tree and hedgerow planting, soil health and sediment reduction.

ii. Increase the number of trees and hedgerows planted and protected and preserve peatlands which store carbon. There is also potential to develop kelp forests in the marine environment. This is best achieved at scale in partnerships such as the White Rose Forest and Yorkshire Peat Partnership.

PHOTO Peat Restoration

North Yorkshire contains 90,600 hectares of upland peatland - 24% of England's total – storing over 40 million tCO_2e. By 2022 , the Yorkshire Peat Partnership had bought 44% of this into restoration management. In 2021/22 they blocked grips and gullies with 18,000 dams and baffles and planted over 1.2 million native plug plants. Yorkshire Peat Partnership [28]

iii. Support regional partners to develop large scale carbon capture technology and projects around the Humber estuary and at our Energy from Waste plant.

We will investigate how NYC assets can best be used to capture and store carbon.

- **Encouraging everyone to reduce carbon emissions** – we need everyone to think about their daily choices and to take climate responsible actions. People may make travel or housing choices for a range of reasons and for co benefits such as saving money or improving their health. Working with partners across the area and with Public Health Behavioural Insights team, we can ensure communications about climate responsible choices are effectively targeted and that investments in cycle paths, EV charging points, public transport, housing programmes and waste contracts are successfully reducing carbon emissions for the 'end user'. Small businesses are the backbone of the North Yorkshire economy and we need to ensure that they and NYC's many suppliers for goods and service have the skills needed to support sustainable economic growth and to take advantage of new low carbon technologies and opportunities. Communities across North Yorkshire are actively promoting climate positive actions and there is support available from organisations such as Community First Yorkshire and specific community energy organisations. Our School's Energy and Sustainability Service and Youth Service provide the opportunity to engage children and young people in taking climate responsible actions. These are great resources to build on, sharing best practice and supporting learning from each other.

We will work with partners to develop climate change awareness and actions approach to enable individuals, organisations and businesses to make climate responsible choices.

7(b) Adaptation and Resilience – This means preparing for the changes we will see in our climate.

The global and regional climate has already changed with average temperatures now more than 1^{o}C warmer than pre-industrial times, bringing with it heavier storms, rising sea levels, and longer droughts and heatwaves. The climate will continue to change over the course of this century until we reach the 'Paris Agreement' goal of becoming carbon neutral globally. The impacts might be short term 'shocks' (such as a flood) and longer term 'stresses' which impact on our lifestyles such as increase in household insurance prices. As per recommendations from the UK Committee on Climate Change[14] in North Yorkshire we will prepare for the impacts of a 2^{o}c rise, while assessing the potential impacts of a 4^{0}c rise.

The Government's Climate Change Risk Assessment [29]sets out 56 risks and opportunities which need to be addressed in this country and overseas such as opportunities for new species colonisation, changes in land suitability for agriculture and forestry, and risks to human health from poor air quality. Their review highlighted 8 most urgent risks:

- Natural habitat destruction
- Degraded soil health
- Degraded natural carbon stores such as woodland and peat
- Lower yields for crops and livestock
- Disrupted food supply chains – globally and nationally
- Disrupted power supplies
- Human health and wellbeing from extreme temperature and other weather events
- Impacts to the UK from climate change impacts around the world. Movement of people globally and disruption to world supply chains and economies.

Climate adaptation work to date has been spread out across different areas of the existing councils and is undertaken in partnership with regional partners such as the Environment Agency. The formation of NYC provides the perfect opportunity to better co-ordinate and expand our work to ensure the Council and our residents, communities and businesses are ready for the impacts of climate change. The Yorkshire and Humber Climate Commission provides an opportunity to work closely with other local government organisations to improve joint working, knowledge sharing and implementation plans which is a relatively new area of work for most local authorities. We must use this opportunity to prepare for extreme events, proactively protect of our infrastructure and communities and support nature here in North Yorkshire. We must also prepare for the impacts of global instability caused by climate change and resulting economic and human impacts. We will do this through creating a detailed and evidence-based adaptation plan developed over the next two years. This will help us to understand the risks and prioritise vulnerable people and locations and to take a more 'proactive' approach to the longer-term stresses.

Our adaptation priorities:

- **Climate Resilient Council –** how the Council prepares for climate impacts on its assets and in its work. The corporate activities of the Council will face increasing risks from climate change. Council buildings and services will be disrupted by changing weather patterns including extremes that impact upon both staff and physical resources and infrastructure.

  To adapt to climate change at the Council, we need to:

  i. Ensure the retrofit of Council buildings makes our assets less vulnerable to climate change by including adaptation in building improvement plans
  ii. Deliver climate adaptation work within and at the same time as decarbonisation measures
  iii. Embed climate risk into the Council's service delivery and risk management procedures
  iv. Assess climate risk in each of the Council's services
  v. Keep up-to-date data on climate impacts and responses faced by each service

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vi. Develop a North Yorkshire Council Climate Adaptation Plan by 2025 using the LGA Toolkit and support from the Y&H Climate Commission

We will create, by March 2025, a North Yorkshire Council Climate Adaptation Plan to support services and residents, communities and businesses to prepare for our climate to change. This will assess our risks and identify options for adaptation.

- **Support communities to be climate resilient** . This is the ability of communities to reduce exposure to, prepare for, cope with and recover better from, shocks and stresses. Our communities in North Yorkshire have shown their ability to support each other through response to the Covid-19 pandemic and this provides a platform to develop climate resilience activities. Some communities are further along this journey whilst others require more support to develop local voluntary sector approaches. Developing approaches to local energy security, food supply chains, flood defence groups and transport and care services for vulnerable community members are examples.

  To enable communities to be climate resilient we will:

  i. Work with communities to develop adaptation solutions at local neighbourhood scale.
  ii. Improve climate adaptation communications to ensure everyone is aware of actions they need to take to prepare.
  iii. Prepare and communicate seasonal health and disease outbreak responses

- **Responding to extreme events** – how the Council provides infrastructure and processes to respond to events such as flooding. With sea levels rising, coastal flooding and erosion will become more likely , requiring stronger coastal management and defences. Flooding from surface water and rivers caused by heavier and more frequent storms will need more effective interventions to protect people, property and infrastructure.

  To adapt to increasing extreme events we need to:

  i. Maintain up-to-date Shoreline Management Plan and Coastal Strategies updated with climate risk data collected nationally and locally, social and environmental value data to underpin the actions of coastal strategies
  ii. Deliver effective coastal protection and management projects and be aware of additional funding sources for coastal management
  iii. Ensure Emergency Planning procedures are updated with changing climate risks . Input from resilience and emergencies team

- **A resilient built environment** – making sure our buildings and infrastructure such as roads and bridges can cope with a changing climate and the current and future conditions not necessarily planned for when they were originally developed. This includes improved ventilation and shading for examples and new maintenance and repair procedures may be needed. In the new developments that are built across our area, we need to ensure that the ability to cope with these challenges and to quickly recover is designed in from the start.
  To develop a resilient built environment, we need to:

  i. Embed climate adaptation in retrofit activity and infrastructure maintenance programmes
  ii. Ensure climate resilient developments are the standard, particularly in Council-led new developments.
  iii. Reviewing best practice in climate adaptation in Development Plans.

- **Placing nature at the heart of adaptation** – making sure we support the adaptation of nature to climate change and use nature-based solutions in our adaptation activities. Climate change will have profound impacts upon nature. Changing conditions mean that many species will lose habitats. In some area, particularly along our coastline, unique habitats will be squeezed beyond

their ability to host their current number and range of species. Through maximising our habitat protection and management, and providing habitat corridors to enable species to migrate, we can reduce this impact. At the same time, we can make use of nature's ability to regulate our environment to reduce the impacts of climate change on people. Nature will play a key role in creating climate resilient places across North Yorkshire.

To place nature at the heart of adaptation, we need to:

i. Support nature to adapt
   - ❖ Identifying through mapping our key at-risk species and habitats
   - ❖ Developing nature adaptation plans for key species and habitats
   - ❖ Planning a route for habitat connections
   - ❖ Ensuring new nature projects use climate-resilient species

ii. Use nature in wider adaptation actions
   - ❖ Use trees to provide shade in both existing urban areas and in new developments.
   - ❖ Maximise the use of natural flood management schemes along our coasts, in river catchments and in new developments.

250,000 trees have been planted in North Yorkshire as part of the River Aire Catchment programme. [29] It is currently the UK's largest natural flood management implementation scheme using natural methods to slow the flow of surface water by disrupting its direction of travel or temporarily holding it in higher parts of the catchment, then gently releasing it so that lower areas are not overwhelmed by flood water. By delivering this scale of natural flood management, the scheme will also provide several wider environmental and social benefits, such as:

- increasing biodiversity, tree canopy cover and new habitats for wildlife
- capturing and storing carbon
- increasing awareness and the implementation of effective land management
- helping to regenerate rural and urban areas
- improving water quality.

7(c) Supporting nature – This means helping the natural world, on which we depend, to thrive.

Nature underpins our economy, enriches our lives and helps protect us from environmental threats. We rely on healthy, well-functioning ecosystems to provide us with food, clean water, natural fibres and timber and our way of living and economy is based on natural world ecosystems. The food that we eat, the water we use, the clothes we wear and the businesses that drive our economy are reliant on the health of the natural world ecosystem and this is under threat.

The Office of National Statistics tell us that in 2020, air pollution removal services provided by nature led to an estimated 2,001 deaths being avoided and prevented 49,126 life years being lost. Insert ref

Climate change will make this worse as animals and plants lose their habitats and cannot adapt to changing temperatures and acidity of the oceans. The numbers and variety of plant and animal life, described as 'biodiversity' is not just a 'nice to have', it is essential. Climate change poses one of the greatest threats to biodiversity and natural ecosystems locally and globally. Nature needs our support to adapt to the changes which are already impacting on it. The forests and soils that act as a natural store for carbon, clean our air and protect us from flooding are being damaged and the insects that pollinate our crops are decreasing – around the world and on our doorstep in North Yorkshire. The Convention on Biological Diversity is the United Nations programme to drive forward this area of work and recently almost 195 countries agreed the Kunming-Montreal Global Biodiversity Framework. The Framework sets out the global blueprint for tackling biodiversity loss.

The Government's Chief Scientific Adviser, Sir Patrick Vallance tells us:

"We have a vicious cycle: climate change leads to biodiversity losses, which in turn leads to further climate change. As governments around the world develop plans to reduce carbon emissions and conserve biodiversity, the message is simple: we must solve both problems together". [31]

The 'State of Nature in the UK' report [32] presents an overview, looking back over nearly 50 years of monitoring to see how nature has changed in the UK and overseas. However, there is a lack of data for the local area to indicate our current local position and where we need to prioritise.

The Government's 25 Year Environment Plan [10] and the Environment Act 2021 provides the national context for supporting nature. This sets out Government action to help the natural world regain and retain good health. New funding mechanisms like the Environmental Land Management Scheme present a clear opportunity to enable nature recovery, while Government has also committed to working with North Yorkshire Council towards a Natural Capital Investment Plan that will maximise the economic benefits of nature recovery in North Yorkshire.

There are many opportunities in our North Yorkshire countryside to support nature. Using 'nature-based solutions' for climate change mitigation and adaptation can promote healthy ecosystems and species recovery. We can support biodiversity from the local to the landscape scale by having 'more, better, bigger and joined-up' network of well managed protected sites. This means building on the strong foundations of our existing network and seeking opportunities to create new and expanded sites, improve the quality through conservation management and improve their connections across the landscape.

Our communities have a great love and respect for their local environments and we have many partnerships from national organisations to village amenity groups to help support nature.

In North Yorkshire we have many protected areas of countryside :

750	Local Wildlife Sites
220	Site of Special Scientific Interest
18	International Special Area of Conservation
13	Local Nature Reserves
9	National Nature Reserves
5	International Special Protected Areas (protection for rare birds)
3	Areas of Outstanding Natural Beauty plus one candidate (Yorkshire Wolds)
2	National Parks
1	Ramsar - wetlands of international importance

Despite these designations, many of the sites require conservation and active management to maximise their natural functions such as biodiversity value, carbon sequestration or water storage for natural flood management. They will require active management by people to maximise their natural functions.

These countryside resources – the 'natural capital' also support the local economy and thousands of jobs through agriculture, land management and tourism'.

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Supporting North Yorkshire's natural ecosystems to thrive will help us not only to mitigate and adapt to climate change but also to take new economic opportunities. Linking ecosystems, biodiversity and nature recovery with climate change activity will ensure mutual benefits to both the natural world and the human population.

The Routemap priorities for land use which NYC can help to support include:

- Increase storage of carbon in our landscape
- Enhance marine and coastal ecosystems to improve carbon sequestration

To support nature we need to:

- **Work in partnerships**. To ensure a joint approach between the many organisations working to support nature. Examples include statutory nature conservation bodies, Local Nature Partnerships, Wildlife Trusts, farming and land management groups, land managers and local community groups. Through these we can
    i. Build the evidence base locally to prioritise areas (geographic and habitat) or urgent action to protect and restore nature sites.
    ii. Support community-based groups to improve biodiversity of their local areas through both monitoring and physical improvements.
    iii. Encourage land owners to adopt more nature-friendly farming and increase the biodiversity value of their land.

Two Local Nature Partnerships (LNP) cover our area, which act as strategic partnerships promoting the value of nature to a wide range of audiences and identifying ways that investing in our natural environment can support our health, economic and climate change ambitions. The North Yorkshire and York LNP covers the city of York and the county of North Yorkshire, excluding the Yorkshire Dales National Park, Nidderdale AONB and the Forest of Bowland AONB. These are part of the Northern Upland Chain LNP, which covers the Northern Pennine protected landscapes up to Northumberland National Park and focuses on upland issues and opportunities shared by these landscapes. [33]

- **Prioritise nature-based solutions** in climate change activity – understanding how the interventions that we will take in response to climate change can also support nature through increased protection, restoration or management. For example, natural flood management, using trees and soils to store carbon, promoting 'bio-based construction' and using 'green living walls' for insulation. Sequestration projects, initiatives such as storing carbon in trees or other natural environments, should also take account of biodiversity.

- **Statutory requirements –** we can ensure that legislative requirements are used to support nature.
    i. **North Yorkshire and York Local Nature Recovery Strategy** – This statutory document will outline the species and habitats of greatest importance in our area, map their distribution and identify where ecological networks should be strengthened to support nature recovery. It will also identify the ambitions of existing organisations and partnerships to help nature recover in North Yorkshire. NYC is the provisional responsible authority tasked by the Secretary of State to develop the LNRS and report to Government on its progress.
    ii. **Biodiversity Net Gain (BNG)** – This is an approach to development, land and marine management that leaves biodiversity in a measurably better state than before the development took place. In the future, most developments will need to deliver a minimum 10% BNG.

The adopted Harrogate District Local Plan (2014-2035) includes a policy requiring major development to avoid any net loss of biodiversity and supporting schemes which achieve a net gain. This is supported by a Supplementary Planning Document, "providing net gain for biodiversity" adopted 2021. This requirement

comes ahead of the statutory use of BNG metrics from Nov 2023 but is in line with the National Planning Policy Framework [34]

iii. **Local Plan –** NYC will develop a Local Plan by 2028 and this will support nature through its policies and development control practices.

- **Supporting nature through economic growth –** There are opportunities presented to grow the economy in a sustainable way. Much of North Yorkshire's economy is based on our landscape and the natural ecosystems. This will be developed through the 'wrap around' group on the Sustainable Economic Growth outlined below in section 9. Below are key areas for supporting nature.
  i. **Natural Capital Investment Plan**: Support the development of a Natural Capital Investment Plan for York and North Yorkshire, working with partners. This will ensure a strategic and coordinated approach to investment in natural capital which will help us to mitigate and adapt to climate change.
  ii. **Identify and meet skills gaps**: There is a gap in the skills and knowledge required to support nature recovery both in the public and private sectors. This includes areas such as ecology as well as specific land management techniques. Working with partners, such as the Local Enterprise Partnership and local colleges we will identify the skills needed to support nature over the next decade and put in place plans to ensure local people are able to benefit from the opportunities in this area of work.
  iii. **Sustainable tourism**: Support the local tourism industry to recognise the value of the natural environment in attracting visitors and ensure our 'visitor economy' policies seek to protect and support nature through both strategic and practical interventions.

- **Sustainable land use and green spaces**: We must ensure that we manage our land holdings to support nature. This includes public open spaces such as parks and play areas, highway verges, coastal areas and the county farm estate. We will also manage green areas associated with properties such as crematorium, sports centres, castles and outdoor learning centres. Our processes will also be shared with other organisations to promote good practice.

We will support nature through improved greenspace management on NYC land and support others to do likewise on their land.

+ HEALTH CO BENEFIT SYMBOL

- **Treeplanting at scale**: The Routemap targets include the ambition to plant 37,000 hectares of new woodland by 2038. To achieve this, we need to build the supply chain to identify suitable land, suppliers of trees and other items associated such as fencing, and to ensure that we have people with the skills to manage the woodlands for many years into the future. This can only be done in partnership with landowners, businesses and colleges, such as through the White Rose Forest [35]. We also anticipate significant tree loss across the county due to 'ash die back' disease and we will prepare a plan to respond to this issue. It is proposed to have a 'wrap around' group for all the initiatives to support treeplanting and this is covered in section 7(d).

The White Rose Action Plan 2021-25 sets out our targets for tree planting and woodland creation across North and West Yorkshire over the next four years. Seven million trees, the equivalent 3500 hectares, could be planted in North and West Yorkshire between 2021 and 2025, with the support of landowners and farmers, with funding from the Government's Nature for Climate fund. We will focus on supporting projects that maximise community benefit within our two strategic planting programmes: Landscapes for Water and Green Streets®.

- **New opportunities in the marine environment** – North Yorkshire includes 67km (42 miles) of coastline. Marine and coastal environmental management can be complex with no single organisation responsible for the entire coastline or the ecosystems of the Yorkshire coast. Supporting nature along the coast and responding to the causes and impacts of climate change (including water temperature rise and acidification) is best done in partnership and the Yorkshire Marine Nature Partnership,[36]managed by East Riding of Yorkshire Council provides this platform. Partners work to improve water quality, monitor and manage coastal change, support strategic planning and economic development opportunities, enable sustainable fisheries and preserve and record coastal heritage. There are opportunities identified to support nature recovery and natural sequestration with kelp seaweed. As with land-based nature, the Partnership has also identified that we need to improve our data and information about the coastal environment, to support prioritisation of activity.

A 2022 survey, published by Defra in collaboration with the Ocean Conservation Trust, the Scottish Government and Natural Resources Wales, sheds light on public awareness, knowledge and attitudes surrounding the marine environment. This survey highlighted the immense value that the general public place on our ocean and marine environment as well as their willingness to take action to help to preserve it.
Insert ref

7(d) North Yorkshire Council - Net Zero by 2030

The scale of NYC's operations will see it serve the greatest geographical area of any local authority in the country, and it will have an overall spend of about £1.4 billion per year. We will deliver all the local services from one Council, across five Directorates. Within those Directorates are the service departments such as Education, Adult Social Care, Public Health, Transport, Environment, Housing, Economic Development and Planning just to name a few. We also have local authority companies that deliver highways, property and housing activities. We will have responsibility for over 900 vehicles across all our services, plus employees own cars used for their work. We will own, manage and lease many buildings, requiring power to heat and be responsible for the local authority streetlights on roads and pavements. We will have around 13,000 members of staff.

The scale of the organisation presents a huge opportunity to take climate responsible actions. To do this we need to:

- **Measure and report on our emissions** and plan how and when we will hit our target. We use a nationally recognised formula to calculate our carbon emissions from delivering the services which are under our direct control. These are divided between:

Scope 1 – Direct emissions from gas boilers and council owned vehicles (our fleet)
Scope 2 – Indirect emissions from consumption of purchased electricity
Scope 3 – Business travel using staff's own cars. (Our 'grey' fleet)

In 2019/20 , the estimated emissions from 8 Council operational activities that will form NYC was XXX [North Yorkshire County Council's figure was 9061KtCO_2e, Districts providing data to join together.] From 2023 we will be able to more accurately calculate our carbon emissions from our operational services. This will show our progress and highlight priority areas where further activity is required to meet the target. We can then determine what is needed to 'offset' the target with renewable energy generation and with carbon capture projects.

- **Fleet and Property:** For NYCC, the vehicles we use to deliver our services account for 28% of NYCC emissions in 2021.. Energy use to power our properties and assets comprise the remainder, with 31% directly on fossil fuel oil and gas. To reduce these emissions we need to follow the built environment and travel hierarchy approach outlined in Mitigation theme above (section 7a) and create a fleet and property decarbonisation plans, including rationalisation, to reduce the use of fossil fuels. whilst increasing the proportion of renewable energy usage. This is not going to happen overnight and we will be dependent on the development of new and improving

technologies, the speed at which the market brings forward new products, electrical grid capacity and funding to switch to alternative fuels in many cases.

- **Procurement and Commissioning:** How and what we buy in to deliver our services is called procurement and commissioning and is estimated to be worth £656 million per year in the new authority. It is not included in the County's operational carbon emissions figures. It is an extremely complex calculation that would not be cost effective to quantify and also 'double counts' emissions from our suppliers that record their own emissions. However, we do want to ensure that we are choosing low carbon products and services to meet our operational targets (such as switching to alternative fuels) and that our suppliers are also taking climate responsible actions to meet regional targets. We can help them to do that through our procurement strategy and working with our supply chains and small businesses through our economic development and business support strategies.

Craven District Council adapted the procurement strategy in 2021 to reflect environmental sustainability when the Council set a goal to become 100% carbon neutral by 2030. To help achieve the Councils environmental objectives, CDC will consider environmental sustainability issues in its procurement processes by:

- Ensuring that environmental criteria were included in the assessment of suppliers, contractors and their products where relevant
- Ensuring that suppliers were compliant with environmental legislation as part of the procurement process
- Educating suppliers regarding CDC's environmental and sustainability objectives

- **Embedding climate change into 'business as usual'** : To achieve our target, we must all make climate responsible decisions. All NYC employees will need to understand the causes and impacts of climate change and how their actions will contribute:

  i. We have commissioned climate change awareness training that is available to all employees and Councillors and this will continue to be promoted.
  ii. We will use a Climate Change Impact Assessment for Council reports. These will review the impact of decision on our three climate change themes.
  iii. We will support employees to share resources, learn from each other and build a body of knowledge, expertise and good practice across the Council.

- **Collaborative areas:** To ensure a joined-up approach to climate change where many different parts of NYC and other partners deliver interventions and to pool knowledge and resources we will develop a 'wrap around' service for specific areas and issues.

  i. Schools and educational establishments
     - Help them to reduce carbon emissions from their buildings (energy efficiency and renewable energy)
     - Improve school travel (to and from school), also linked to obesity and air quality strategies and 'bikeability' schemes.
     - Use their grounds to support nature
     - Schools catering and waste – reducing food miles and food waste.
     - Improve climate change awareness and encourage knowledge sharing between schools and for children and parents in the wider community through the School's Energy and Sustainability service.
     - Careers advice related to green economy and skills
     - Young people's engagement in the climate change agenda – what do they see as important / how they can get involved and preparing for future climate impacts. ('Growing up in North Yorkshire' survey results are anticipated in early 2023)

  ii. Low Carbon Economy
     - Support business to adopt low carbon and circular practices

- Develop local supply chains to maximise economic multiplier of our investment in climate change activities.
- Support local climate change skills development, including through Adult Education service.
- Develop a sustainable visitor economy

iii. Public Health and climate change
- Air quality
- Active Travel
- Social prescribing and access to greenspace
- Food Strategy including local food networks and nutrition
- Behavioural insights

iv. Tree and Woodland issues
- Land availability / suitability
- Supply chain for treeplanting at scale
- Response to Ash Die Back
- Economic opportunities and skills development
- Health and wellbeing

As a Council we will:

- Seek to become operationally net zero by 2030 and measure an accurate pathway to achieve that and monitor performance.
- Embed climate change into every service and into policy and decision-making process so that taking climate responsible actions becomes 'business as usual'.
- Encourage our suppliers to take climate responsible actions.
- Raise awareness of the causes and impacts of climate change and climate responsible actions required with all Officers and Members.
- Ensure every Directorate and Service has a Climate Change Action Plan to support prioritisation, by December 2023.
- We will address specific areas of council business where collaborative actions are required to ensure efficient and effective actions.

8 Conclusions

This Strategy sets out NYC's approach to fulfilling its ambition become net zero in our operational activities by 2030 and to work with partners to achieve York and North Yorkshire net zero by 2034 and carbon negative by 2040 . The Strategy works hand in glove with our partners in the City of York Council and the LEP (in advance of the proposed Mayoral Combined Authority) and defines our part in delivering sub-regional objectives outlined in the Devolution Deal.

Critically this approach means that our climate change plans are linked to the economic ambitions of York and North Yorkshire, through its innovative devolution and green growth agenda. Together we will ensure that our residents live in clean, safe and green communities, where people and organisations embrace the potential of a strong economy alongside environmental responsibilities. It is an evidence-based approach to making real progress against a challenging ambition.

We recognise that our success lies in us all taking action to shift our behaviour and to live more sustainable lives to help safeguard our communities and the environment. But we cannot do this alone. Importantly this document also underlines our intention to work in partnership with national Government. We simply cannot deliver on our net zero ambition in North Yorkshire without changes to the national policy landscape and national action. To this end, we will continue working with our partners to shape the national strategy

for delivering on the UK's net zero carbon target. It will also be critical that we work alongside the business and academic community and other key partners to ensure we are able to secure the required innovation and investment required to undertake this work.

The scale of our ambitions must reflect the scale of the challenge. How we respond to this challenge will define our generation. We believe that our Strategy meets this challenge.

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Supporting Documents (Technical appendix)

Introduction to climate change – articles produced by the House of Commons Climate Change Explainers (parliament.uk)

Referenced and background documents and organisations (in order in which they appear in text)

1 Climate Emergency declaration Agenda for Executive on Tuesday, 5th July, 2022, 11.00 am | North Yorkshire County Council

2 Rural commission North Yorkshire Rural Commission | North Yorkshire County Council

3 UK Government Net Zero by 2050 Net Zero Strategy: Build Back Greener - GOV.UK (www.gov.uk)

4 Y&NY Routemap to Carbon Negative and targets Routemap to Carbon Negative (ynylep.com)Devolution Deal Devolution | North Yorkshire County Council

5 North Yorkshire County Council Plan – Council plan | North Yorkshire County Council

6 Y&H CC Action plan Climate Action Plan | Yorkshire & Humberside Climate Commission (yorksandhumberclimate.org.uk)

7 Intergovernmental Panel on Climate Change IPCC — Intergovernmental Panel on Climate Change

8 Paris Agreement The Paris Agreement | United Nations

9 UN Sustainable Development Goals The 2030 Agenda for Sustainable Development,

10 Defra 25 year plan https://www.gov.uk/government/publications/25-year-environment-plan

11 Defra Waste Plan https://www.gov.uk/government/publications/waste-management-plan-for-england-2021

12 Circular Economy Strategy Circular Yorkshire | Initiatives | York & North Yorkshire Local Enterprise Partnership (ynylep.com)

13 UK Government Net Zero by 2050 Net Zero Strategy: Build Back Greener - GOV.UK (www.gov.uk)

14 Climate Change Committee https://www.theccc.org.uk/

15 UK Climate Projections About UKCP - Met Office

16 Data from BEIS – UK-local-authority-ghg-emissions-2020.xlsx (live.com)

17 Scatter Cities - SCATTER (scattercities.com)

18 CREDS Carbon Places - https://www.carbon.place/#10.24/54.0633/-1.1797

19 Local Area Energy Plan – West, Central and Eastern North Yorkshire – location awaited

20 https://www.gov.uk/government/publications/york-and-north-yorkshire-devolution-deal/york-and-north-yorkshire-devolution-deal

21 Air Quality and Net Zero Defra Air Quality Expert Group, 2020,"Impacts of Net Zero pathways on future air quality in the UK". ONS natural capital air quality UK natural capital accounts - Office for National Statistics (ons.gov.uk)

22 ISO Net Zero Guidelines: This document provides guiding principles and recommendations to enable a common approach with a high level of ambition, to drive organizations to achieve net zero GHGs as soon as possible and by 2050 at the latest. ISO - Net Zero Guidelines

23 Zero Carbon Craven Zero Carbon Craven

24 https://www.nynet.co.uk/ and Mobile Digital Strategy (northyorks.gov.uk)

25 E Motion study: https://www.cenex.co.uk/projects-case-studies/e-motion-personal-electric-transport-in-yorkshire/

26 NYCC Electric Vehicle Charging Study awaiting location after consultation

27 https://communityenergyengland.org/pages/what-is-community-energy

28 Yorkshire Peat Partnership https://www.yppartnership.org.uk/

29 UK Committee on Climate Change adaptation report Progress in preparing for climate change - 2019 Progress Report to Parliament - Climate Change Committee (theccc.org.uk)

30 Natural Flood Management River Aire Catchment Programme - White Rose Forest

31 Sir Patrick Vallance : We've overexploited the planet, now we need to change if we're to survive - GOV.UK (www.gov.uk)

32 State of Nature 2019 UK report State-of-Nature-2019-UK-full-report.pdf (nbn.org.uk)

33 Local Nature Partnerships: www.nypartnerships.org.uk/lnp and https://www.nuclnp.org.uk/about-us/

34 Harrogate Borough Council Biodiversity Net Gain Providing net gain for biodiversity SPD – Harrogate Borough Council

35 White Rose Forest : Action Plan - White Rose Forest

36 Yorkshire Marine Nature Partnership https://yorkshiremarinenaturepartnership.org.uk/

37 DEFRA marine survey : Protecting the marine environment is vital say public - GOV.UK (www.gov.uk)

Policy Context

- UN Climate Change Conference (COP21) in Paris reached the historic Paris Agreement. The Agreement sets long-term goals to guide all nations:

- substantially reduce global greenhouse gas emissions to limit the global temperature increase in this century to 2 degrees Celsius while pursuing efforts to limit the increase even further to 1.5 degrees;
- review countries' commitments every five years;
- provide financing to developing countries to mitigate climate change, strengthen resilience and enhance abilities to adapt to climate impacts.

The Paris Agreement | United Nations

The intergovernmental Panel on Climate Change is the United Nations body for assessing the science related to climate change

IPCC — Intergovernmental Panel on Climate Change

and the UN Sustainable Development Goals The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries - developed and developing - in a global partnership. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests. THE 17 GOALS | Sustainable Development (un.org)

- **UK policy on climate change**

The Government's main climate change policy document is the Net Zero Strategy (Build Back Greener) which was published on 19 October 2021 (updated April 2022). It sets out policies and proposals for decarbonising all sectors of the UK economy to meet the Government's net zero target by 2050, which is a legal requirement established under The Climate Change Act 2008.
The Net Zero Strategy builds on the Government's 10 point plan for a green industrial revolution which was published on 18 November 2020. It focuses on the following areas:

- advancing offshore wind
- driving the growth of low carbon hydrogen
- delivering new and advanced nuclear power
- accelerating the shift to zero emission vehicles
- green public transport, cycling and walking
- 'jet zero' and green ships
- greener buildings
- investing in carbon capture, usage and storage
- protecting our natural environment
- green finance and innovation

- **Implementing climate change policy**

The Committee on Climate Change (CCC) is an independent body established under the Climate Change Act. The CCC website sets out how climate change policy is implemented across Government:

Tackling the causes of climate change, and adapting to its impacts, touches on all aspects of the economy. The Government has created a Cabinet Committee on Climate Change chaired by the Prime Minister. This is supported by subcommittees to ensure climate change decision making is across Government. It is for all government departments to include climate change in its thinking when making policy decisions. The two main UK government departments responsible for climate change are:
Department for Business, Energy and Industrial Strategy (BEIS) – leading on policy for reducing emissions (mitigation). BEIS is responsible for ensuring secure energy and promoting action on climate change in the UK and internationally.

- Department for Environment and Rural Affairs(Defra) – leading on domestic adaptation policy (adaptation). Defra is responsible for developing the National Adaptation Programme to address the risks set out in the most recent UK Climate Change Risk Assessment 2022 (publishing.service.gov.uk)

The Climate change Act also requires Government to produce a UK Climate Change Risk Assessment (CCRA) every five years a National Adaptation Programme (NAP).

Monitoring progress

The CCC is responsible for providing advice to Government on tackling climate change and monitoring the Government's progress on reaching net zero.
Its latest statutory progress report to Government was published in June 2022. It provided recommendations based on a new monitoring framework and set out the following headline statements:

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- The UK Government now has a solid Net Zero strategy in place, but important policy gaps remain.
- Tangible progress is lagging the policy ambition. With an emissions path set for the UK and the Net Zero Strategy published, greater emphasis and focus must be placed on delivery.
- Successful delivery of changes on the ground requires active management of delivery risks. Not all policies will deliver as planned. Some may be more successful than expected, while others will fall behind.
- Action to address the rising cost of living should be aligned with Net Zero. There remains an urgent need for equivalent action to reduce demand for fossil fuels to reduce emissions and limit energy bills.
- Slow progress on wider enablers. The Net Zero Strategy contained warm words on many of the cross-cutting enablers of the transition, but there has been little concrete progress.
- The UK must build on a successful COP26.The UK presidency of the UN COP26 climate summit in Glasgow last November successfully strengthened long-term global ambition and introduced new mechanisms to support delivery. It should prioritise making those new mechanisms work in practice and strengthening global 2030 ambition, while preparing for a focus on climate finance and adaptation at COP27 in 2022 and COP28 in 2023.

➢ **Policies for nature-based solutions**

The Government's 25-year Environment Plan for England in 2018 made a commitment to take a 'natural capital approach' to environmental protection. It included proposals for a nature recovery network, tree planting, an England Peatland Strategy, and creating financial incentives through the Agriculture Bill for natural carbon storage.
Others have also made proposals; the farming industry set out its approach for achieving net-zero by 2040 in September 2019. The Government's environmental bodies set out their approach to land use change in January 2020, with a focus on woodland creation, restoring peatlands, supporting farmers and working with nature.
Funding for projects, through a Nature for Climate fund, was announced in the April 2020 budget.

➢ Links to existing carbon reduction / climate change strategies (All 8 councils. Check where these will be available 1.4.23)

Craven District Council

Hambleton District Council

Harrogate Borough Council

North Yorkshire County Council

Richmondshire District Council

Ryedale District Council

Scarborough Borough Council

Selby District Council

North Yorkshire County Council Beyond Carbon | North Yorkshire County Council

NYC Equality Strategy https://www.northyorks.gov.uk/our-equality-diversity-and-inclusion-policy
NYC Health and Wellbeing strategy Joint health and wellbeing strategy | North Yorkshire Partnerships (nypartnerships.org.uk)

Glossary – Here are some commonly used terms to describe climate change.

Climate Change	Climate change is a change in the state of the climate that persists over a long period of time, usually a decade or more. Climate change can be due to humans or external forcings like volcanic eruptions.
Greenhouse effect/Global Warming	The greenhouse effect, often referred to as global warming, is where heat is trapped close to the surface of the earth by greenhouse gases, like carbon dioxide, methane and water vapour. The greenhouse effect is what allows humans and other animals to populate the planet, because it keeps it at a liveable temperature. However, because there is a higher concentration of greenhouse gases in our atmosphere, there is more and more heat being trapped. It is important to note here that this process does not mean the same thing as climate change, which is described above.
GHG (Greenhouse Gas)	Greenhouse gases (often abbreviated to GHGs) are natural and anthropogenic gases that absorb and emit radiation, which causes the greenhouse effect. They primarily include water vapour, carbon dioxide, nitrous oxide, methane and ozone. There are also some entirely human-made greenhouse gases, including sulphur hexafluoride, hydrofluorocarbons and perfluorocarbons.
Anthropogenic	Anthropogenic refers to something produced by human activities. It is often used to explain where emissions or emissions reductions come from, for example the term anthropogenic emissions, which often refers to emissions from use of fossil fuels.
Carbon	Generally, when people refer to carbon they are referring to carbon dioxide (CO_2), the greenhouse gas, but it is sometimes used to refer to the other greenhouse gases too. However, it should not be used to refer to all the greenhouse gases, as it is only one example of one.
Blue Carbon	This is the carbon captured and sequestered by coastal and marine organisms and ecosystems like seagrass and salt marshes.
Biodiversity	Biodiversity describes the variety of life on earth, including plants, animals and bacteria. It is often used in relation to a particular area, like a forest or a lake. Ideally, we are looking for high biodiversity in our ecosystems. Earth's biodiversity is very rich in that there are many species that have not been discovered yet, but many species are also threatened with extinction because of human activities.
Biodiversity Net Gain (BNG)	Biodiversity Net Gain, sometime abbreviated to BNG, is where the environment is enhanced by development and land management. It is mostly used in relation to developments. For example, if a normal development clears habitats for housing, this will result in a loss of biodiversity. If a development is considering Biodiversity Net Gain, then they would replace or enhance habitats associated with the development.
Carbon Budget	A carbon budget is the estimated limit of cumulative emissions that can be emitted over a certain amount of time in order to keep global temperatures within a certain threshold, in most cases 1.5°C (to align with the Paris Agreement). This budget is often presented as how much carbon dioxide we can emit per year or per decade before crossing that threshold.
The Paris Agreement	The Paris Agreement is an international treaty on climate change that has the goal of limiting global warming to below 2°C, but preferably to 1.5°C compared to pre-industrial levels. It was agreed in 2015 at COP21 and is legally binding.
Carbon Sequestration	When carbon is sequestered, it means it is stored in a carbon sink, which can be a natural or artificial process. Forests, grasslands, soils and oceans are all natural carbon sinks that sequester carbon, and carbon capture technology is an artificial process that captures carbon. The carbon is then stored or sometimes used in production, such as for soft drinks.

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Circular Economy	The circular economy is a way of working that promotes using only what we need, minimising waste and making the most of our resources. We currently live in a linear economy, where we take resources, make them into things and then waste them. A circular economy approach would mean that instead of wasting them, we find ways to reuse what we make and design it in a better way so that we make the most of our resources. Circular economy is sometimes abbreviated to CE.
Climate Change Adaptation	Climate Change Adaptation is adapting to the climate change impacts that are already happening, or that are expected in the future. Even if we stopped all emissions today, there are still some impacts of climate change that we are committed to that will impact us and future generations. Adaptation might involve reducing our vulnerability to erosion due to rising sea levels, or increased summer temperatures. It also includes utilising any positives of climate change, such as longer growing seasons. The Routemap to Carbon Negative focuses less on adaptation and more on mitigation.
Climate Change Mitigation	Climate Change Mitigation is essentially reducing climate change, usually by reducing the sources of greenhouse gases (such as by reducing fossil fuel use) and/or increasing capture and storage of gases (for example by planting trees).
Co-benefits	These are the additional positive benefits related to lowering greenhouse gas emissions, which may or may not be intended. For example, some co-benefits of improving energy inefficiency may be reducing energy costs or reducing the negative health impacts of buildings (for example, reducing the likelihood of respiratory illnesses by reducing damp and mould).
CO_2e – Carbon dioxide equivalent	This is a metric that compares emissions from other greenhouse gases to the amount of carbon dioxide that would produce the same amount of warming. Different greenhouse gases have different properties. For example, methane creates strong warming over a short time period, whereas carbon dioxide creates gentler warming over a longer time period. Using this metric means that we can express a carbon footprint with one number rather than using a different one for each greenhouse gas.
Decarbonisation	Decarbonisation is the way that countries, organisations, regions or individuals aim to get to net zero emissions, or to decarbonise. This usually includes reducing the greenhouse gas emissions of transport, electricity, heating etc.
Gross Emissions	Gross emissions are the total amount of emissions from a country, organisation etc., without deducting any measures they have in place, such as offsetting or using electric vehicles. Net emissions do include these measures.
Net Emissions	Net emissions are the gross emissions from a country, organisation, area etc. with deductions made from any measures that they've put in place, like offsetting. This term is not to be confused with net zero, net zero carbon or carbon neutral.
GVA (Gross Value Added)	GVA stands for Gross Value Added, and measures the contributions of an activity, company or municipality to something bigger like an economy, sector, producer or region. It is used to illustrate the value of industries, products etc.
Net Zero (Emissions)	Net Zero refers to anthropogenic greenhouse gas emissions and anthropogenic greenhouse gas removals becoming balanced over a period of time. The difference between Net Zero and Net Zero Carbon is that Net Zero focuses on all greenhouse gases including carbon dioxide, methane, etc. Reaching net zero emissions is dependent on what metrics are chosen to compare the emissions of different greenhouse gases.
Net Zero Carbon	Net zero carbon means that anthropogenic carbon dioxide emissions are balanced by anthropogenic carbon dioxide removals, thus achieving net zero carbon. This term is often used to indicate that emissions are reduced to as low as feasible, with a small amount of offsetting for residual emissions.

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Carbon Neutral	Although carbon neutral is technically an interchangeable term with net zero carbon, carbon neutral is often considered to indicate that an approach relies more heavily on offsetting. Although offsetting is important, it should only be used in small amounts for residual emissions that can't be reduced in other ways. Therefore, net zero carbon is the preferred term.
Carbon Negative	Carbon negative is a step further than carbon net zero. Instead of carbon emissions and carbon removals being balanced, there is more carbon removed than emitted. This doesn't necessarily mean that carbon emissions have lowered, as it may rely on carbon capture technology.
Offsetting (carbon offsetting)	Offsetting (also known more specifically as carbon offsetting), is permanently removing greenhouse gas emissions from the atmosphere. This can be done with natural methods such as planting trees or restoring peatlands, or with carbon capture technology.
Consumption Emissions	Consumption emissions are emissions associated with consuming goods and services, regardless of where these emissions happen in the global supply chain. They also include emissions directly generated by UK households by burning fuel for private motoring and heating homes. These emissions are separate to emissions relating to production within a country's territory, known as production emissions.
Production Emissions	Production emissions are the counterpart to consumption emissions. These are the direct emissions produced within a country's territory, and usually include sectors such as agriculture.
Scope 1 Emissions	Greenhouse gas emissions can be split into three groups or scopes. Scope 1 emissions are direct emissions from sources that are owned or controlled by the organisation. For an organisation, an example of this might be the tailpipe emissions from a vehicle fleet. Regionally, an example of this may be emissions from transport or using buildings.
Scope 2 Emissions	Greenhouse gas emissions can be split into three groups or scopes. Scope 2 emissions are the indirect emissions from purchased electricity, steam, heating and cooling. For an organisation, an example of this may be the emissions from purchased heating. Regionally, an example of this may be emissions from purchased electricity in the region.
Scope 3 Emissions	Greenhouse gas emissions can be split into three groups or scopes. Scope 3 emissions are all the other indirect emissions that occur elsewhere in the value chain of the company. For an organisation, this might include the emissions of purchased goods and services like food or machinery. Regionally, an example of this may be emissions associated with low carbon technology such as those used to construct electric vehicles. Scope 3 emissions are difficult to measure because they occur elsewhere in the supply chain, and so many organisations do not include them in their climate plans.

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Appendix four - Equalities Impact Assessment

North Yorkshire County Council

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics
(Form updated April 2019)

York and North Yorkshire Routemap to Carbon Negative and Draft North Yorkshire Council Climate Change Strategy 2023-2030

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	Central Services Policy, Partnerships and Communities
Lead Officer and contact details	Neil Irving, Assistant Director – Policy, Partnerships and Communities
Names and roles of other people involved in carrying out the EIA	Jos Holmes, Climate Change Policy Officer
How will you pay due regard? e.g. working group, individual officer	Individual officer with reference to climate change project leads within the council.
When did the due regard process start?	6.5.22

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?)

Members will consider endorsing the York and North Yorkshire Routemap to Carbon Negative and undertaking a public consultation on the NYC Draft Climate Change Strategy. These are both 'new' policy documents which propose both continuation of existing actions and new activities.

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.)

In response to international and national commitments on climate change to keep global temperature rise within 1.5^{o}c of preindustrial levels and reduce the emissions of greenhouse gases, both the policy documents considered propose the required response at the appropriate scale. The aims of the NYC Draft Strategy are to respond to the declared Climate Emergency by reducing greenhouse gas emissions, adapting to climate change and to supporting nature.

Specifically related to Equalities is the 'principle' we have adopted (section 5) around **Equality of opportunity**. We want to enable equal access to the low carbon economy so that every person, business and community is able to take climate responsible action.

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

The Routemap and the Draft NYC Climate Change Strategy identify the activities that need to be taken across NY to respond to the climate emergency. These are at strategic policy level, rather than specific localised actions, but within the general bounds of the 3 key objectives proposed are:

i. **Mitigation:** Reduce our impact on the climate by decreasing greenhouse gas emissions.
   - Decrease production of the greenhouse gases by reducing energy demand and modernising agricultural processes.
   - Generate and use low carbon energy such as solar power as an alternative to fossil fuels.
   - Capture greenhouse gas emissions and storing them in organic sinks such as trees, hedgerows, grasslands, peat and seaweed (kelp) and capturing carbon from industrial processes.

ii. **Adaptation**: Prepare for the climate to change.
   - Become a climate resilient Council
   - Support communities to be climate resilient
   - Respond to extreme events
   - Ensure a resilient built environment
   - Place nature at the heart of adaptation

iii. **Support Nature:** Help the natural world, on which we depend, to thrive.
   - Partnership working
   - Prioritise nature-based solutions
   - Undertake statutory functions to support nature recovery
   - Support nature through economic growth
   - Ensure we practice sustainable land use of our 'greenspaces'.
   - Tree planting at scale
   - Investigate new opportunities in the marine environment

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?)

For the Routemap, between 2020 and 2021, the LEP led an extensive stakeholder engagement process, including workshop sessions, to challenge, refine and validate the scale of ambition targets as undertaken.

For the draft Climate Change Strategy has been developed through dialogue with a range of stakeholders such as the Local Government Reorganisation (LGR) Climate Change Working Group to ensure all current local authority activity is captured, through discussions with community environmental groups across North Yorkshire

The proposed public consultation will be timetabled for 8 weeks in the January 2023 to March 2023 period. The consultation process will be online and include 3 online events: For Town and Parish Councillors, for the voluntary and community sector and a session for the general public. A series of questions will be posed to guide responses as well as enabling open responses. There are proposals for a specific youth engagement event. In addition, reference copies will be available in the NYCC and community libraries with support, encouragement and advice from staff and volunteers for the public regarding how they can respond. It is proposed that the 'Lets Talk' platform also be utilised.

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

Please explain briefly why this will be the result.

The decisions relating to this report do not in themselves require a financial commitment to be made. However, climate change activities and interventions will have financial implications. These range from income generation and budget saving opportunities through to low-cost behaviour change and to large scale capital investments. Investing in feasibility and business plans through the NYCC Beyond Carbon pump-priming fund (along with other external funding) has enabled financial capital and revenue bids to be made by creating an evidence base and there are opportunities for Shared Prosperity and Devolution Deal funding in the near future which the Council needs to be ready to grasp. It is likely that local authority funding will be required to take forward prioritised schemes, either in full or as match funding with others and these would be the subject of future decision making as the opportunities are identified and evaluated. Such schemes will need to be robustly assessed to determine that the climate change interventions represent good value for money. All schemes will need to be considered in light of the financial environment and alongside other Council priorities.

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			No impacts specific to people with this protected characteristic are anticipated
Disability		X		Reductions in air pollution due to reduced fossil fuel transport and improved housing due retrofit projects will positively impact on people with certain health conditions.

Sex	X			No impacts specific to people with this protected characteristic are anticipated.
Race	X			No impacts specific to people with this protected characteristic are anticipated.
Gender reassignment	X			No impacts specific to people with this protected characteristic are anticipated.
Sexual orientation	X			No impacts specific to people with this protected characteristic are anticipated.
Religion or belief	X			No impacts specific to people with this protected characteristic are anticipated.
Pregnancy or maternity	X			No impacts specific to people with this protected characteristic are anticipated.
Marriage or civil partnership	X			No impacts specific to people with this protected characteristic are anticipated.

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		As a predominantly rural County, the Strategy reflects and responds to the issues to decarbonise sparsely populated areas. These include distances to key services and grid capacity. It makes reference to the Rural Commission and Task Force outcomes to support thriving rural communities.
…have a low income?		X		The Strategy refers to the principles and co benefits of climate change activities in section 5. These include local economic development opportunities (growing the low carbon economy and local training opportunities) and financial improvements by reducing energy costs for example.
…are carers (unpaid family or friend)?	x			No impacts specific to carers are noted.

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	✓
Craven district	
Hambleton district	
Harrogate district	

Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.	

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.**

There is no evidence that the proposals will affect anyone more because of a combination of protected characteristics.

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.	✓
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.) Climate change will impact on all geographic areas and aspects of life and society. The Strategy outlines several activities which will support private business and community wealth building and thereby presents opportunities for everyone in the County to participate and to gain from the transition to the low carbon economy.	

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?)

Progress will be regularly monitored as part of our corporate performance management framework including climate change inclusion in quarterly performance reports to Management Board and specific Strategy updates to Overview and Scrutiny Committee and annual reports to Executive.

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

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.

Overall the Strategy's aim is to reduce the impact of climate change on the residents and businesses of North Yorkshire. This is positive for everyone in the county, including those with protected characteristics. The Strategy recognises that we need to ensure everyone has equal access to the opportunities the transition to the low carbon economy presents and seeks to build community wealth and local economic prosperity whilst protecting people through adaptation plans. Specific equality impact assessments will be carried out on decisions made in relation to actions in each area.

Section 14. Sign off section

This full EIA was completed by:

Name: Jos Holmes
Job title: Climate Change Policy Officer
Directorate: Central Services
Signature: J Holmes

Completion date: 04.01.23

Authorised by relevant Assistant Director (signature): Neil Irving

Date: 05.01.23

Appendix three - Climate Change Impact Assessment

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

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

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

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:
Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

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

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

Title of proposal	17.01.23 Executive: York and North Yorkshire Routemap to Carbon Negative and Draft North Yorkshire Council Climate Change Strategy 2023-2030
Brief description of proposal	Members will consider endorsing the York and North Yorkshire Routemap to Carbon Negative and undertaking a public consultation on the NYC Draft Climate Change Strategy. These are both 'new' policy documents which propose both continuation of existing actions and new activities.
Directorate	Central Services
Service area	Policy, Partnerships and Communities
Lead officer	Neil Irving, Assistant Director – Policy, Partnerships and Communities
Names and roles of other people involved in carrying out the impact assessment	Jos Holmes, Climate Change Policy Officer
Date impact assessment started	06.05.22

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

Members requested that a Climate Change Strategy for the new Council be developed following the declaration of the climate emergency in July 2022. However, the various possible approaches that has been taken to develop the Strategy have been considered:

1 North Yorkshire Council Climate Change operational activity only – rejected as the Council services will be able to influence all residents, businesses and visitors in terms of taking climate responsible actions and the local authority has a responsibility to do this alongside considering its own carbon footprint.

2 Key objectives were debated. It was agreed to include mitigation, adaptation and supporting nature as the 3 key objectives as these will have the most impact on our response to the climate emergency.

3 Options for engagement: the process of developing the Strategy over the past few months was considered. Local community engagement and Member engagement was adopted to ensure that communities of interest had the opportunity to develop the approach right from the start and the new shadow Council Members views could be accommodated at an early point in the process. The process has been led by the LGR Climate Change Working Group to ensure that all Authorities that will form the new Council have been involved.

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

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

The decisions relating to this report do not in themselves require a financial commitment to be made. As highlighted in the consultation draft Strategy, climate change activities and interventions will have financial implications. These range from income generation and budget saving opportunities through to low-cost behaviour change and to large scale capital investments. Investing in feasibility and business plans through the NYCC Beyond Carbon pump-priming fund (along with other external funding) has enabled financial capital and revenue bids to be made by creating an evidence base and there are opportunities for Shared Prosperity and Devolution Deal funding in the near future which the Council needs to be ready to grasp. It is likely that local authority funding will be required to take forward prioritised schemes, either in full or as match funding with others and these would be the subject of future decision making as the opportunities are identified and evaluated. Such schemes will need to be robustly assessed to determine that the climate change interventions represent good value for money. All schemes will need to be considered in light of the financial environment and alongside other Council priorities.

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How will this proposal impact on the environment? **N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.**		**Positive impact** (Place a X in the box below where relevant)	**No impact** (Place a X in the box below where relevant)	**Negative impact** (Place a X in the box below where relevant)	**Explain why will it have this effect and over what timescale?** **Where possible/relevant please include:** • **Changes over and above business as usual** • **Evidence or measurement of effect** • **Figures for CO_2e** • **Links to relevant documents**	**Explain how you plan to mitigate any negative impacts.**	**Explain how you plan to improve any positive outcomes as far as possible.**
Minimise **greenhouse gas emissions** e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel	**X**			Improving access to digital services and to services provided close to people's homes Increase walking and cycling opportunities Support people to choose multi person travel options Increase access to 'alternative fuels' for vehicles Ensure low carbon travel choices are supported by the Development Plan process and Neighbourhood Plan place making and Local Transport Plan		Applying to all the impacts listed below: Infrastructure improvements coupled with communication messaging, training and behavioural change programmes. This approach is supported in the 'principles' section: Using data and behavioural insights to maximise successful impact of interventions and ensuring confidence in 'big ticket' investments through feasibility and business case planning

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How will this proposal impact on the environment? **N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.**		**Positive impact** (Place a X in the box below where relevant)	**No impact** (Place a X in the box below where relevant)	**Negative impact** (Place a X in the box below where relevant)	**Explain why will it have this effect and over what timescale?** **Where possible/relevant please include:** • **Changes over and above business as usual** • **Evidence or measurement of effect** • **Figures for CO_2e** • **Links to relevant documents**	**Explain how you plan to mitigate any negative impacts.**	**Explain how you plan to improve any positive outcomes as far as possible.**
	Emissions from construction	**X**			Ensure new buildings are developed to be 'climate responsible'. Support delivery of the York and North Yorkshire Circular Economy Strategy – this includes biobased construction.	There will be short term negative impacts due to construction works needed to implement improvements to building fabric, heating systems and installation of charging infrastructure for electric vehicles. This will be outweighed by the longer-term positive effects of this work. These will be mitigated through design and specification.	CCIAs will be used to review infrastructure decisions such as Highways and Property to ensure construction emissions are mitigated.
	Emissions from running of buildings	**X**			Retrofit commercial and residential properties and assets using a 'fabric first' approach Plan for renewable energy generation		

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How will this proposal impact on the environment? **N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.**		**Positive impact** (Place a X in the box below where relevant)	**No impact** (Place a X in the box below where relevant)	**Negative impact** (Place a X in the box below where relevant)	**Explain why will it have this effect and over what timescale?** **Where possible/relevant please include:** • **Changes over and above business as usual** • **Evidence or measurement of effect** • **Figures for CO_2e** • **Links to relevant documents**	**Explain how you plan to mitigate any negative impacts.**	**Explain how you plan to improve any positive outcomes as far as possible.**
					Increase renewable and low carbon energy capacity at differing scales support community energy projects and co-ops		
	Other						
Minimise **waste:** Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		**X**			Take the 'waste hierarchy' approach our waste management. Support delivery of the York and North Yorkshire Circular Economy Strategy		
Reduce **water** consumption		**X**			Improvements to buildings will include measures to reduce water consumption as will behavioural change programmes and messaging.		
Minimise **pollution** (including air, land, water, light and noise)		**X**			Improvements in air quality are noted as a 'co benefit' in the Strategy as a result of the proposed activities and interventions.		

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How will this proposal impact on the environment? **N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.**	**Positive impact** (Place a X in the box below where relevant)	**No impact** (Place a X in the box below where relevant)	**Negative impact** (Place a X in the box below where relevant)	**Explain why will it have this effect and over what timescale?** **Where possible/relevant please include:** • **Changes over and above business as usual** • **Evidence or measurement of effect** • **Figures for CO_2e** • **Links to relevant documents**	**Explain how you plan to mitigate any negative impacts.**	**Explain how you plan to improve any positive outcomes as far as possible.**
Ensure **resilience** to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers	X			Adaptation is one of the three key objectives: The formation of NYC provides the perfect opportunity to better co-ordinate and expand our work to ensure the Council and our residents, communities and businesses are ready for the impacts of climate change. Several proposals are included to support adaptation.		
Enhance **conservation** and wildlife	**X**			Supporting nature is one of the three key objectives. This recognises the interdependencies of the natural world and human population to respond to and recover from climate change.		Research and implement best practice in relation to conservation activity. Working in partnership is essential.
Safeguard the distinctive characteristics, features and special qualities of **North Yorkshire's landscape**		**X**		There are changing demands for land use that will happen as a result of climate change. This includes agricultural practices that have shaped the landscape and competing demands of renewable energy generation and sequestration. Communities and local authorities will respond to this through the Development Management process.		
Other (please state below)						

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

There are many examples of good practice in the development of Local Authority Climate Change Strategies. Advice has been taken from national organisations such as the Climate Change Committee, Energy Saving Trust and Local Government Association, as well as NGOs such as Climate Emergency UK and Wildlife Trusts.

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

The Routemap to Carbon Negative and the Draft North Yorkshire Council Climate Change Strategy will support an effective transition to the low carbon economy and enable the potential for everyone to take climate responsible choices in both longer term investments and in daily activities.

Sign off section

This climate change impact assessment was completed by:

Name	Jos Holmes
Job title	Climate Change Policy Officer
Service area	Policy, Partnerships and Communities
Directorate	Central Services
Signature	J Holmes
Completion date	04.01.23

Authorised by relevant Assistant Director (signature): Neil Irving

Date: 05.01.23

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North Yorkshire County Council

Executive

17 January 2023

Appointments to Outside Bodies

Report of the Assistant Chief Executive (Legal and Democratic Services)

1.0 Purpose of the Report

1.1 To enable appointments to Committees and Outside Bodies to be considered.

2.0 North Yorkshire County Council Corporate Parenting Members' Group

2.1 There is currently a vacancy on the Council's Corporate Parenting Members' Group. It is proposed that County Councillor Heather Philips be appointed to this role in her capacity as the Vice Chair of the Young People's Overview and Scrutiny Committee.

2.2 The Corporate Parenting Members' Group is a cross-party, non-decision making member working group responsible for supporting the Executive, and the Council as a whole, in its role as corporate parent. The Constitution states that the Corporate Parenting Members' Group will comprise between five and ten members, appointed by the Executive, and may include members and co-opted members from the Young People Overview and Scrutiny Committee.

2.3 Detailed information in respect of each outside body, including the following, is available to Members on request to Democratic Services:-

- Purpose of outside body
- Meetings – frequency per year; venue; time of day/evening meetings held
- Recent Minutes

3.0 Recommendation

3.1 That the Executive appoint County Councillor Heather Philips to the Council's Corporate Parenting Members' Group.

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

9 January 2023

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FORWARD PLAN

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

Publication Date: 9 January 2023 Last updated: 9 January 2023

Period covered by Plan: 31 January 2024

PLEASE NOTE:-

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

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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**
17 Jan 2023	Executive		Approval of New Constitution for North Yorkshire Council and Delegation to Chief Executive Officer of transitional powers to approve internal operational policies during transitional period of local government reorganisation	Yes	To approve the draft Constitution for the new Unitary Authority and the approval of the delegation to the Chief Executive Officer, during the second transitional period of local government reorganisation, of transitional powers to approve internal operational policies.	Executive Corporate and Partnerships Overview and Scrutiny Committee	Formal meetings of those committees	Assistant Chief Executive (Legal & Democratic Services) barry.khan@northyorks.gov.uk	
17 Jan 2023	Executive		North Yorkshire Climate Change Strategy Consultation Draft for approval and consideration of York and North Yorkshire Routemap to Carbon Negative	Yes	1 Endorse the York and North Yorkshire Routemap to Carbon Negative. 2 Approve the North Yorkshire Council Climate Change Strategy Consultation Draft	Internal political consultation	N/A	Jos Holmes climatechange@northyorks.gov.uk	
24 Jan 2023	Executive	Executive Member for Open to Business	Harmonised Fee structure for Hackney Carriage and Private Hire licensing across North Yorkshire from 1st April 2023	Yes	•To seek approval on the proposed fees for the new North Yorkshire Council (Appendix 4 of report) •To seek agreement to consult on the changes to Taxi Fees as paid by Private Hire and	Hackney Carriage and Private Hire Operators in North Yorkshire. Wider Public	Consultation will be through a Public Notice	Abigail Burns, Project Manager abigail.burns@northyorks.gov.uk	

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					Hackney Carriage Operators in North Yorkshire for the new North Yorkshire Council				
24 Jan 2023	Executive		Local Area SEND Strategy Adoption	Yes	Executive to recommend to Full Council adoption of the Local Area SEND Strategy			Head of SEND Strategic Planning and Resources chris.reynolds@northyorks.gov.uk	
24 Jan 2023	Executive		Council Pay Policy - To make recommendation to Full Council	Yes	To comply with the statutory requirement to publish the Council's Pay Policy	Management Board and Group Leaders	Meetings Emails	Assistant Chief Executive (Business Support) justine.brooksbank@northyorks.gov.uk	
24 Jan 2023	Executive		Closure proposal for Hovingham CE VC Primary School	Yes	To publish statutory proposals and notice for the proposal to close Hovingham CE VC Primary School with effect from 31 March.	Parents, Staff, Governors, Local Elected Members, District Council, Diocesan Boards and other local stakeholders.	Public consultation from 31 October to 28 November 2022. Statutory proposals published on NYCC website. Statutory notice published in local newspaper and placed on the school gate. Statutory proposals representation	Corporate Director of CYPS stuart.carlton@northyorks.gov.uk	

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							period from 6 January to 3 February 2023. Report to Executive Member for Education, Learning and Skills 18 October 2022. Representations 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 3 February 2023		
24 Jan 2023	Executive		Revenue Budget 2023/24 and Medium Term Financial Strategy - To make recommendation to Full Council	Yes	To consider & recommend to Council the Revenue Budget for 2023/24 and the Medium Term Financial Strategy (MTFS) including the: • Revenue Plan • Capital Plan • Treasury Management • Prudential Indicators	Proposals will be subject to the appropriate consultation process.	Budget consultation process.	Gary Fielding, Corporate Director for Strategic Resources gary.fielding@northyorks.gov.uk	

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24 Jan 2023	Executive		Council Plan for the new Council - To make recommendation to Full Council	Yes	To consider draft Council Plan for the new council	Corporate & Partnerships Overview and Scrutiny Committee & Management Board	Meetings	Assistant Director - Policy, Partnerships and Communities neil.irving@northyorks.gov.uk	
24 Jan 2023	Executive		Independent Remuneration Panel Recommendations for 2023/24 (Member Allowances) - To make recommendation to Full Council	Yes	To consider the recommendations of the Independent Remuneration Panel for 2023/24	Independent Remuneration Panel Members	Meetings	Barry Khan, Assistant Chief Executive (Legal & Democratic Services) barry.khan@northyorks.gov.uk	
24 Jan 2023	Executive		Admission Arrangements 2024/2025	Yes	To seek members views on the response to the proposed admission arrangements for Community and Voluntary Controlled schools for the school year 2024/2025 and make recommendation to the County Council for determination	Public consultation	Public consultation via the website	Lisa Herdman, Lead for Admissions, Education and Skills lisa.herdman@northyorks.gov.uk	
24 Jan 2023	Executive		Housing Revenue Account Budget 2023/24	Yes	To approve the Housing Revenue Account Budget 2023/24 and associated Business Plan			Gary Fielding, Corporate Director for Strategic Resources	

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24 Jan 2023	Executive		Outdoor Learning Service	Yes	To consider the outcome of the strategic review and full business case for the Outdoor Learning Service.	Not applicable	Not applicable	Assistant Director, Education & Skills amanda.newbold@northyorks.gov.uk	
7 Feb 2023	Executive		Consider the outcome of the consultation on the Taxi Licensing Policy and Conditions	Yes	Consider the outcome of the consultation on the Taxi Licensing Policy and Conditions	Public consultation events Licensing Member Working Group	Public consultation events Meetings	Barry Khan, Assistant Chief Executive (Legal & Democratic Services) barry.khan@northyorks.gov.uk	
7 Feb 2023	Executive		Counter Fraud Policy Framework for the new North Yorkshire Council for recommendation to County Council	Yes	For endorsement and recommendation to County Council on 22 February 2023 the Counter Fraud Policy Framework for the new North Yorkshire Council	Audit Committee Section 151 Officers	Formal meetings	Max Thomas, Head of Internal Audit max.thomas@veritau.co.uk	
7 Feb 2023	Executive		Risk Management Policy for recommendation to County Council	Yes	Executive to consider and recommend for approval to County Council on 22 February 2023 the Council's Risk Management Policy	Section 151 Officers Audit Committee	Formal meetings	Max Thomas, Head of Internal Audit max.thomas@veritau.co.uk	
7 Feb 2023	Executive		Armed Forces Covenant	Yes	To approve the Armed Forces Covenant for the North Yorkshire Council	Corporate & Partnerships Overview and Scrutiny Committee	Meeting and emails	Assistant Director - Policy, Partnerships and Communities	

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						Members & Officers		neil.irving@northyorks.gov.uk	
7 Feb 2023	Executive		Response to Motion referred from County Council on Fair Tax Declaration	Yes	To consider a Motion on fair tax declaration referred from County Council on 16 November 2022 & make recommendations to County Council on 22 February 2023.	Executive Senior officers and Members	Meetings and emails	Gary Fielding, Corporate Director for Strategic Resources gary.fielding@northyorks.gov.uk	
7 Feb 2023	Executive		Response to Motion referred from County Council on Proportional Representation	Yes	To consider a Motion on proportional representation referred from County Council on 16 November 2022 and make recommendations to County Council on 22 February 2023.	Executive Senior officers and Members	Meetings and emails	Barry Khan, Assistant Chief Executive (Legal & Democratic Services) barry.khan@northyorks.gov.uk	
7 Feb 2023	Executive		Recommendation to County Council for approval of appointment of Corporate Directors	Yes	To consider recommending to County Council on 22 February 2023 approval of appointments to the following Corporate Director posts: Corporate Director of Resources Corporate Director of Environment Corporate Director of Community Development	Chief Officers Appointments and Disciplinary Sub-Committee	This has been undertaken through an HR recruitment and selection process in line with TUPE arrangements	Justine Brooksbank, Assistant Chief Executive (Business Support) justine.brooksbank@northyorks.gov.uk	

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7 Feb 2023	Executive		Response to Motion referred from County Council on Fracking	Yes	To consider a Motion on fracking referred from County Council on 16 November 2022 and make recommendations to County Council on 22 February 2023.	Executive Senior officers and Members	Meetings and emails	Corporate Director for Business and Environmental Services karl.battersby@northyorks.gov.uk	
7 Feb 2023	Executive		Creation of new Property and Estates Company – Align 2 (APP2)	Yes	To consider the establishment of a new Teckal company for the provision of property projects and estates services, and highways design and project services adhering to the Teckal exemption in the Public Contracts Regulations 2015.			Vicki Dixon, Assistant Director, Strategic Resources BES & CS 01609 532206	
14 Feb 2023	Executive		Devolution	Yes	Devolution: decision regarding mayoral combined authority	Members	Emails	Assistant Chief Executive (Legal & Democratic Services) barry.khan@northyorks.gov.uk	
14 Feb 2023	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			Richard Webb, Corporate Director of Health and Adult Services richard.webb@northyorks.gov.uk	

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					was put in place in January 2022				
14 Feb 2023	Executive		Agree creation of Mayoral Combined Authority subject to consultation responses	Yes	Agree creation of Mayoral Combined Authority subject to consultation responses	Management Board Members' Seminar Group Leaders	Meetings and emails	Assistant Chief Executive (Legal & Democratic Services) barry.khan@northyorks.gov.uk	
14 Feb 2023	Executive		Consideration of the outcomes of consultation process regarding the pausing of the offer of residential provisions at Welburn Hall Special school	Yes	To consider the outcomes of the public consultation exercise regarding the pausing of the offer of residential provision at Welburn Hall Special school. The proposal would involve the pausing of the residential offer for a 2 year period from September 2023.	Principal consultees - families whose children are currently in residential provision at Welburn Hall Special school. Other consultees include the wider Welburn Hall school community, particularly staff groups, the Governing Body and the wider community of parents	Public consultation to be launched on January 3rd,2023 – which will be supported by two public meetings (on January 10th and January 18th). Executive - 13 December 2022.	Howard Emmett 01609 532188; howard.emmett@northyorks.gov.uk	Consideration of the outcomes of consultation process regarding the pausing of the offer of residential provisions at Welburn Hall Special school & associated appendices
21 Feb 2023	Executive		Q3 Performance Monitoring and Budget Report	Yes	Q3 Performance Monitoring and Budget report including:	Management Board		Corporate Director for Strategic	

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					Revenue Plan; Capital Plan; Treasury Management and Prudential Indicators.			Resources, gary.fielding@northyorks.gov.uk	
21 Feb 2023	Executive		Community Networks	Yes	To review options regarding the development of an operating model for community networks.	Member Working Group on Localities Group Leaders, Members Officers	Meetings and email	Assistant Director - Policy, Partnerships and Communities neil.irving@northyorks.gov.uk	
21 Mar 2023	Executive		Skelton Newby Hall CE VC Primary School – School Closure Proposal	Yes	Decision to publish statutory proposals and notices for the closure of Skelton Newby Hall CE VC Primary School with effect from 31 August 2023.	Parents, Staff, Governors, Local Elected Members, District and Parish Councils, Diocese, MP and other local stakeholders.	Consultation ran from 6 January 2023 to 24 February 2023. Consultation document available on NYCC website. Statutory proposals to be published on NYCC website. Statutory notice to be published in local newspaper and placed on school gate. Statutory proposals representation period 30 March - 27 April 2023. Representations in writing to the	Andrew Dixon, Strategic Planning Manager, Education & Skills andrew.dixon@northyorks.gov.uk	

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							Corporate Director-Children and Young People's Service, County Hall, Northallerton, DL7 8AE, or by email to schoolorganisation@northyorks.gov.uk		
21 Mar 2023	Executive		Confirm Statutory Instrument to create Combined Authority	Yes	Confirm Statutory Instrument to create Combined Authority	Members' Seminar Management Board Group Leaders	Meetings and emails	Assistant Chief Executive (Legal & Democratic Services) barry.khan@northyorks.gov.uk	
21 Mar 2023	Executive		Proposal to close Hovingham CE VC Primary School, Hovingham	Yes	To seek approval on the proposal to close Hovingham Church of England VC Primary School, Hovingham from 31 March 2023.	Parents, Staff, Governors, Local Elected Members, District Council, Parish Council, Diocesan Boards and other local stakeholders. Executive - 24 January 2023.	Consultation document issued to consultees available on NYCC website. Consultation ran for 6 weeks from 31 Oct 2022 to 12 Dec 2022 and included a pubic consultation meeting in the village. Subject to member approval, this will be followed by a further 4 week statutory	Andrew Dixon, Strategic Planning Manager, Education & Skills 01609 532162	

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							representation period in February during which notices will be published in the local press and at the school gates.		
21 Mar 2023	Executive		Care market proposals for South Craven	No	To update Executive on proposals for the development of the adult social care market in South Craven and secure formal approval for the proposals	Local stakeholders	Stakeholder meetings	Head of Housing Marketing Development (Commissioning) Health and Adult Services michael.rudd@northyorks.gov.uk	
21 Mar 2023	Executive		Appointment to District Companies and Outside Bodies	Yes	To appoint where necessary to the positions that will be vacated upon the cessation of the District and Borough Councils	District and Borough Councils All Councillors	Emails	Corporate Director for Strategic Resources gary.fielding@northyorks.gov.uk	
21 Mar 2023	Executive		Approval of Customer Service Standards and Policies	Yes	Approval of Customer Service Standards and Policies: - Corporate Complaints Policy - Vexatious Customer Policy - Customer Service Standards	Member Working Group on Customer	Meetings	robert.ling@northyorks.gov.uk	
21 Mar 2023	Executive		Pilots town/parish councils who have additional powers	Yes	Consideration of identifying a number of pilots town/parish	Member Working Group on	Meetings of the Member Working Group	Barry Khan, Assistant Chief Executive (Legal	

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			and responsibilities for the unitary council		councils who have additional powers and responsibilities for the unitary council and the process for considering such transfers	Locality		& Democratic Services) barry.khan@northyorks.gov.uk	
21 Mar 2023	Executive		Consider the adoption of the Parish Charter	Yes	Consider the adoption of the Parish Charter	Public consultation with parish and town councils	Public consultation	AD - Policy, Partnerships & Communities neil.irving@northyorks.gov.uk	
21 Mar 2023	Executive		Consider high level vision/ambitions for locality transformation	Yes	To consider the locality approach informed by engagement and the "Let's Talk" campaign	Executive Members Locality and Governance Member Working Group	Meetings	Assistant Director - Policy, Partnerships & Communities neil.irving@northyorks.gov.uk	
21 Mar 2023	Executive		Harmonised Fee structure for Hackney Carriage and Private Hire licensing across North Yorkshire from 1st Apr 2023	Yes	To consider outcome of the consultation on the changes to Taxi Fees as paid by Private Hire and Hackney Carriage Operators in North Yorkshire	Members of the public Members Executive 24 January 2023	Public consultation and meetings	Abigail Burns, Project Manager abigail.burns@northyorks.gov.uk	
21 Mar 2023	Executive		Redeployment of land to the north and south of Crosshills Lane, Selby	Yes	To approve the proposed redeployment of the property	Executive members & Management Board at the informal Executive meeting held on 08/06/21		Philip Cowan, Non-Operational Property Manager, NYCC Property Services Philip.Cowan@northyorks.gov.uk	

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30 May 2023	Executive		Skelton Newby Hall CE VC Primary School – School Closure Proposal	Yes	Following the publication of statutory notices, to determine whether to cease to maintain (to close) Skelton Newby Hall CE VC Primary School with effect from 31 August 2023. If there are no objections to the statutory notices, this decision will be taken by the Executive Member for Education, Learning and Skills at their meeting with the Corporate Director - Children and Young People's Service	Parents, Staff, Governors, Local Elected Members, District and Parish Councils, Diocese, MP and other local stakeholders	Public consultation from 6 Jan 2023 to 24 Feb 2023. Consultation document issued to consultees and on NYCC website. Statutory notices will be published in the local press and at the school gates providing a further 4 week statutory representation period from 30/03 – 27/04/23. Report to Executive Member for Education Learning and Skills for approval to consult taken on 13.12.22. Report to Executive 21 March 2023.	Andrew Dixon, Strategic Planning Manager, Education & Skills andrew.dixon@northyorks.gov.uk	
20 Jun 2023	Executive		Future arrangements for the Harrogate and Rural Alliance	Yes	To approve the continuation of the Harrogate and Rural Alliance and agree the proposed legal framework and consultation process.	NHS Commissioners and Providers	Correspondence, meetings and Council website	Assistant Director Adult Social Care, Care & Support chris.jones-king@northyorks.gov.uk	
20 June	Executive		Proposed extra	Yes	To approve funding to			Head of Housing	

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2023			care housing scheme		support the development of an extra care housing scheme in Whitby. To review the proposed scheme and outcome of the procurement.			Marketing Development (Commissioning), Health and Adult Services michael.rudd@northyorks.gov.uk	
22 Aug 2023	Executive		Consideration of expressions of interest for Double Devolution Pilot	Yes	Executive to consider expressions of interest from Town and Parish Councils for potential Double Devolution Pilot	Executive	Meetings	AD - Policy, Partnerships & Communities neil.irving@northyorks.gov.uk	
19 Sep 2023	Executive		Future arrangements for the Harrogate and Rural Alliance	Yes	To consider feedback from the consultation and approve the final legal framework.	NHS Commissioners and Providers	Correspondence and meetings	Assistant Director Adult Social Care, Care and Support chris.jones-king@northyorks.gov.uk	

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

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