



## Agenda

**Meeting:** Executive

**Members:** Councillors Carl Les (Chairman), Mark Crane, Gareth Dadd, Keane Duncan, Michael Harrison, Simon Myers, Heather Phillips, Janet Sanderson, Greg White and Annabel Wilkinson.

**Date:** Tuesday 11th June 2024

**Time:** 11.00 am

**Venue:** The Grand meeting room, County Hall, Northallerton DL7 8AD

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the Democratic Services Officer whose contact details are below if you would like to find out more.

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

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### Business

1. **Apologies for Absence**

2. **Minutes of the Meetings held on 21 May 2024 and 28 May 2024** (Pages 5 - 16)

3. **Declarations of Interest**

4. **Exclusion of the Public**

Please note that at agenda item 6 Appendix B is confidential, however it is not anticipated that the public will need to be excluded for consideration of the item.

5. **Public Participation**

Members of the public may ask questions or make statements at this meeting if they have given notice to Elizabeth Jackson, Principal Democratic Services Officer [Elizabeth.jackson@harrogate.gov.uk](mailto:Elizabeth.jackson@harrogate.gov.uk) by midday on Thursday 6 June, three working days

before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:

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

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

**6. CYPs Schools Capital Programme (Pages 17 - 42)**

**Recommendations**

- i) Approve the proposed Schools Capital Programme for 2024/25 as summarised in Appendix A
- ii) Approve the Planned Capital Maintenance Programme for 2024/25 as set out in Appendix B
- iii) Agree the continuation of the approach for dealing with any schools that convert to Academy status following the approval of the programme as laid out in paragraph 3.3

**7. National Childcare Expansion Programme for Early Years and Wraparound Provision (Pages 43 - 60)**

**Recommendations**

- i) Approve the approach (section 5.3) to the allocation of the programme and capital funds to providers
- ii) Delegate to the director of children and young people's services the authority to administer the grant in line with those principles.

**8. Administrative amendments to the LGPS Discretions Policy (Pages 61 - 102)**

**Recommendations**

- i) The proposed amendments to the LGPS Discretions Policy set out in **Appendix 1** be recommended to full Council for approval
- ii) It be recommended to full Council that Council delegates to the Assistant Chief Executive Business Support & HR the power to make in-year minor administrative amendments to the LGPS Discretions Policy and that consequential amendments be made to the Constitution by the Assistant Chief Executive Legal and Democratic Services to reflect the delegation

**9. Appointment to SACRE and Shareholder Committee (Pages 103 - 104)**

**Recommendations**

- i) That the Executive appoint Cllr Mark Crane to the Shareholder Committee
- ii) That the Executive appoint to the North Yorkshire Standing Advisory Council on Religious Education

10. **Forward Plan** (Pages 105 - 126)
11. **Any Other Items**  
Any other items which the Leader agrees should be considered as a matter of urgency because of special circumstances
12. **Date of Next Meeting - 18 June 2024**

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

**Contact Details:**

Enquiries relating to this agenda please contact Elizabeth Jackson, Principal Democratic Services Officer

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Barry Khan  
Assistant Chief Executive Legal and Democratic Services

County Hall  
Northallerton

Monday 3 June 2024

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## North Yorkshire Council

### Executive

Minutes of the meeting held on Tuesday, 21st May, 2024 commencing at 10.00 am.

Councillor Carl Les in the Chair plus Councillors Mark Crane, Gareth Dadd, Keane Duncan, Michael Harrison, Simon Myers, Heather Phillips, Janet Sanderson and Annabel Wilkinson.

In attendance: Councillors Kevin Foster, Paul Haslam (remote), Rich Maw and David Webster

Officers present: Stuart Carlton, Gary Fielding, Richard Flinton, Nic Harne, Barry Khan, Richard Webb, Vicki Dixon, St John Harris and Kerry Metcalfe.

Apologies: Councillor Greg White.

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

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#### **449 Apologies for Absence**

#### **450 Minutes of the Meeting held on 7 May 2024**

##### **Resolved –**

That the public Minutes of the meeting held on 7 May 2024, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

#### **451 Declarations of Interest**

There were no declarations of interest.

#### **452 Exclusion of the Public**

##### **Resolved –**

That on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, the public was excluded from the meeting during consideration of agenda item 6 – Decision regarding outcome of marketing exercise to procure a short term operator for Alpamare Waterpark.

#### **453 Public Participation**

There were no public questions or statements.

#### **454 Decision regarding outcome of marketing exercise to procure a short term operator for Alpamare Waterpark**

Considered – A report of the Corporate Director of Resources which provided details of the outcome of the marketing exercise to procure a short-term operator of the Waterpark and sought approval to enter into negotiations with a preferred bidder.

Introducing the report, Councillor Gareth Dadd advised that this facility was never intended to be operated as a community asset nor to require substantial public subsidy, but rather as a commercial venture which would deliver a major visitor attraction for the region. Since the Council did not have the expertise to run a commercial facility of this nature, the purpose of this marketing exercise was to secure an initial short term operator for the site to achieve a summer 2024 opening whilst the Council developed its long-term aspirations for the site.

Members were then further advised of the background to the proposals in the report: the wider North Bay development which sought to achieve 55 acres of regeneration consisting of a Principal Visitor Attraction, commercial development and accommodation; the former Scarborough Borough Council's decision in 2013 to approve the provision of a commercial loan to the developer, Benchmark of up to £9m to fund the development of the Water Park (one of the two PVAs) with a projected build cost of £14m, with the remaining £5m and any potential cost overruns being funded by Benchmark; the completion of the Water Park in August 2016 and subsequent grant by Scarborough Borough Council of a 35 year lease of the Water Park to Benchmark including its adjoining car park; the commercial loan agreement; Scarborough Borough Council's enforcement of a loan guarantee from Benchmark's parent company which was settled in October 2022; Benchmark's continued failure to meet significant loan repayments, North Yorkshire Council's issue of a statutory demand, Benchmark's entry into voluntary administration and the Council taking possession of the facility by way of forfeiture in December 2023.

The informal tender documentation set out that the initial lease term offer for the new operator was 12 months, with an option to extend for a further 12 months depending on the progress of the Council's long term plans for the site.

With the permission of the Chair, Councillor Rich Maw addressed the meeting sharing concerns of local residents and service users that the Council's long term plans for the site should not neglect the health and wellbeing of the local community (with more affordable ticket prices) in addition to attracting visitors since an exclusive focus on the latter had failed Alpacare. In response, Councillor Dadd reiterated that Alpacare was always envisaged as a commercial venture, and that the cost of the Council operating a leisure facility of that scale would be prohibitive; therefore the goal of the Council was to make the Water Park financially sustainable. It was also commented that Alpacare was not designed primarily for its public health benefits and that Scarborough already had excellent leisure facilities in the form of a Sports Village.

**Resolved (unanimously) – that the Executive:**

- i. note the outcome of the marketing exercise to procure a short-term operator for Waterpark;
- ii. approve that officers enter into negotiations with the preferred bidder with the aim of agreeing final terms;
- iii. delegate the authority to enter into the potential short-term lease, along with the agreement of any associated tenant incentives, to the Corporate Director of Resources in consultation with the Assistant Chief Executive Legal & Democratic Services (Monitoring Officer), Corporate Director Community Development, the Executive Member for Finance and Resources, and the Executive Member for Culture, Arts and Housing; and
- iv. note the intention to immediately commission a review of the long-term options

for the operation of the Waterpark in the event the council is unable to finalise the terms of the lease for the short-term operation with the preferred bidder.

**455 Forward Plan**

Considered –

The Forward Plan for the period 28 May 2024 to 18 March 2025 was presented.

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

**456 Date of Next Meeting - 28 May 2024**

The meeting concluded at 10.32 am.

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

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# North Yorkshire Council

## Executive

Minutes of the meeting held on Tuesday 28th May 2024 commencing at 11.00 am.

Councillor Carl Les in the Chair. Councillors Mark Crane, Gareth Dadd, Keane Duncan, Michael Harrison, Simon Myers, Heather Phillips, Janet Sanderson, Greg White and Annabel Wilkinson.

In attendance: Councillors Alyson Baker, Caroline Dickinson, Karin Sedgwick, Paul Haslam, Malcolm Taylor, George Jabbour, Peter Lacey and Cliff Lunn.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Ian Thompson, Will Boardman, Elizabeth Jackson, Daniel Harry and Chris Bourne (remote attendee).

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

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### **457 Apologies for Absence**

There were no apologies for absence.

### **458 Declarations of Interest**

Councillor Michael Harrison declared a pecuniary interest in relation to Minute 460 on the basis that his employer was listed in Treasury Management Appendix B. He confirmed that he had a dispensation from the Standards and Governance Committee enabling him to remain in the meeting and vote on the item.

### **459 Public Participation**

There were no public questions or statements.

### **460 Q4 Performance Monitoring and Budget Report**

Considered – A joint report of the Chief Executive and Corporate Director – Resources, bringing together key aspects of the Council's performance on a quarterly basis.

Councillor Heather Phillips, Executive Member for Corporate Services, introduced the report which covered the period 1 January 2024 to 31 March 2024 and concluded the first year of performance reporting for North Yorkshire Council. The first year of operation had been characterised by the convergence of systems from the former borough and district councils and work was continuing to bring systems together. This was the last time the report would be in its current format as future reports would be amended to meet the requirements of OFLOG and the emerging needs of the new authority

The Executive Member drew Members' attention to a number of highlights from the Executive Performance Report including:

- HAS was able to meet the demands of an increase in hospital discharges to 16.1 per day compared with 15.8 per day in Q3, whilst localised surges in demand quickly used up local capacity
- CYPS had experienced the highest number of contacts recorded by the Multi Agency Screening Team which had recorded an increase of 12% since 31 March 2023
- The Environment directorate reported that for Q3 no waste went into landfill, and this was assisted by the fact that Allerton Park operated at 100% capacity
- For Community Services rent recovery continued to do well and the Council was in the top quarter for this
- For Corporate Services there were 329 active apprenticeships active for this quarter, a 54% increase from the same period last year

In response to questions from Scrutiny Chairs and Member Champions to Executive Members the following was confirmed:

- There were now fewer than 10 unresolved homecare packages on a regular basis, and the council was working jointly with the NHS to prevent care home closures and the prevention of exploitation due to international recruitment
- There had been changes in public attitudes to smoking and vaping was now as much of an issue, although smoking was still the number one public health cause of death and cancer. The focus of smoking cessation services was now on more difficult to reach groups and those with other issues or addictive behaviours
- Different ways of providing health checks were being explored such as at libraries or in workplaces, travel time had not been found to have an impact on take up and further work was required to understand the reasons for the low take up
- The number of children being home educated had increased to over 1000 pupils; where the Council was notified that a child was to be educated at home a meeting was offered to look at how any issues that had led to home education might be addressed. Annual checks were undertaken to ensure that provision was right for each child in line with national legislation
- Demand for children's social care was rising with an increase of 46% in initial contacts. Re-referrals were audited regularly to understand if cases were closed too early, generally it had been found that re-referrals were for a different reason than the original referral
- Rates of persistent absence from school were falling and were less than the national average. Exclusions were a matter for school headteachers, however the council did work with schools in supporting children who had been excluded
- When Allerton Park was shut down for maintenance the council worked to ensure waste was diverted to other waste treatment plants rather than going to landfill
- Local government reorganisation had had a negligible impact on the amounts of garden waste collected
- The apparent increase in fly-tipping was considered to be a statistical anomaly due to some under-reporting in Q3
- The number of vacant dwellings was due to lack of proactive maintenance in the past and provision had been made in the HRA budget to commission a programme of proactive maintenance
- Whilst there were more virtual visits to libraries there had been an increase in the number of books physically loaned by children and young people and there was a strong future for physical libraries

## **Revenue Budget, Treasury Management and Capital Plan**

Councillor Gareth Dadd, Executive Member for Finance and Resources, introduced each section of the report, which was the first outturn report for the new authority. Initially a £30m deficit had been predicted, however by year end the deficit was £19m, which had been taken from reserves. Children's and adult services to vulnerable people were experiencing many pressures, which had been offset by £11m of windfalls and one off savings. Since local government reorganisation £5m had been saved through moving to one energy supplier from eight separate procurements. There had been a £2m saving in insurance through moving to a single policy and having a larger excess.

Attention was drawn to proposals to create a £10m reserve to mitigate risks in relation to capital projects.

The Corporate Director of Resources reminded Members of the following

- the budget strategy for the first year of the new council acknowledged the high level of change and the need to develop a new plan for savings going forwards
- the budget for the current financial year was broadly break even
- all councils were required to produce a productivity plan by July; in the context of LGR productivity had been at the heart of what the council had been doing in recent years and the information set out in the budget plan satisfied the requirements as set out by the government.

Having considered the report and the information provided at the meeting, Executive members were referred to the recommendations in the report and it was

**Resolved (unanimously)** – that:

- i) the outturn position against the 2023/24 Revenue Budget, as summarised in **paragraph 2.2.2** be noted
- ii) the outturn position for the Housing Revenue Account as set out in **paragraph 2.3.1** be noted
- iii) the creation of a £10m reserve to provide for capital cost over-runs as described in **paragraph 2.1.6** be approved
- iv) the draft Productivity Plan set out in **Appendix I** be approved and authority be delegated to the Corporate Director Resources, in consultation with the Executive Member for Finance, to make any relevant changes prior to final submission to DLUHC
- v) the performance of the Treasury Management operation during 2023/24 and the outturn position on Prudential Indicators be noted
- vi) the position on capital outturn as detailed in **Appendices A to D** be noted
- vii) the allocation of £2m from the Strategic Capacity Reserve to complete the Ripon Leisure Centre project (**paragraph 4.3.5**) be approved
- viii) to recommend to the Council, the proposed carry forward to 2023/24 of the net capital underspend totalling £12.4m as set out in **paragraph 4.4.2**
- ix) the financing of capital expenditure as detailed in **paragraph 4.5.1** be approved

#### **461 Environment Agency Grants for North Bay Urgent Wall Improvements – Phase 2**

Considered – A report of the Corporate Director – Environment proving an update on a former Scarborough Borough Council legacy coastal protection scheme and requesting approval to accept a grant from the Environment agency of £1,510,855. The grant would allow the council to progress the project to completion including the procurement of a specialist consultant to design and project manage the works, and a contractor to undertake the works.

Councillor Keane Duncan, Executive Member for Highways and Transportation, introduced the report and advised that the works would be 100% funded by the Environment Agency and the grant included £400k of contingency. Further funding could be drawn down if required to complete the works.

In response to a question on the timeframe for the works Councillor Duncan advised that the design and project management phase would need to be completed by November 2024 and the works completed by October 2026.

**Resolved (unanimously)** – that:

- i) the capital grant contribution of £1,510,855 from the Environment Agency be accepted;
- ii) subject to following the relevant procurement procedures, delegate to the Corporate Director of Environment, in consultation with the Corporate Director of Resources, the Assistant Chief Executive Legal and Democratic Services and Executive Member for Highways and Transportation, Road Safety and Cycling, the authority to enter into contract with a specialist consultant to design and project manage the works, and a contractor to construct works, subject to the cost of the works being contained within the current grant awarded; and
- iii) a further report be provided to Executive once the full costs are known if further grant funding is required prior to the approval of a construction contract and the works starting.

#### **462 Acceptance of the Music Hub Grant to run the North Yorkshire/York Music Hub to deliver the National Plan for Music Education**

Considered – A report of the Corporate Director – Children and Young People's Service recommending the acceptance of the Music Hub grant totalling £1,258,152 made up of £947,053 revenue grant plus a related capital grant of £311,099 for musical instrument purchase.

Councillor Annabel Wilkinson, Executive Member for Education, Learning and Skills, presented the report and advised that the Department for Education and the Arts Council had redrawn the map of Music Hubs and following a successful bid the Music Service was now the lead organisation for the North Yorkshire and York Music Hub. Councillor Wilkinson detailed some of the opportunities and activities which would be provided through the Hub.

Executive agreed to the inclusion of an additional recommendation that should any subsequent grants come forward in future years the Corporate Director in consultation with the Executive Member be given delegated authority to accept Music Hub grants without the need for a further report to Executive.

**Resolved (unanimously)** – that:

- i) the revenue grant for £947,053 and the capital grant of £311,099 (totalling £1,258,152) for the delivery of the new Music Hub for North Yorkshire and York be accepted; and
- ii) the Corporate Director – Children and Young People’s Service, in consultation with the Executive Member for Education, Learning and Skills, be authorised to accept any subsequent grants for the Music Hub.

**463 Forward Plan**

Considered –

The Forward Plan for the period 20 May 2024 to 31 May 2025 was presented.

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

**464 Date of Next Meeting - 11 June 2024**

The meeting concluded at 12.11 pm.

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

## **NORTH YORKSHIRE COUNCIL**

### **EXECUTIVE REPORT**

11 June 2024

#### **SCHOOLS CONDITION CAPITAL PROGRAMME – 2024/25**

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

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

- 1.1 To seek Executive approval for the Schools Condition Capital Programme for 2024/25

#### **2.0 EXECUTIVE SUMMARY**

- 2.1 In announcements made in March 2024 the Department for Education (DfE) allocated Schools Condition funding of £5,883,316 to North Yorkshire Council for 2024/25.
- 2.2 The allocation was made on the basis of an allocation methodology that was introduced by the DfE in 2021/22 and which utilises the DfE’s own data about the condition of schools. This is a single year allocation. The programme for 2023/24 was approved by the Executive at its meeting on 4 July 2023 and is currently being delivered. The programme is monitored through the quarterly capital report.
- 2.3 The amount of funding allocated to the Council to meet the condition needs of maintained school buildings is expected to continue to reduce as schools convert to academy status.
- 2.4 This report proposes a programme of investments to address the condition needs of school buildings in 2024/25.
- 2.5 As of 1 April 2024, the Council was the responsible body for asset management purposes for 186 of the 207 maintained schools in North Yorkshire. Those schools have a significant total investment requirement which includes but is not limited to the condition of their buildings. The investment requirements associated with backlog maintenance alone is estimated to be approximately £22.3 million and further planned maintenance investment requirements of approximately £73.3 million have been identified as being required to address the condition of school buildings within the next 5 years.
- 2.6 In addition to the capital allocation that has been made to the Council and which is described in this report, further allocations of Devolved Formula Capital (DFC) were made directly to schools and which total £1,211,907.

2.7 A draft of this report (excluding the private appendix B) was presented to the Schools' Forum on 16 May 2024.

### 3.0 GOVERNMENT ALLOCATION ANNOUNCEMENTS

3.1 The Schools Condition Allocation for 2024/25 was announced on 26 March 2024.

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

3.3 Academies receive their funding for condition related investment and devolved capital direct from the Education and Skills Funding Agency (ESFA) so are not included in these figures. The amount usually deducted from Schools Condition Allocation for each year is based on open academies at the beginning of November and those expected to open on or before 31 March prior to the relevant allocation year. This means that no projects have been included in the proposed 2024/25 programme for any schools that were expected to convert by 31 March 2024 (including those where conversion has been delayed). It is again proposed that where projects have been included in the programme, but schools later become an academy, a judgement will be made about whether the scheme should proceed or not. This will take account of the nature and value of the project, the stage of design development reached and the extent to which the project will extend beyond the date of conversion. This reflects the policy that schools convert to academy status in their existing condition.

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

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

	2022/23	2023/24	2024/25
LA School Condition Allocation	£7,337,571 including £968,126 transitional award	£6,044,988	£5,883,316
Devolved Formula Capital (LA Schools)	£1,313,187	£1,242,978	£1,211,907

3.5 Capital allocations made since 2021/22 have been informed by the DfE's data that was collected in respect of all schools nationally during 2019 via a Programme called the 'Condition Data Collection'. The next DfE programme of condition data collection is not expected to complete until 2026, so the baseline data currently in use may well remain in place for some years.

- 3.6 Annual allocations are usually reduced to reflect the number of academy conversions and therefore the reducing pupil numbers in the maintained sector. It is difficult to estimate the scale and speed of academy conversions and therefore the potential level of reduction year on year.

	<b>Voluntary conversions</b>	<b>Sponsored conversions (directed cases)</b>
<b>2017/18</b>	27	2
<b>2018/19</b>	13	5
<b>2019/20</b>	12	5
<b>2020/21</b>	12	3
<b>2021/22</b>	3	5
<b>2022/23</b>	10	2
<b>2023/24</b>	8	0
<b>2024/25 projected</b>	12	5

- 3.7 As of 1 April 2024, there remained 207 maintained schools in North Yorkshire: 3 Nursery, 180 Primary, 14 Secondary, 6 Special schools and 4 Pupil Referral Units. This represents 57.8% of all 358 schools in North Yorkshire.

- 3.8 The Council is the responsible body for asset management purposes for 187 of the 207 maintained schools. The remaining 20 are voluntary aided schools who receive their school condition allocations via separate arrangements.

- 3.9 The DfE used pupil census data as part of their allocation methodology for this latest allocation and will do so in future. The following table shows the cumulative pupil numbers for the relevant categories of schools based on the January 2023 census:

	<b>Maintained C, VC &amp; Foundation</b>	<b>Maintained VA</b>	<b>Academies, free schools and UTC</b>	<b>Total Pupils</b>
<b>Primary</b>	20440	1764	19182	41386
<b>Secondary</b>	9697	825	26601	37123
<b>Special &amp; PRU</b>	885		490	1375
<b>Total Pupils</b>	31022	2589	46273	79884

#### **4.0 CAPITAL PLAN 2022/23**

- 4.1 The capital programme historically includes an amount of general contingency which has been utilised to meet costs arising from high tenders, and to respond to emerging condition issues. The general contingency in the 2023/24 programme has been partially utilised to meet additional costs that have arisen from individual schemes and overspends from previous programmes. Carry forwards from individual programme budgets are shown at Appendix A. This includes £254,000 from the planned maintenance programme relating to schemes that have not yet been completed.

## **5.0 PRIORITIES FOR INVESTMENT**

- 5.1 On 19 April 2022 the former NYCC Executive approved the School Estate Strategy following consultation with councillors and North Yorkshire schools. The strategy documents are aligned to the DfE recommended approach known as Good Estate Management for Schools (GEMS) [Good estate management for schools - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/good-estate-management-for-schools). The approved strategy replaced earlier Council statements on priorities that pre-dated the GEMS guidance.
- 5.2 The 2024/25 capital programme will be based on the priorities contained within the 2022 School Estate Management strategy document which are:
- Maintain school place sufficiency – provide additional school places as the need arises
  - Ensure the safety and security of all school estate users – supporting schools with their delegated responsibility for health and safety
  - Maintain the school estate - invest in capital maintenance to ensure that facilities remain fit-for-purpose
  - Modernise and improve school estate facilities - help young people achieve by ensuring their accommodation is to modern standards
  - Improve SEND provision - addressing the needs identified in the SEND Strategic Plan
  - Sustain and improve schools through re-organisation of provision where appropriate
  - Improve Accessibility where appropriate – support investment in facilities to enable access by children with medical or mobility needs
  - Contribute to the Council’s target of achieving net carbon neutrality by 2030, or as near to that date as possible.

## **6.0 CARBON REDUCTION**

- 6.1 The size of the school estate means that it is an important factor in the Council’s overall carbon reduction plan. In developing and delivering schemes every opportunity will be explored to provide a solution that assists with carbon reduction. However, given the current size of the maintenance backlog, and the limited funding available it is unlikely that schemes will be prioritised for inclusion in future programmes solely on the basis of carbon reduction. A Climate Change Impact Assessment has been developed in support of a Schools Condition Capital Programme, and this is attached as Appendix C.
- 6.2 All works undertaken are done so in accordance with Building Regulations, and with regard to the November 2022 DfE School Output Specification on sustainability, which provide for high standards in respect of energy efficiency. As a result, much of the work via the planned maintenance programme (e.g. roof, window and boiler replacements) will have a positive impact upon carbon emissions, in addition to addressing essential backlog maintenance.

## **7.0 PROPOSED SCHOOLS CONDITION CAPITAL PROGRAMME 2024/25**

- 7.1 Appendix A provides a proposed Capital Programme for 2024/25. The following sections of the report provide the rationale for each element of the

programme. For reasons of commercial sensitivity individual project budgets are not published.

#### General Compliance and Health and Safety issues

- 7.2 The Council continues to help schools with issues around the health, safety and welfare of pupils, including boundary and internal security issues that may have an impact upon the safeguarding of children. Schools often have insufficient funding to address these issues themselves and look to the local authority for support. The costs of such adaptations can be significant. A number of such schemes have been successfully undertaken over recent years. It is once again proposed that any further urgent schemes should be supported in-year from compliance sums.
- 7.3 It is proposed that an allocation of £200k should be included within the programme for compliance and health and safety related projects in 2024/25.

#### Capital Planned Maintenance

- 7.4 The total maintenance backlog in schools across the County continues to be significant despite the ongoing programme of planned capital work. It is therefore important that investment continues to be made in maintaining and preventing further deterioration in the fabric of school buildings. The total backlog is estimated at c. £22.3m.
- 7.5 This figure is a conservative estimate and is being reviewed in light of current cost inflation. In addition, the estimate only reflects the expected costs for the repair or replacement of individual elements and does not include provision for any associated costs including, for example, asbestos removal or the provision of temporary accommodation during the works. As a consequence of both of these factors it is likely that the actual cost of addressing the identified backlog would be in excess of £22.3m.
- 7.6 In addition to the requirements associated with the maintenance backlog further planned maintenance investment requirements of approximately £73.3 million have been identified as being required to address the condition of school buildings within the next 5 years.
- 7.7 The low value of annually allocated DFC impacts on the level of funding available from schools to contribute towards the Capital Planned Maintenance Programme which addresses structural issues such as roof and window replacements, mechanical and electrical upgrades etc. With the previous agreement of the Schools Forum, projects are now only to be included in the programme on the understanding that schools will contribute all of their available DFC in that financial year. In some cases, this means that schools will be asked to fully fund maintenance projects that have been identified through condition surveys as a high priority rather than other projects. On this basis, an assumption has been made that £150k will be contributed by schools to the Capital Planned Maintenance budget in 2024/25.
- 7.8 A Capital Planned Maintenance budget of £6.5m (including fees and contingency) is proposed for schools in 2024/25. This is made up of an element of the current allocation, contingency sums remaining from previous capital programmes and an assumed contribution of £150,000 from schools' DFC.

- 7.9 An initial programme has been developed taking account of the highest priority condition items, as identified through the annual condition survey and discussions with schools. Additional priority projects will be identified and reviewed, potentially for delivery during 2025/26. The remainder will be utilised as a contingency for urgent unplanned work which emerge during the course of the year, including in respect of compliance.
- 7.10 Appendix B (not for publication) provides a list of the proposed schemes for inclusion in the 2024/25 Programme. Advance planning has been undertaken in respect of this element of the programme to ensure that the work can be commissioned and delivered in a timely fashion.

#### Condition Surveys and Asbestos Inspections

- 7.11 It has been agreed that in 2024/25 CYPS will continue to be recharged on the basis of a proportionate contribution to internal costs for Building Surveyors in the Property Service undertaking both condition surveys and asbestos inspections the survey work. The financial provision in 2024/25 will be £245k.

#### Asbestos Management

- 7.12 A large number of the Council's school buildings contain asbestos which is managed in situ. Following 2018 guidance on the management of asbestos in schools it was proposed to undertake some risk-based assessment of asbestos to ensure school asbestos management plans are available. The costs of any further investigations required in 2024/25 will be met through the contingency element of the Capital Planned Maintenance Programme.

#### Accessibility Related Works

- 7.13 The Council continues to make provision for some accessibility work in the programme to address the needs of individual children and for any significant access related work that emerges from other developments. It is proposed to set aside a sum of £300k from the 2024/25 allocation for such projects.

#### School Modernisation and Support for Strategic Priorities

- 7.14 Arising from the Executive's decision on 20 June 2023 to cease to maintain Eskdale School with effect from 31 August 2024 officers have been working with the leadership of Caedmon College, Whitby to identify priority works required to accommodate additional pupils at the Scoresby and Normanby sites at the school. It is proposed that £250,000 be allocated to meet the costs of identified works.

#### Temporary Accommodation

- 7.15 A rolling review of the condition of Prefabricated /Portable Classroom Units is maintained to determine whether there are any that are beyond economic repair or at risk of becoming unsafe. Where the school has no further use for them in the long term they are removed to reduce the school's maintenance liabilities. The local authority will continue to support this wherever possible. As the numbers of poor condition units is reducing, and in the context of less capital availability, it was agreed in 2022/23 not to make a specific block sum

allocation in future programmes. Alternatively individual cases will be considered alongside other schemes in traditional school buildings to determine the relative priority.

- 7.16 Where new or replacement teaching accommodation is required this will be with permanent buildings wherever viable, although in some cases it will be necessary to consider portable or modular solutions for cost or technical reasons. Portable solutions will also be provided where accommodation is genuinely temporary. These would be to a specification which is energy efficient, meets all current building regulations and provides a pleasant environment for teaching and learning. Schools are providing positive feedback about the quality of more recent portable and modular teaching spaces.

#### Strategic Support for Capital Delivery

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

#### General Contingency

- 7.18 It is necessary to retain an element of general contingency within the programme. This is to ensure that funding is available where unforeseen additional costs arise as schemes develop through feasibility and into detailed design and procurement. There is an element of contingency included within the proposed Capital Planned Maintenance Programme to meet unforeseen emergency work which emerges during the year relating to asbestos or other urgent and unplanned infrastructure requirements. The general programme contingency will address any additional costs associated with 2023/24 schemes yet to be completed, as well as those in the proposed 2024/25 programme.
- 7.19 The current value of the proposed contingency for 2024/25 is £1 million. It is considered prudent at this stage to retain this level of contingency given the apparent construction cost inflation, and in light of the anticipated reduction in future allocations.
- 7.20 Further consideration will be given during 2024/25 to the requirement for, and extent of, a general contingency to be maintained within the capital programme.

## **8.0 RECOMMENDATIONS**

It is recommended that Executive:

- 8.1 Approve the proposed Schools Capital Programme for 2024/25 as summarised in Appendix A

- 8.2 Approve the Planned Capital Maintenance Programme for 2024/25 as set out in Appendix B
- 8.3 Agree the continuation of the approach for dealing with any schools that convert to Academy status following the approval of the programme as laid out in paragraph 3.3

Stuart Carlton  
Corporate Director – Children and Young People’s Service  
COUNTY HALL, NORTHALLERTON  
11 June 2024

Author of report – Jon Holden, Head of Service, Strategic Planning CYPS

Appendix A – Schools Capital Programme 2024/25  
Appendix B – Planned Capital Maintenance Programme 2024/25 - **Private**  
Appendix C – Climate Change Impact Assessment

**Background documents:**

Executive report 23/24 Programme – 4 July 2023



<b>Appendix A</b>	
<b>Proposed Schools Condition Capital Programme 2024/25</b>	<b>Amount (£)</b>
<b>Potential Capital Funding Available:</b>	
Capital Planned Maintenance Programme 23/24 carry forward	254,137
General compliance/H&S 23/24 carry forward	120,896
Accessibility Schemes 23/24 carry forward	34,488
Estimated contribution from School's Devolved Formula Capital (DFC) in 24/25	150,000
General contingency 23/24 carry forward and unallocated	2,028,950
Schools Condition Allocation 24/25	5,883,316
<b>Total Potential Capital Funding Available</b>	<b>8,471,787</b>
<b>Capital Maintenance and Compliance/Regulatory Requirements:</b>	
General Compliance and Health & Safety	200,000
Capital Planned Maintenance Programme (£150k DFC contributions + £6.21m)	6,509,191
Condition Survey & Asbestos Reinspection's – internal fee	245,000
Accessibility Schemes	200,000
<b>Total Capital Maintenance and Compliance/Regulatory Requirements</b>	<b>7,154,191</b>
<b>Proposed Capital Investment – Strategic Priorities:</b>	
Works arising from the amalgamation of Caedmon College / Eskdale	250,000
<b>Total Proposed Capital Investment - Strategic Priorities</b>	<b>250,000</b>
Strategic Support for Capital Projects – Property Service	67,596
<b>Total Proposed Investment</b>	<b>7,471,787</b>
General Contingency / Unallocated	1,000,000

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

Document is Restricted

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## Climate change impact assessment

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

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

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

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

Planning Permission

Environmental Impact Assessment

Strategic Environmental Assessment

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

<b>Title of proposal</b>	CYPS Schools Condition Capital Programme 24/25
<b>Brief description of proposal</b>	A programme of improvements at schools including refurbishment works and replacement of building fabric and infrastructure that has failed.
<b>Directorate</b>	Resources
<b>Service area</b>	Commercial, Property and Procurement
<b>Lead officer</b>	Paula McLean
<b>Names and roles of other people involved in carrying out the impact assessment</b>	Daniel McDermott, (Head of Strategic Property), Katherine Edge, (Senior Property Officer), Kristina Peat, (Operations Manager, Energy and Carbon), Capital Project Officers, Jon Holden, Strategic Planning Manager (Education and Skills).
<b>Date impact assessment started</b>	24 <sup>th</sup> May 2024

### Options appraisal

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

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

For 24/25, a programme of improvements at schools has been developed. The programme includes a number of planned maintenance projects to replace failed building fabric – i.e. roofing, a number of boiler replacement works and a number of window replacement schemes.

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

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

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

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

The programme is funded from the DfE's School Condition Allocation.

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

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b></p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ol style="list-style-type: none"> <li>1. Changes over and above business as usual</li> <li>2. Evidence or measurement of effect</li> <li>3. Figures for CO<sub>2</sub>e</li> <li>4. Links to relevant documents</li> </ol>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>		<p>x</p>	<p>There will be an increase in emissions from travel during the development of the scheme, visits to site by NYC officers, consultants etc, prior to the scheme, and to a lesser extent afterwards. During construction, there will also be travel requirements for contractors.</p>	<p>Meetings are now held via Teams where possible. However, visits to sites do still need to occur. The Authority also uses a regional framework for procurement with contractors being located within North Yorkshire or surrounding Council areas.</p>	
	<p>Emissions from construction</p>		<p>x</p>	<p>There will be a negative impact during the construction period.</p>	<p>These will be mitigated through design and specification</p>	



<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b></p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ol style="list-style-type: none"> <li>1. Changes over and above business as usual</li> <li>2. Evidence or measurement of effect</li> <li>3. Figures for CO<sub>2</sub>e</li> <li>4. Links to relevant documents</li> </ol>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Page 35</p>	<p>Emissions from running of buildings</p>	<p>x</p>			<p>The improvement of the building fabric and installation of updated infrastructure will improve efficiencies and running costs, and thermal performance. Examples include installation of heating controls, insulation and replacement of single glazed windows.</p>		<p>Setting up a more robust monitoring programme of carbon emissions for future years.</p> <p>The Energy &amp; Sustainability traded service helps and advises schools (that take the service) how to run their properties as efficiently as possible and also educate pupils about climate change.</p>

How will this proposal impact on the environment?		Positive impact (Place a X in the box below where relevant)	No impact	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:  1. Changes over and above business as usual 2. Evidence or measurement of effect 3. Figures for CO <sub>2</sub> e 4. 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.
<p>Minimise <b>waste</b>: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>	Other	x			For all projects, the circular economy approach considers which elements can be re-used. Retention must be balanced against efficiencies of retaining the “kit”, which may be old and inefficient.		Elements assessed on a project by project basis.
Reduce <b>water</b> consumption		x			Items such as the inclusion of sensor taps, in toilet refurbishments to reduce water consumption.		Assessed on a project basis depending whether the scheme involves changes to the water infrastructure.
Minimise <b>pollution</b> (including air, land, water, light and noise)				x	Construction may have a temporary impact on air, light and noise. However, we expect our contractors to be “considerate” whilst undertaking such works and these are detailed	It depends on the element affected, but may be mitigated by time restrictions (i.e. for Multi	

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b></p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ol style="list-style-type: none"> <li>1. Changes over and above business as usual</li> <li>2. Evidence or measurement of effect</li> <li>3. Figures for CO<sub>2</sub>e</li> <li>4. Links to relevant documents</li> </ol>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Page 37</p>				<p>in our specification/contract documents i.e. dust suppression when cutting, minimising working periods to reduce impacts on site users and neighbours. Schemes requiring planning are always governed by working times. Where schemes on completion, impact on noise and light, these are developed having regard to regulations that are in place, including building regulations and planning which may require necessary assessments – i.e. noise impact assessments, before determination.</p>	<p>Use Games Area (lighting), or by design to mitigate noise including fencing/landscaping.</p>	
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>	<p>x</p>			<p>We ensure that schemes are designed having regard to climate change and current building regulations. We have historical data on our sites in relation to flooding. Schemes above 1000m<sup>2</sup>, or those in a high risk flood zone will need to be assessed by the Lead Local Flood Authority.</p>		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b></p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ol style="list-style-type: none"> <li>1. Changes over and above business as usual</li> <li>2. Evidence or measurement of effect</li> <li>3. Figures for CO<sub>2</sub>e</li> <li>4. Links to relevant documents</li> </ol>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Enhance <b>conservation</b> and wildlife</p>	<p>x</p>	<p>x</p>	<p>x</p>	<p>During construction, there may be a conservation impact but mitigating measures are taken into account– see next column. Projects that extend the accommodation, always take into account external areas in relation to design, and also bio-diversity – via the net gain proposals of an increase of 10% for schemes requiring planning permission.</p>	<p>Projects sometimes impact on wildlife i.e. bats and newts. Where there may be an impact, ecology consultants are appointed and assessments are completed and mitigation undertaken as necessary, i.e. works undertaken at a different time, temporary measures put in place, for example “newt fencing”, watching brief.</p>	

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<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b></p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ol style="list-style-type: none"> <li>1. Changes over and above business as usual</li> <li>2. Evidence or measurement of effect</li> <li>3. Figures for CO<sub>2</sub>e</li> <li>4. Links to relevant documents</li> </ol>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		<p>X</p>		<p>These are taken into account where the project requires planning permission.</p>	<p>These may be conditioned as part of the planning conditions. i.e. screening of an extension.</p>	
<p>Other (please state below)</p>						

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

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

The DfE generic design brief and output specification technical annexes are being incorporated into the project briefing documentation used by the Capital Programme Team. These suites of guidance are reviewed and updated by the DfE twice a year.

Work is being undertaken corporately to consider a range of issues associated with the reduction of carbon emissions arising from the construction and operation of property, and this is expected to result in recommendations for future action.

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

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

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

Schemes included in the 24/25 programme will improve the condition of the school estate, by reduce backlog maintenance and by development and improvements to the building fabric and infrastructure and incorporating new technologies where possible.

Work that is being undertaken in respect of carbon reduction, specifically across property areas, during 24/25 will help feed options into future programmes of work as well as the development of baseline data which will allow the outcomes of projects to be monitored in the future, along with the development of the School Estate Vision and Strategy.

**Sign off section**

This climate change impact assessment was completed by:

<b>Name</b>	<b>Paula McLean</b>
<b>Job title</b>	<b>Capital Programme Manager</b>
<b>Service area</b>	<b>Commercial, Property and Procurement</b>
<b>Directorate</b>	<b>Resources</b>
<b>Signature</b>	<i>P A McLean</i>
<b>Completion date</b>	<b>24<sup>th</sup> May 2024</b>
<b>Authorised by relevant Assistant Director (signature):</b> <i>Kerry Metcalfe</i>	

**Date:** 24<sup>th</sup> May 2024

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## NORTH YORKSHIRE COUNCIL

### EXECUTIVE REPORT

11 June 2024

#### **National Childcare Expansion Programme for Early Years and Wraparound provision**

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

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

To inform Executive of the plan to manage the National Expansion of Childcare grant funding for Early Years and Wraparound provision through Capital and Revenue grants.

The funding is to be administered through NYC and will include dispersal of funds through an application process where existing and new providers apply to support the council to meet its sufficiency duties.

The decision required is to enable funds to be distributed through an agreed process, using funding agreements and assurance processes as required.

#### **2.0 EXECUTIVE SUMMARY**

- 2.1 This report follows a grant acceptance report to the Executive in November 2023. In March 2023, a new national wraparound childcare programme was announced, providing local authorities with funding to set up and expand wraparound provision for primary school aged children commencing from September 2024. The ambition is that by 2026, all parents and carers of primary school-aged children who need it will be able to access term time childcare in their local area from 8am-6pm (wraparound childcare), so that parents can access employment and improve labour market participation. This provision can be offered by schools and private, voluntary and independent (PVI) providers (including childminders and early years settings) and can be operated on a school site or at another setting in the area.
- 2.2 To support this start-up funding is being provided over two academic years to support local authorities and providers in England to introduce or expand childcare provision on either side of the school day, which parents of primary school-aged children will be able to pay to access.
- 2.3 In addition, capital funding is being provided to support local authorities in delivering the expansion of the 30-hours early years entitlement for working families and of wraparound provision in primary schools. Childcare Expansion Capital Grant allocations are an un-ringfenced grant under section 31 of the Local Government Act 2003. Whilst it is ultimately up to councils to determine how best to prioritise this funding to address local priorities, it must be spent on capital projects, and is being provided to meet the capital costs associated with projects that help ensure sufficient places for:
- Children taking up an early years place through the expanded 30-hours entitlement for qualifying working parents (from the term following the child reaching 9-months to the term in which they turn 3-years-old);
  - Increasing the supply of wraparound childcare for primary-school aged children.
- 2.4 Local authorities may also consider use of this grant to fund central capital works (e.g., modifications to IT systems, etc.,) where they are necessary to enable the roll-out of entitlements.

#### **3.0 BACKGROUND**

### 3.1 **Wraparound care programme**

Although many schools and other providers already operate before and after school childcare, access to this provision varies from one location to another due to a number of factors, including risks associated with the cost of sustaining such provision.

3.2 Schools also offer enrichment and extra-curricular activities before and after the school day. It is likely that schools will continue to deliver these activities themselves or in partnership, but in many cases they will not currently be delivered in a way which meets DfE's definition of wraparound childcare.

3.3 The wraparound programme aims to tackle three key barriers: *availability, affordability and quality*.

3.4 Availability:

- Increasing the supply and take-up of wraparound provision
- Removing the financial risk of setting up or expanding current wraparound provision where sufficient demand is not guaranteed to sustain provision from the start (but where sufficient demand may be built over time as parents are assured of the supply of places).
- The over-supply of places will help to generate additional demand, as parents are assured of the availability of provision.
- Provision should be self-sustaining from the end of the 2-year programme, meaning it will continue but will be funded by parental demand and payments.
- Flexible ways of providing childcare can be tested during the programme.

3.5 Affordability & Quality:

- Deliver provision that is child-centred, easily accessible, and responds to the needs of the families, including those of children with special educational needs and disabilities (SEND).
- Ensure that all parents/carers of primary school-aged children accessing wraparound and who are eligible for Universal Credit childcare (support for up to 85% subsidy of their costs) or Tax-Free Childcare (covering 20% of costs up to £2k a year or up to £4k for disabled children) can use this financial support to help pay for wraparound.
- Local authorities should promote the use of Tax-Free Childcare and Universal Credit childcare and encourage providers to sign up to accept both

3.6 Local authorities are responsible for leading the wraparound programme in the area and this builds on our sufficiency duties. Funding should be used to create additional places and ensure existing places are available for the hours required to:

- meet current demand – both in terms of number of places and hours available;
- ensure supply to build further demand; and
- where required, as traditional models of wraparound may not support sustainable provision, test new approaches to identify what works in their local area and identify the level of risk.

3.7 There is funding for local authorities to build internal capacity, but most of the funding will be used to work with providers to set up new provision or expand existing provision. The funding is based on a 'pump prime' model, whereby relatively small amounts of funds are provided to spur growth. Funding is also intended to enable local areas to test flexible ways of providing childcare and gather evidence of what works, including if delivering provision before school from at least 8am and after school until 6pm is sustainable.

3.8 Whilst the council is leading on the programme, the wraparound provision should be school-centred. Wraparound provision should be set up around the needs of schools, given that it takes place directly before or after school hours, and should recognise the circumstances of each school. It is expected that many parents will access childcare through provision on a school site

(either provided directly by the school or by an external provider), and if not then through the school signposting them to alternative local provision, for example PVIs and childminders.

- 3.9 Local authorities have been asked to take the following key steps to deliver the programme:
1. Ensure strong local leadership through a robust governance structure
  2. Allocate a designated wraparound lead and ensure appropriate resourcing
  3. Plan for delivery – undertake supply and demand mapping, and identify delivery models for wraparound provision
  4. Complete and submit costed delivery plans – local authority capacity and programme delivery plans
  5. Allocate funding to providers
  6. Work with providers to set up provision
  7. Promote the National Wraparound Childcare programme to providers and parents
- 3.10 Actions have been taken over the last year to ensure that leadership of this programme is robust with involvement of the Assistant Director, Education and Skills and the Assistant Director, Resources CYPS alongside senior early years and finance colleagues. A new post of Wraparound Childcare Co-ordinator has been established and the postholder has commenced in role. Activity to date has included:
- Recruitment to new posts.
  - Initial surveys to schools and PVI providers to establish provision and supply and take-up.
  - Survey to parents to establish demand.
  - Data analysis has established the needs and likely challenges locally.
- 3.11 The next stage is for a costed delivery plan to be submitted to DfE by 14<sup>th</sup> June. The plan will set out a high level outline of the funding allocation. It is understood that clear commitments are not being made at this stage, but the plan will offer an overview of the priorities for the local area. The DfE estimates for demand for new wraparound places in North Yorkshire are similar to local survey data (from over 300 schools and providers) though it worth noting that the programme is still in its early stages.
- 3.12 Following submission of the delivery plan, officers will work to allocate and administer funding to wraparound providers through a bidding process (described in section 5.3) targeting funding to areas of identified local need. Although much of the funding will be frontloaded, more than one round of bidding is expected.
- 3.13 Officers will dedicate new and additional resource to offer business support to wraparound providers during the programme, and the cost of this resource will be met by the provision of 'local authority capacity funding'.
- 3.14 To ensure minimum safe standards in wraparound childcare provision, all PVI providers and childminders funded through the wraparound programme must be registered with Ofsted, or in the case of childminders, Ofsted, or a childminder agency.
- 3.15 Dependent on the nature of the provision and the age range of children, this includes registration on the General Childcare Register (GCR) and the Early Years Register (EYR).
- 3.16 The wraparound co-ordinator and other LA officers will ensure that funded providers work towards delivering high quality provision such that:
1. Premises and facilities – are safe, suitable, and meet children's needs.
  2. Environment – is safe, welcoming, non-stigmatising, and inclusive.
  3. Staff-child interaction – when working with children, those who provide care are empathetic, considered, and child-focused. Staff are trained and support appropriately.
  4. Voice of the child – those who provide care facilitate child-led, choice-based activity and play.

5. Resources – are safe, stimulating, varied, age appropriate, and able to meet children's needs.

6. Inclusion – provision is accessible to all children, in accordance with their duties under the Equality Act 2010

7. Safeguarding – all those involved in the delivery of the wraparound programme are competent and have received adequate training and support.

3.17 As required for the grant, officers will produce and maintain a central register of all providers funded through the wraparound programme and will sample provision to ensure providers adhere to the standards set out in 3.16.

### 3.18 **Childcare expansion capital grant**

Separate funding is available to meet the needs of the communities focusing on projects to increase the physical capacity of early years and wraparound provision in areas where demand is likely to exceed supply. This includes an opportunity to ensure facilities are available for children with a range of needs. As before, the funding can be used to provide new places in a range of provider types, where these are offering the 30-hours early years entitlement and/or providing wraparound provision for primary-aged children.

3.19 Examples of appropriate early years projects:

- Projects that enable and/or increase access to childcare places for eligible children;
- Projects that adapt, re-model or improve existing childcare places to make them suitable for a wider range of needs;
- Central capital works required to enable delivery of the entitlement.

3.20 Examples of appropriate wraparound projects:

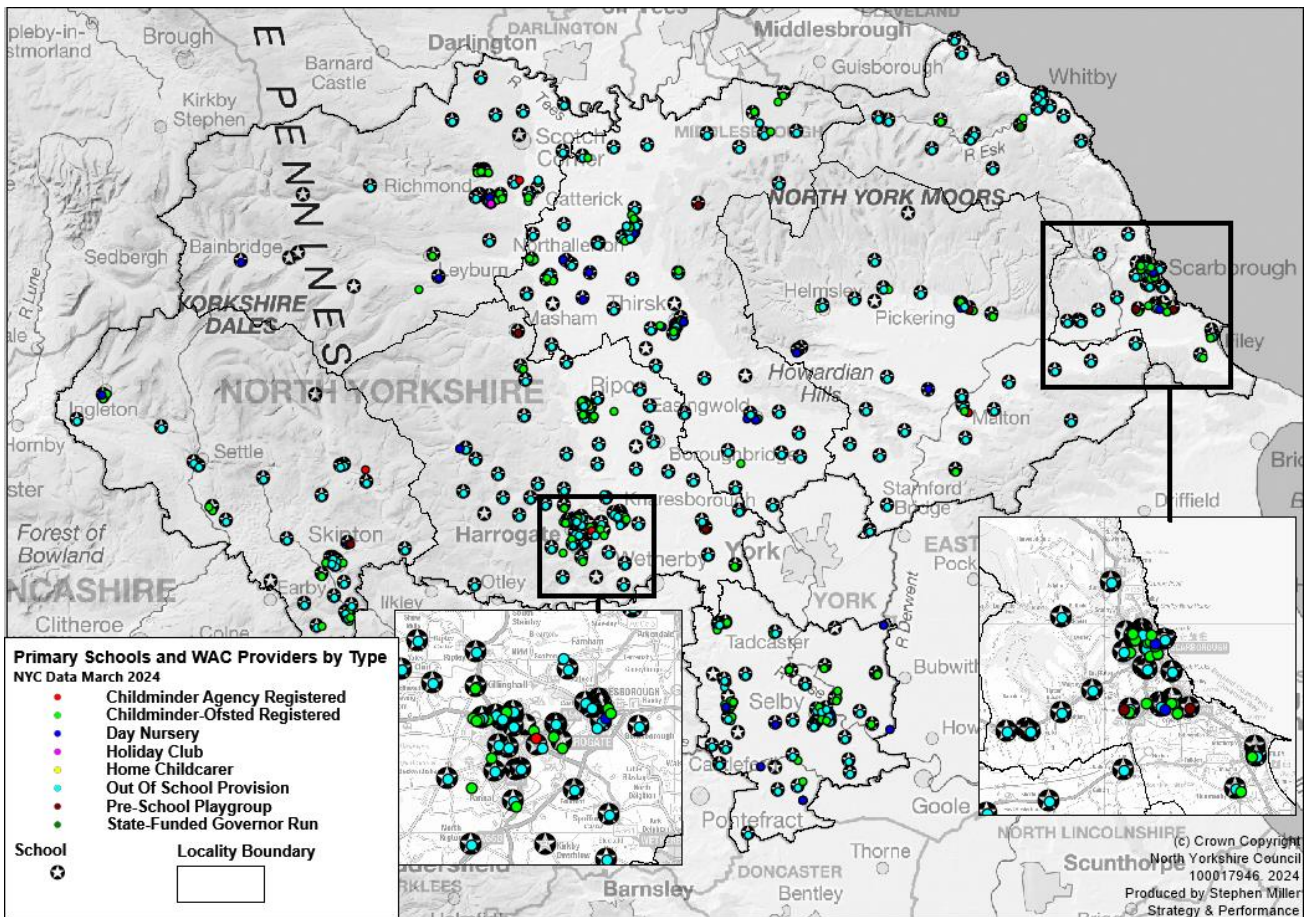
- Projects that enable the creation of new wraparound places and/or increase access to wraparound places (where suitability of space may be a concern);
- Projects that adapt, remodel or improve existing wraparound provision to make them suitable for a wider range of needs;
- Purchasing fixed assets required to deliver wraparound provision.

## 4.0 **CONSULTATION UNDERTAKEN AND RESPONSES**

4.1 The following section provides a summary analysis of data provided by the North Yorkshire Council Families Information Service examining availability and accessibility of wraparound care across schools (up to and including Year 6) in North Yorkshire.

- The majority of schools (85%) have access to some form of wraparound care provision in both the morning and the afternoon.
- There is some variability by locality. For example, 95% of schools in the Selby locality have access to morning and afternoon wraparound care provision but this falls to 75% in the Ryedale area.
- Access to wraparound care is generally better in towns than in rural areas.
- Across the local area there are 527 known wraparound care providers, of which the three most common provider types are:
  - Out of school provision (53% of providers)
  - Childminders (31% of providers)
  - Private day nurseries / pre-schools (12% of providers)

Locality	No. of schools	No. schools with AM+PM WAC provision (or access to)	Percentage of schools with access to WAC (AM+PM)	Number of providers
<b>Total</b>	<b>305</b>	<b>258</b>	<b>84.6%</b>	<b>527</b>



- Data suggests that 21 schools (with primary aged children) are without access to wraparound care – it is notable that seven of these are special schools although demand for wraparound care places for these children not in mainstream schools is an unknown factor at this stage.
- Across the council area, the proportion of schools that have access to wraparound care between 8am and 6pm is 30%. This suggests that although many schools have access (direct or indirect) to before- and after-school provision, it is possible that many parents may have to alter work or working patterns to fit around the school’s wraparound offer.

Locality	No. of schools	No. schools with 8am to 6pm provision (or access to)	Percentage of schools with access to 8am-6pm	Number of providers (8am-6pm)
<b>Total</b>	<b>305</b>	<b>90</b>	<b>29.5%</b>	<b>95</b>

- 4.2 Of the 258 schools with access to morning and afternoon wraparound care provision, 240 have provision on or very close to the school site, based on school and provision having the same postcode.
- 4.3 There are a small number of providers who only provide wraparound care in either the morning or the afternoon but not both. This may lead to reduced parental choice or, particularly in some small rural schools, an absence of provision available in both the morning and afternoon.
- 4.4 From April 2024 children (aged 2 years old) of working parents or sole parents in a household were eligible for 15 hours government funding for early years. As of 25<sup>th</sup> April, North Yorkshire had 2663 validated codes from 3111 that applied. This is a validation rate of 85.6% in North

Yorkshire compared to 81.88% nationally. Most providers reported that the children were already in provision and parents were paying fees and are now eligible for the funding. Some codes may have been accessed in neighbouring areas.

- 4.5 From September 2024, working parents are eligible for 15 hours government funding for their children aged over 9 months. Applications opened on Sunday 12<sup>th</sup> May for this entitlement. Provider surveys have been issued to sector to gain understanding of baseline data regarding supply and demand for spaces for this age group.

## **5.0 ISSUES AND NEXT STEPS**

- 5.1 Data analysis so far highlights the need for focussed support for additional places for wraparound in specific areas. A number of further questions have arisen to ensure funds are targeted correctly, including detailed information about demand for places for children accessing specialist education provision, staffing recruitment, training and retention, rurality and existing barriers for schools that do not currently offer the full 8am to 6pm provision

- 5.2 The council's delivery plan will indicate the expected allocation of funding to specific priorities and will ensure a fair and transparent method leads to the most effective dispersal of funds to providers.

- 5.3 Local authorities are asked to decide how to use the grant funding to best achieve programme outcomes given the context in their local area, and in line with the delivery model adopted by the local authority. This is likely to include dispersal of funding to schools and childcare providers (including childminders) to contribute to start-up/expansion and running costs. The following is an outline of the proposed approach for the distribution of funds in North Yorkshire.

- Ensure a Data Protection Impact Assessment is in place.
- Use latest survey data (May 24) and DfE's data set to identify up to date priorities and create eligibility criteria based on this analysis, paying regard to the minimum standards in 3.16 of this report.
- Ensure procurement processes are adhered to, including reference to subsidy controls
- Agree dates for each bidding round and values of funds available in each round plus any weightings being applied to the identified priorities
- Consider a bidding cap for applications
- Create a brochure and application form inviting bids for funds to create or sustain places according to unmet need.
- Communicate the funding opportunity to providers
- Open bidding using an online form to be returned to a designated inbox
- Receive completed applications
- Evaluate and score the submitted applications
- Allocate funding using a grant agreement that meets the necessary requirements
- Sample check providers against the minimum standards and take follow up actions as necessary
- Complete the process for securing returns from providers and report to DfE as required

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1 The programme funding is tapered over the five terms of the programme, with the highest level of funding available in the autumn term of financial year (FY) 2024-25. There are three elements to the funding.

Capacity funding: Funding for local authorities to use to build their internal capacity to deliver. This could include paying for a designated wraparound lead if one does not already exist.

Programme funding: Funding for local authorities to deliver programme objectives, including to distribute to providers to set up new provision or expand existing provision. Programme funding is designed to reduce each term until the funding ends in March 2026.

Capital funding: Funding for local authorities to support new / extended wraparound provision, including distribution to childcare providers. For capital projects only.

- 6.2 The council will ensure that funding agreements with third parties include requirements to gather the management information necessary for grant assurance and programme reporting. Furthermore, it is recognised that funding agreements with childcare providers and suppliers would be 'at risk' until DfE have confirmed agreement with delivery plans and so this will be avoided. However, it is intended to organise this process efficiently so that all funding agreements are finalised, and funding dispersed in line with programme delivery timelines.
- 6.3 Programme funding can be used to cover costs including staffing, training, and transport costs such as minibus hire (not purchase, although capital funding could be used for this), as well as resources. It can also be used to contribute to running costs whilst demand builds, to remove any financial risk to providers of offering additional places before demand is guaranteed.
- 6.4 Programme funding can also be used to pay for training for wraparound staff, including specialist training for staff to ensure they feel equipped to support children with additional needs..
- 6.5 Capital funding can be used so providers can ensure that inclusive provision is set up from the beginning, by using it to establish inclusive spaces and buy inclusive equipment and resources.
- 6.6 Childcare provision funded from the programme grant must meet the definition of wraparound childcare, but it will not be used to subsidise the cost of places.
- 6.7 The programme grant funding will not be used for:
- i. contributions in kind
  - ii. payments for activities of a political or exclusively religious nature
  - iii. depreciation, repayment or impairment of assets already owned by the local authority
  - iv. the purchasing or improvement of assets
  - v. equipment or supplies which have an expected shelf life of more than one year where either the purchase price is in excess of £500 or is a group of lower value items where the combined value is in excess of £500 (Capital funding must be used for such purchases. Local authorities can use the Childcare Expansion Capital Grant funding.)
  - vi. input VAT reclaimable by the authority from HM Revenue & Customs
  - vii. interest payments or service charge payments for finance leases
  - viii. gifts, other than promotional items, with a value of more than £10 in a year to any one person
  - ix. entertaining (entertaining for this purpose means anything that would be a taxable benefit to the person being entertained, according to current UK tax regulations)
  - x. statutory fines, criminal fines or penalties.
- 6.8 Local authorities can use a reasonable proportion of the overall programme grant for local authority capacity costs, including staffing, administration, and any other internal costs associated with the delivery of this programme.

Allocations are:

FY 23-24	FY 24-25	FY 25-26 (Provisional)	Total
£38,506.84	£2,935,183.89	£1,354,724.13	£4,328,414.86

6.9 Local authorities are required to comply with DfE grant assurance processes and must submit a Statement of Grant Usage (see Annex E) by the following dates:

29 April 2024	End of FY 2023-24	Statement of Grant Usage
28 April 2025	End of FY 2024-25	Statement of Grant Usage
28 April 2026	End of FY 2025-26	Statement of Grant Usage

6.10 The Childcare Expansion Capital Grant funding amounting to £1.162m, was paid to local authorities in one instalment on 1st February 2024. Assurance data returns are required by DfE in June 2024 and June 2025.

## **7.0 LEGAL IMPLICATIONS**

7.1 The Childcare Act 2006 places a duty on local authorities to make sure that there are enough childcare places within its locality for working parents or for parents who are studying or training for employment, for children aged 0 to 14 (or up to 18 for disabled children).<sup>2</sup> The wraparound programme's specific focus on children in reception to year 6 fits within this age range.

7.2 As the public body allocating funding from the Childcare Expansion Capital Grant and the National Wraparound Care Programme, the council will need to ensure compliance with the Subsidy Control Act 2022.

7.3 Support will be obtained from legal services for the grant agreements with providers.

## **8.0 IMPACT ON OTHER SERVICES**

8.1 It is the responsibility of parents to drop off and collect children from wraparound childcare or make alternative transport arrangements. As is already set out in the home to school travel and transport statutory guidance, children will only be eligible for home to school transport to get to school for the beginning of the school day, and to return home at the end of the school day, provided they meet the eligibility criteria.

8.2 The Requirements for School Food Regulations 2014 (referred to as the School Food Standards) applies to all food and drink provided to pupils on school premises and during an extended school day (up to 6pm). Breakfast and after school clubs provided on school premises or at the request of the governing board (at other premises) are required to meet the School Food Standards. School-based providers will need to give regard to this. Although the School Food Standards do not apply to independent breakfast and after school clubs not connected to a school, those settings may wish to use the standards as a guide.

8.3 The wraparound lead and early years team continue to work closely with the HAF programme leads to ensure both programmes capitalise on opportunities for join-up, consider issues relating to provider capacity and sustainability.

8.4 In order to ensure sustainability, the council will need to promote the availability of wraparound via its Families Information Service and planned media releases and through continued engagement with schools and other providers. We will also continue to offer advice on use of Universal Credit and Tax-Free Childcare. Eligible parents will be able to use Universal Credit childcare support for up to 85% subsidy of their costs, and eligible parents can use Tax-Free Childcare to subsidise costs, covering 20% of costs up to £2k a year (or up to £4k for disabled children up to age 16).

8.5 Officers continue to work in partnership with local job centres to ensure they are aware of where to find the latest information in relation to available childcare and to enable them to signpost parents who cite childcare as a potential barrier for returning to work to the most up to date



information. Early years officers continue to liaise with DWP to understand the potential for future unmet demand as uptake of the new provision increases.

## 9.0 RISK MANAGEMENT IMPLICATIONS

<b>Risk</b>	<b>Mitigation measures</b>
Accuracy of data – issues around the changing levels of capacity in each provision occurring frequently Data only shows in-county provision and does not reflect movement across county areas	Access to daily Ofsted downloads of registered providers Ongoing use of surveys and engagement with providers as well as review of DfE level data
Equalities <ul style="list-style-type: none"> <li>- Children with additional needs</li> <li>- Rural provision</li> </ul>	Further work to understand demand for places for children attending special schools and understanding the barriers to school-based provision being offered Rural communities may rely more on childminders if schools cannot operate viable wraparound care – need to ensure capacity amongst the childminder workforce
Reputation <ul style="list-style-type: none"> <li>- Managing expectations on the role of the council at the end of the programme</li> </ul>	Communication needs to be clear that the programme is time limited Decisions need to focus on ensuring any investment intends to promote self-sustaining provision and there are no expectations of the LA to provide continued financial support
Administration of the programme <ul style="list-style-type: none"> <li>- New untested programme</li> <li>- Short timescales (incl for capital)</li> </ul>	Governance structures and new posts are established Use of capacity funding to cover additional cost burdens Ensure planning timelines are considered in bid and delivery timelines

## 10.0 HUMAN RESOURCES IMPLICATIONS

There are no human resource implications with this report.

## 11.0 EQUALITIES IMPLICATIONS

11.1 An Equalities Impact Assessment has been completed. See appendix 1.

### 12.1.1 ENVIRONMENTAL IMPACTS/BENEFITS

12.1 Environmental impacts will be considered during the bidding process. Weighting will be added to promote the use of environmentally sustainable approaches and assurances sought within the application process.

12.2 If bids are made for lease of vehicles, low emissions will be prioritised.

## 13.0 REASONS FOR RECOMMENDATIONS

As the grants is a new policy are, this paper provides an outline of the spending plan relating to the grants.

The aim is to progress the process quickly to enable providers to access the funds as soon as possible and for maximise the council's grant allocation.

#### **14.0 RECOMMENDATIONS**

14.1 Approve the approach (section 5.3) to the allocation of the programme and capital funds to providers.

14.2 Delegate to the director of children and young people's services the authority to administer the grant in line with those principles.

Stuart Carlton  
Corporate Director – Children and Young People's Service  
11 June 2024

Author of report – Amanda Newbold, AD, Education and Skills

Appendix A – Equalities Impact Assessment

#### **Background documents:**

[Agenda for Executive on Tuesday, 7th November, 2023, 11.00 am | North Yorkshire Council](#)

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

(Form updated October 2023)

### *Childcare Expansion Programme*

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



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

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

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

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

Name of Directorate and Service Area	Children and Young Peoples Service Directorate Education and Skills Service Area
Lead Officer and contact details	Helen Smith <a href="mailto:Helen.Smith@northyorks.gov.uk">Helen.Smith@northyorks.gov.uk</a>
Names and roles of other people involved in carrying out the EIA	Abigail Burns Project Manager
How will you pay due regard? e.g. working group, individual officer	Working Group identified through Children and Young Peoples Service
When did the due regard process start?	May 2023

**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?)

The national wraparound childcare programme is part of the childcare reforms announced at the 2023 Spring Budget. The government's ambition is that by September 2024, all parents and carers of primary school-aged children who need it will be able to access term time childcare in their local area from 8am-6pm, so that parents can access employment and improve labour market participation. To support this ambition, the government announced that it will provide up to £289 million of start-up funding over two academic years to support local authorities and providers in England to introduce or expand childcare provision on either side of the school day, which parents of primary school-aged children will be able to pay to access. This programme will only focus on primary school-aged children from reception to year 6, Monday to Friday during term time. The expectation is that all wraparound provision is 8am-6pm, enabling parents to work a full day with travel time, unless data shows that local demand is for different hours, for example reflecting local labour market patterns.

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

This proposal is a statutory expectation

Desired outcomes are:

- Ensure school centred (But not necessarily delivered) wrap around childcare provision is available from 8am - 6pm Monday to Friday during term time. (NYC has a responsibility to ensure sufficiency of places however is not responsible necessarily for direct delivery of this provision).
- Engage with schools and wraparound childcare providers to identify existing provision and need for expansion/new provision to be established and the practicalities/potential challenges associated with this
- Engage with families to support option development
- Explore and deliver options for this expanded provision
- Identify and deliver the approach to distribution/spend of capital funding including any internal project if appropriate
- Identify the potential impact/s of this initiative on the need for home to school transport

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

Enable parents to access childcare that is available, affordable and of quality, this will enable parents to take up/access employment opportunities.

Potential creation of job opportunities within the county both within the childcare sector and external opportunities as a result of childcare being accessible. The government funded child care offer child care offer is being rolled out in stages which began in April 2024 for working parents of children aged from 2 years for 15 hours. From Sept 2024 this is expanded to include children over 9 months old for 15 hours . From Sept 2025 the early years offer will be expanded to working parents of children aged over 9 months for 30 hours per week.

Expansion of Wraparound provision also begins from September 2024. This is aimed at working parents of children of school age from reception to year 6. This is a parent paid for offer.

**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?)

Parent consultation through surveys, provider consultations through survey, school consultation through survey

On going monitoring by the local authority will include communications and consultation throughout the roll out of the early years offer

The local authority has statutory duties around the provision of childcare for working parents for children from birth to 14 years of age (18 years if child has SEND requirements).

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

The expectation is that the government grant funding will mean the project is cost neutral.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age		X		This will particularly support working age parents
Disability		X		
Sex		x		It is possible that the provision of more places will allow more women, who may be the primary carer, to enter the workforce with the guarantee of government funded child care places up to 30 hours from September 2025 from the age of 9 months.
Race	X			
Gender reassignment	X			

Sexual orientation	X			
Religion or belief	X			
Pregnancy or maternity		X		The guarantee of government funded places could support earlier decision making to go back to work or change working hours as required.
Marriage or civil partnership	x			

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?		x		Guaranteed government funded childcare for working parents.
...have a low income?		x		Potential to increase working hours, return to work sooner creating a more stable home income.
...are carers (unpaid family or friend)?		x		Potential to increase hours spent caring
..... are from the Armed Forces Community		x		Provide support for families, including those who are employed in the armed forces. Flexibility with wraparound can support longer or more variable working patterns.

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
North Yorkshire wide	The programme of work is to create a government funded childcare offer for working parents for early years children across the county. The Wraparound Programme is to provide term time provision from 8am to 6pm for children of statutory school age from reception to Year 6.
Craven	
Hambleton	
Harrogate	
Richmondshire	

Ryedale	
Scarborough	
Selby	
<b>If you have ticked one or more areas, will specific town(s)/village(s) be particularly impacted? If so, please specify below.</b>	
Following analysis of data, hotspots have been identified within the county where extra provision may be necessary.	

**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.**

This programme is to enable parents to take up employment by offering a guaranteed reliable childcare offer from the end of maternity cover to the end of Year 6 where required. This especially benefits families where one parent has not been able to return to work due to the high cost of early years child care provision or lack of wraparound provision.

<b>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	√
<b>2. Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
<b>3. Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
<b>4. Actual or potential unlawful discrimination - stop and remove the proposal –</b> The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)	

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**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?)**

Through the uptake and validation of the childcare codes provided through HMRC.  
 Through the continued dialogue with Early Years provision, schools and parents.  
 Wraparound provision has the capacity to make schools more sustainable as parents are able to choose local schools who offer wraparound provision who may not have previously offered this support.  
 Updates through Job Centre Plus.

**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
Continued surveys with schools, early years providers , out of school clubs, families.	Helen Smith	At the agreed stage of the roll out. Via deadlines from the Department of Education	Successful implementation of the April 2024 roll out. Applications coming through for stage 2 of the roll out from Sept 2024	Early Years Steering Group which meets fortnightly

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

This is a central government nationally driven programme following an announcement in spring 2023.

The local authority has statutory duties under the child care act to ensure there is sufficient child care places available to meet the needs of working parents where required.

The recommendation of the EIA is to ensure the council manages and supports the effective delivery of the programme.



**Section 14. Sign off section**

This full EIA was completed by:

Name: Helen Smith

Job title: Early Years Strategy Manager

Directorate: Children and Young Peoples Service

Signature: Helen Smith

Completion date: 30/5/24

Authorised by relevant Assistant Director (signature): A Newbold

Date: 3 June 24

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## North Yorkshire Council

### EXECUTIVE

11 June 2024

#### Administrative amendments to the LGPS Discretions Policy

#### Report of the Assistant Chief Executive Business Support & HR

#### 1.0 PURPOSE OF REPORT

- 1.1 To present to the Executive, for recommendation to full Council for approval, minor administrative amendments to the LGPS Discretions Policy and a proposed delegation to the Assistant Chief Executive HR & Business Support to make in-year minor administrative amendments to the Policy.

#### 2.0 BACKGROUND

- 2.1 As an LGPS scheme employer, NYC must prepare a written statement of its policy in relation to the exercise of its functions. NYC is required to keep its statement under review.

#### 3.0 AMENDMENTS TO THE LGPS DISCRETIONS POLICY

- 3.1 The opportunity has been taken to review the LGPS Discretions Policy following its automatic continuation post local government reorganisation last year and some minor administrative amendments are proposed in terms of amending references to the predecessor authority North Yorkshire County Council to North Yorkshire Council.
- 3.2 The proposed amendments to the LGPS Discretions Policy are set out in **Appendix 1** for recommendation to full Council for approval.

#### 4.0 DELEGATION TO ASSISTANT CHIEF EXECUTIVE HR & BUSINESS SUPPORT

- 4.1 It is further proposed that it be recommended to full Council that a delegation be made to the Assistant Chief Executive Business Support & HR to make in-year minor administrative amendments to the Policy going forwards, to facilitate efficient maintenance of the Policy, and that consequential amendments be made to the Constitution by the Assistant Chief Executive Legal and Democratic Services to reflect the delegation.

#### 5.0 FINANCIAL IMPLICATIONS

- 5.1 There are no significant financial implications arising from this report.

#### 6.0 LEGAL IMPLICATIONS

- 6.1 There are no significant legal implications arising from this report.

#### 7.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

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

8.0 **CONSULTATION**

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

9.0 **REASONS FOR RECOMMENDATIONS**

9.1 For the reasons set out in the body of this report it is recommended that, subject to any comments Members may have, the matters raised in this report be considered and the recommendations below be recommended to full Council for approval.

10.0 **RECOMMENDATIONS**

10.1 That, subject to any comments Members may have:

- (a) the proposed amendments to the LGPS Discretions Policy set out in **Appendix 1** be recommended to full Council for approval;
- (b) it be recommended to full Council that Council delegates to the Assistant Chief Executive Business Support & HR the power to make in-year minor administrative amendments to the LGPS Discretions Policy and that consequential amendments be made to the Constitution by the Assistant Chief Executive Legal and Democratic Services to reflect the delegation.

TRUDY FORSTER  
Assistant Chief Executive HR & BUSINESS SUPPORT

County Hall  
NORTHALLERTON

3 May 2024

Background Documents:

Appendices

1. LGPS Discretions Policy
2. Equality Impact Assessment Screening Form
3. Climate Change Impact Assessment Screening Form

## **LGPS Employer Discretion Policy**

Revised – May 2024

Approved by NYC full Council -

### **Introduction**

1. The regulations governing the application of the Local Government Pension Scheme allow each employer to determine how certain discretionary provisions of the scheme will be applied. The following is a statement of North Yorkshire Council's (NYC) policy on the exercise of these discretions.

### **Scope and Policy**

2. Due to changes of the Scheme over time, different regulations and provisions may apply to pension benefits and pensionable service accrued under different arrangements. This policy sets out the relevant discretions in different sections. At the commencement of each section the applicable Regulations are detailed.

3. The sections are as follows:

<b>Section</b>	<b>Contents</b>
Section 1	Discretions from 1.4.14. in relation to post 31.3.14. active members (excluding councillor members) and post 31.3.14. leavers (excluding councillor members)
Section 2	Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1.4.08 and before 1.4.14
Section 3	Discretions in relation to: <ul style="list-style-type: none"> <li>• councillor members who ceased active membership on or after 1.4.98., and</li> <li>• any other scheme members who ceased active membership on or after 1.4.98. and before 1.4.08</li> </ul>
Section 4	Discretions in relation to scheme members who ceased active membership before 1.4.98
Section 5	Discretions in relation to redundancy and compensatory payments on the early termination of employment
Section 6	Discretions in relation to any compensatory added years awarded before 1 April 2007
Section 7	Injury allowances as they apply to leavers, deaths and reductions in pay that occurred after 15 January 2012

Section 8	Injury allowances as they apply to leavers, deaths and reductions in pay that occurred before 16 January 2012
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4. Unless otherwise stated, the application of these discretions will be in accordance with the Officers Delegation Scheme with advice from the Corporate Director – Strategic Resources and the Assistant Chief Executive – Business Support and HR – who is accountable for the proper and consistent application of this policy on behalf of NYC.

## Definitions

5. Within the Regulations all discretions have a classification as follows:

**Mandatory** - an employer must formulate, publish and keep under review a policy on these discretions.

**Recommended** - there is no requirement for an employer to publish a written policy on these discretions. However, as these matters arise fairly frequently it may be appropriate so that members can be clear on your policy on these matters.

**Less common** - there is no requirement for employers to publish a written policy on these discretions, though they may choose to do so.

6. Within a number of the discretions, reference is made to **administrative shortcomings**. The following would be considered an administrative shortcoming:
- A scheme member is not given appropriate advice/information to enable him/her to transfer pension rights
  - A scheme member contacts NYC, NYPF or a previous pension scheme regarding transfer within 12 months but does not receive correct or sufficient information to enable them to make a proper decision
  - A scheme member believes that the action he/she has taken within 12 months is sufficient to have effected transfer
  - A scheme member has used his/her best endeavours to effect a transfer within 12 months of joining the scheme but the transfer has not taken place for reasons outside of his/her control, e.g. investigation into mis-selling, winding up of previous fund, etc.

## Injury Allowances

7. The process for the consideration and approval of injury allowances detailed in Section 7 and Section 8 is attached as appendix 1 to this policy.

## Review

8. This policy will apply from the date of approval and replaces all previous employer discretion policies from that date. The policy in force at the time a relevant event occurs will be the one that is applied.
9. This policy will be reviewed every three years or in the event of any change which makes an earlier review necessary.
10. Should any provision within this policy contradict any LGPS Regulation then the Regulation would apply.

**Section One - Discretions from 1.4.14. in relation to post 31.3.14. active members (excluding councillor members) and post 31.3.14. leavers (excluding councillor members)**

**Applicable Regulations:**

R = Local Government Pension Scheme (LGPS) Regulations 2013 (SI 2013/2356)

TP = LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014

A = LGPS (Administration) Regulations 2008 (SI 2008/239)

B = LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) (SI 2007/1166)

L = LGPS Regulations 1997 (as amended) (SI 1997/1612)

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
1	<b>Granting additional pension</b>	Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500 p.a - figure at 1 April 2014. This is inflation proofed annually)	R31	Employer	<b>Mandatory</b>	NYC will not grant additional pension to a member
2	<b>Shared cost Additional Pension Contributions (to buy additional pension)</b>	Whether, how much and in what circumstances to contribute to a shared cost Additional Pension Contributions (APC) scheme  A member can buy additional pension through an APC contract. The discretion is whether the employer will share the cost of the APC	R16(2)(e) & R16(4)(d)	Employer	<b>Mandatory</b>	NYC will contribute to Shared Cost APC Schemes only when an employee has opted to buy back 'lost' pension due to a period of authorised unpaid leave (including sickness and child related leave) within 30 days of returning to work from that leave. In these circumstances, the employee will pay one third of the cost of the Shared Cost APC and the employer will pay two thirds of the cost



3a	<b>Flexible retirement</b>	Whether all or some benefits can be paid if an active member aged 55 or over and with at least 2 years qualifying service reduces their hours or grade (flexible retirement)	R30(6) & TP11(2)	Employer	<b>Mandatory</b>	NYC will consider applications in accordance with its policy on early/flexible retirement.
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No.	Area	Discretion	Regulation	Exercised by	Key	Policy
3b	<b>Flexible retirement (cont.)</b>	Whether to waive, in whole or in part, actuarial reduction to benefits paid on flexible retirement	R30(8)	Employer (or Admin. Authority where Employer has become defunct)	<b>Mandatory</b>	NYC will not waive any actuarial reduction on benefits paid on flexible retirement. All applications for flexible retirement will be considered in line with the process and criteria set out in NYC's policy on early/flexible retirement.
4 Page 67	<b>85 Year Rule</b>	Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement).	TPSch 2, para, 1(2) &1(1)(c)	Employer (or Admin. Authority where Employer has become defunct)	<b>Mandatory</b>	NYC will not switch on the 85 Year Rule for any employee voluntarily drawing benefits on or after age 55 and before age 60

5a	<b>Waive Reduction</b>	<p>Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/14 and post 31/3/14 membership)</p> <p>a) on compassionate grounds (pre 1/4/14 membership) and in whole or in part on any grounds (post 31/3/14 membership) if the member was not in the Scheme before 1/10/06,</p> <p>b) on compassionate grounds (pre 1/4/14 membership) and in whole or in part on any grounds (post 31/3/14 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will not attain 60 between 1/4/16 and 31/3/20 inclusive</p>	TP3(1), TPSch 2 para 2(1) & B30(5) & B30A(5)	Employer (or Admin. Authority where Employer has become defunct)	<b>Mandatory</b>	NYC will not waive any actuarial reduction arising out of a voluntary early or flexible retirement. NYC will pay any pension strain costs arising out of voluntary early or flexible retirement where this has been approved through its early/flexible retirement policies.
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No.	Area	Discretion	Regulation	Exercised by	Key	Policy
	<b>Waive Reduction (cont.)</b>	<p>c) on compassionate grounds (pre 1/4/16 membership) and in whole or in part on any grounds (post 31/3/16 membership) if the member was in the Scheme before 1/10/06 and will be 60 by 31/3/16</p> <p>d) on compassionate grounds (pre 1/4/20 membership) and in whole or in part on any grounds (post 31/3/20 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will attain 60 between 1/4/16 and 31/3/20 inclusive</p>				

5b		Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31/3/14 membership)	R30(8)	Employer (or Admin. Authority where Employer has become defunct)	<b>Mandatory</b>	NYC will not waive any actuarial reduction on benefits paid which a member voluntarily draws before normal pension age
6	<b>Shared cost Additional Pension Contributions (to buy lost pension following a period of authorised unpaid absence)</b>	<p>If a member has an <b>authorised unpaid</b> absence (not including illness or injury, relevant child-related leave or reserve forces service leave) and within 30 days of returning to work they elect to buy back the lost pension, the employer must share the cost (2/3rds)</p> <p>The discretion is whether to extend the 30 day deadline for a member to elect for a shared cost APC</p>	R16(16)	Employer	Recommended	NYC will extend the deadline for a member to elect for a shared cost APC to 60 days or longer where there is evidence of administrative shortcoming.

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No.	Area	Discretion	Regulation	Exercised by	Key	Policy
7	<b>Transferring in non LGPS pension rights</b>	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	R100(6)	Employer and Admin. Authority	Recommended	<p>NYC will allow members to opt to transfer pension rights beyond the 12 month period in exceptional circumstances and/or if there is evidence of administrative shortcomings.</p> <p>The Administering Authority can provide guidance on individual queries.</p>

8	<b>Transferring in LGPS pension rights (only for pre 1.4.14 rejoiners)</b>	Whether to extend the 12 month option period for aggregation of deferred benefits <b>Care: This must match your existing discretion under the 2008 Scheme.</b>	A16(4)(b)(ii)	Employer	Recommended	NYC will only permit aggregation beyond 12 months in exceptional circumstances and/or if there is evidence of administrative shortcomings
9a	<b>Transferring in LGPS pension rights (only for post 1.4.14 rejoiners)</b>	Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with a new employment	R22(8)(b)	Employer	Recommended	NYC will only extend the 12 month option period beyond 12 months in exceptional circumstances and/or if there is evidence of administrative shortcomings
9b		Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with an ongoing concurrent employment	R22(7)(b)	Employer	Recommended	NYC will only extend the 12 month option period beyond 12 months in exceptional circumstances and/or if there is evidence of administrative shortcomings
Page 70	<b>Transferring in LGPS pension rights (i.e. final salary benefits which will buy CARE pension only for post 1.4.14 rejoiners)</b>	Whether to extend the 12 month option period for a member (who did not become a member of the 2014 Scheme by virtue of TP5 (1)) to elect that pre 1 April 2014 deferred benefit should be aggregated with a new employment	TP10 (6)	Employer	Recommended	NYC will only permit aggregation beyond 12 months in exceptional circumstances and/or if there is evidence of administrative shortcomings

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
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11	<b>Employee contribution rate</b>	<p>Employers to assess the relevant contribution band to determine the rate of employee contribution.</p> <p>Banded contribution rates for employees are based on actual pensionable pay received and not whole time equivalent salary. Employers to allocate appropriate band at each 1 April and determine other circumstances in which the banding will be reviewed.</p>	R9(1) & R9(3)	Employer	Recommended	<p>On 1st April each year, NYC will allocate the appropriate band for all members' pensionable pay based on the previous years' pensionable pay and include incremental progression and cost of living increases where known as at 1 April . This will not change during the financial year unless there is a post change or cessation of salary protection arising from that change, or a pay award which cannot be applied on 1 April. This would include a pay award which is being applied retrospectively to 1 April or a pay award which applies from a date other than 1 April. For new posts commencing during the year, their band will depend on starting salary. Only permanent changes to pensionable pay will result in re banding.</p> <p>If members have variable or nil hours contracts, the relevant band will be based on an assessment of the total pensionable pay received in the previous year. For new variable or nil hours posts, banding will be based on the whole time equivalent salary, and reviewed 6 months after appointment to ensure the correct band has been allocated (based on total pensionable pay in their first 6 months). If any member believes this would be inaccurate, they should ask their Line Manager to contact ESS for further information.</p>
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No.	Area	Discretion	Regulation	Exercised by	Key	Policy
12a	<b>Assumed Pensionable Pay (APP)</b>	In determining APP, whether a lump sum payment made in the previous 12 months is a “regular lump sum”	R21(5)	Employer	Recommended	NYC would include lump sum payments in the calculation of APP where there is evidence that the lump sums were regularly received.
12b		<p>Where in the employer’s opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments if appropriate) in the 3 months (or 12 weeks if not paid monthly) before the start of APP, is materially lower than the level of pensionable pay the member would have normally received</p> <p>The discretion is whether to substitute a higher level of pensionable pay by taking into account the pensionable pay received by the member in the previous 12 months</p>	R21(5A) & R21(5B)	Employer	Recommended	NYC will allow the substitution of a higher level of pensionable pay assessed over the previous 12 month period.
13	<b>Late conversion of AVCs to service</b>	Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered into before 13/11/01)	TP15(2A)(b) & L66(8) & former L66(9)(b)	Employer	Less Common	NYC will extend the 30 day deadline if there is evidence of administrative shortcomings.
14	<b>Shared cost AVCs</b>	Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements	R17(1) & definition of SCAVC in RSch 1	Employer	Less Common	The Council will pay Shared Cost Additional Voluntary Contributions (SCAVC) where an employee has elected to pay AVCs by salary sacrifice. Employees will be required to contribute a minimum of £1 per month into the SCAVC. NYC’s SCAVCs will not contribute more than the amount of salary sacrificed by the employee.

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
15	<b>Refund of contributions - member left due to an offence/grave misconduct</b>	No right to return of contributions where a member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment unless employer directs a total or partial refund is to be made	R19(2)	Employer	Less Common	NYC will consider whether or not to make a refund based on the merits of each case and in light of advice from Audit.
16	<b>Pensionable payments</b>	<b>Specify in an employee's contract</b> what other payments or benefits, other than those specified in R20(1)(a) and not otherwise precluded by R20(2), are to be pensionable	R20(1)(b)	Employer	Less Common	NYC reserves the right to specify what, if any, other payments or benefits are to be pensionable in accordance with the Regulations and will automatically include "detriment" or "protected" pay as pensionable pay. See the NYC Pay Policy for guidance on pensionable and non-pensionable pay.
17	<b>T3 Ill health review</b>	Determine whether person in receipt of Tier 3 ill health pension has started gainful employment	R37(3) & (4)	Employer	Less Common	NYC will make a determination whether to suspend or cease the pension, if it is made aware that such a person has started gainful employment (more than 30 hours for more than 12 months).
18	<b>T3 Ill health review overpayments</b>	Whether to recover any overpaid Tier 3 pension following commencement of gainful employment	R37(3)	Employer	Less Common	NYC will recover any overpaid Tier 3 pension following commencement of gainful employment.

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
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19	<b>Deferred member - Ill health</b>	Decide whether deferred beneficiary meets criteria of being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least three years, whichever is the sooner	R38(3)	Employer (or Admin. Authority where Employer has become defunct)	Less Common	<p>NYC will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP)</p> <p>Applications from former employees with deferred benefits will be managed by former Service; the Service is responsible for referring the former employee to the Independent Registered Medical Practitioner (IRMP) via the Health and Wellbeing Service and notifying the former employee of the outcome of the application. Payment of pension benefits will commence from the date NYC makes the decision that the member meets the criteria for early release of the deferred pension benefits.</p>
20	<b>T3 Ill health recommencement</b>	Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health	R38(6)	Employer (or Admin. Authority where Employer has become defunct)	Less Common	<p>NYC will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP).</p> <p>See above</p>
21a	<b>Forfeiture certificate</b>	Whether to apply to Secretary of State for a forfeiture certificate where member is convicted of a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment)	R91(1) & (8)	Employer	Less Common	NYC will consider whether or not to apply for and enact a certificate based on the merits of each case and in light of advice from Audit.



No.	Area	Discretion	Regulation	Exercised by	Key	Policy
21b	<b>Forfeiture certificate (cont.)</b>	Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but see R95 below)	R91(4)	Employer	Less Common	NYC will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Audit
21c		Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits	R92(1) & (2)	Employer	Less Common	NYC will not direct that interim payments are made from the Fund pending a decision.
22	<b>Recovery of monetary obligation</b>	Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than benefits from transferred in pension rights or APCs or AVCs or, subject to R95 below, in respect of any GMP) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment	R93(2)	Employer	Less Common	NYC will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Audit.
23	<b>GMP forfeiture</b>	Whether, if the member has committed treason or been imprisoned for at least 10 years for one or more offences under the Official Secrets Acts, forfeiture under R91 or recovery of a monetary obligation under R93 should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement	R95	Employer	Less Common	NYC will consider each case on its merits.

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
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24	<b>Bulk transfer</b>	Agree to bulk transfer payment  Whether to agree to bulk transfer payment where two or more members' active membership ends on their joining a registered non local government pension scheme	R98(1)(b)	Employer / Admin. Authority / trustees of new scheme	Less Common	NYC will consider whether or not to agree on the merits of each case after consideration with the Administering Authority and after having taken appropriate actuarial advice.
25	<b>Final pay period (fees)</b>	Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31st March in the 10 years prior to leaving	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B11(2)	Employer	Less Common	NYC will allow members to so choose.

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**Section Two - Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1.4.08 and before 1.4.14**

**Applicable Regulations:**

A = LGPS (Administration) Regulations 2008

B = LGPS (Benefits, Memberships and Contributions) Regulations 2007

T = LGPS (Transitional Provisions) Regulations 2008 (SI 2008/238)

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
26a	<b>85 Year Rule</b>	Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60	TPSch 2, para, 1(2) & 1(1)(c)	Employer (or Admin. Authority where Employer has become defunct)	Mandatory	NYC will not switch on the 85 Year Rule for any deferred member voluntarily drawing benefits on or after age 55 and before age 60

26b		Whether to “switch on” the 85 year rule for a pensioner member with deferred benefits (i.e. a suspended tier 3 ill health pensioner) voluntarily drawing benefits on or after age 55 and before age 60,	TPSch 2, para, 1(2) &1(1)(c)	Employer (or Admin. Authority where Employer has become defunct)	Mandatory	NYC will not switch on the 85 Year Rule for any deferred member voluntarily drawing benefits on or after age 55 and before age 60
26	<b>Waive reduction</b>	Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member)	B30(5) TPSch 2, para 2(1)	Employer (or Admin. Authority where Employer has become defunct)	<b>Mandatory</b>	Applications from deferred Pensioners will <b>only</b> be considered on compassionate grounds, taking into account the costs of waiving any reduction. All applications will be considered by the relevant Service Director and the Chief Executive.
27 Page 77	<b>Waive reduction</b>	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits, i.e. a suspended tier 3 ill health pensioner)	B30A(5) TPSch 2, para 2(1)	Employer (or Admin. Authority where Employer has become defunct)	<b>Mandatory</b>	Applications from deferred Pensioners will <b>only</b> be considered on compassionate grounds, taking into account the costs of waiving any reduction. All applications will be considered by the relevant Service Director and the Chief Executive.
<b>No.</b>	<b>Area</b>	<b>Discretion</b>	<b>Regulation</b>	<b>Exercised by</b>	<b>Key</b>	<b>Policy</b>
28	<b>Late conversion of AVCs to service</b>	Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered into before 13/11/01)	TSch1 & L66(8) & former L66(9)(b)	Employer	Less Common	NYC will extend the 30 day deadline if there is evidence of administrative shortcomings.
29	<b>Refund of contributions - member left due to an offence/grave misconduct</b>	No right to return of contributions where member left employment due to offence of a fraudulent character or grave misconduct in connection with that employment, unless employer directs a total or partial refund is to be made	A47(2)	Employer	Less Common	NYC will consider whether or not to make a refund based on the merits of each case and in light of advice from Audit.

30a	<b>Forfeiture certificate</b>	Whether to apply to Secretary of State for a forfeiture certificate where member is convicted of a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment)	A72(1) & (6)	Employer	Less Common	NYC will consider whether or not to apply for and enact a certificate based on the merits of each case and in light of advice from Audit.
30b		Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited	A72(3)	Employer	Less Common	NYC will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Audit
30c		Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits	A73(1) & (2)	Employer	Less Common	NYC will not direct that interim payments are made from the Fund pending a decision.

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
31a	<b>Recovery of monetary obligation</b>	Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs/SCAVCs) where the obligation was incurred as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment	A74(2)	Employer	Less Common	NYC will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Audit.

31b		Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left employment because of that fraudulent offence or grave misconduct), or amount of refund if less	A76(2) & (3)	Employer	Less Common	NYC will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Audit.
32	<b>Deferred member - Ill health</b>	Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria	B31(4)	Employer (or Admin. Authority where Employer has become defunct)	Less Common	<p>NYC will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP)</p> <p>Applications from former employees with deferred benefits will be managed by former Service; the Service is responsible for referring the former employee to the Independent Registered Medical Practitioner (IRMP) via the Health and Wellbeing Service and notifying the former employee of the outcome of the application. Payment of pension benefits will commence from the date certified by the IRMP.</p>

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
33	<b>T3 Ill health recommencement</b>	Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment	B31(7)	Employer (or Admin. Authority where Employer has become defunct)	Less Common	<p>NYC will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP).</p> <p>See above</p>

**Section 3 - Discretions in relation to:**

- a) councillor members who ceased active membership on or after 1.4.98., and
- b) any other scheme members who ceased active membership on or after 1.4.98. and before 1.4.08

**Applicable Regulations:**

L = LGPS Regulations 1997 (as amended) (SI 1997/1612)

R = LGPS Regulations 2013([SI 2013/2356)

TP = LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014/525)

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
34	<b>Employer consent retirement</b>	Grant application for early payment of deferred benefits on or after age 50 and before age 55	L31(2)	Employer	<b>Mandatory</b>	NYC will not grant early payment of deferred benefits before the age of 55.
35	<b>Waive reduction</b>	Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early	L31(5) & TPSch 2, para 2(1)	Employer	<b>Mandatory</b>	NYC will not waive actuarial reduction on deferred benefits paid early.
36	<b>Employer consent at Normal Retirement Date for optant out</b>	Where a member who opted out of the scheme continues to be employed by a Scheme employer, the member is only entitled to receive their benefits at NRD if their employer consents to them doing so (in respect of a member who opted out of the scheme after 31 March 1998 and before 1 April 2008).	L31(7A)	Employer	<b>Mandatory</b>	NYC will agree to optants out being able to get benefits paid from their NRD.
37	<b>85 Year Rule</b>	Whether to “switch on” the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60	TPSch 2, para 1(2) & 1(1)(f) & R60	Employer (or Admin. Authority where Employer has become defunct)	<b>Mandatory</b>	NYC will not switch on the 85 Year Rule for any deferred member voluntarily drawing benefits on or after age 55 and before age 60

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
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38	<b>No double entitlement</b>	Decide, in the absence of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership  (i.e where a member is entitled to a the 'normal' payment of a preserved benefit and an ill health benefit from preserved status, they are not entitled to both payments. In the absence of an election from the member, the employer can decide which benefit can be paid)	L34 (1)(b)	Employer	Less Common	NYC will choose to automatically apply the regulations of greatest benefit to the employee.
38 Page 81	<b>Refund of contributions - member left due to an offence/grave misconduct</b>	No right to return of contributions where a member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment, unless employer directs a total or partial refund is to be made	L88(2)	Employer	Less Common	NYC will consider whether or not to make a refund based on the merits of each case and in light of advice from Audit.
40a	<b>Forfeiture certificate</b>	Forfeiture of pension rights on issue of Secretary of State's certificate following a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment)	L111(2) & (5)	Employer	Less Common	NYC will consider whether or not to apply for and enact a certificate based on the merits of each case and in light of advice from Audit.
40b		Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits	L112(1)	Employer	Less Common	NYC will not direct that interim payments are made from the Fund pending a decision.

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
41a	<b>Recovery of monetary obligation</b>	Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights)	L113(2)	Employer	Less Common	NYC will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Audit.
41b		Recovery from Fund of financial loss caused by employee, or amount of refund if less	L115(2) & (3)	Employer	Less Common	NYC will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Audit.



**Section 4 -**

**Discretions in relation to scheme members who ceased active membership before 1.4.98**

**Applicable Regulations:**

LGPS Regulations 1995 (as amended) (SI 1995/1019)

TL = LGPS (Transitional Provisions) Regulations 1997 (SI 1997/1613)

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
42	<b>Employer consent retirement</b>	Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds	TP3(5A)(vi) TL4 & L106(1) & D11(2)(c)	Employer (or Admin. Authority where Employer has become defunct)	<b>Mandatory</b>	NYC will not grant applications for early payment of deferred benefits between the ages of 50 and 55. Over the age of 55, NYC will consider on a case by case basis.
43	<b>No double entitlement</b>	Decide, in the absence of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership  (i.e where a member is entitled to the 'normal' payment of a preserved benefit and an ill health benefit from preserved status, they are not entitled to both payments. In the absence of an election from the member, the employer can decide which benefit can be paid)	D10	Employer	Less Common	NYC will choose to automatically apply the regulations of greatest benefit to the employee.

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**Discretions in relation to redundancy and compensatory payments on the early termination of employment**

**Applicable Regulations:**

**Section 5 -**

Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) (SI 2006/2914)

	Area	Discretion	Regulation	Exercised by	Key	Policy
44	<b>Redundancy Pay on actual week's pay</b>	To base redundancy payments on an actual weeks pay where this exceeds the statutory week's pay limit	5	Employer	<b>Mandatory</b>	When calculating redundancy payments NYC will use the employee's actual weekly pay plus the applicable employer pension contribution rate, where the total does not exceed the statutory weekly capped amount. Where these combined payments exceed the statutory weekly capped amount the higher of actual weekly pay or the statutory weekly amount will be used. These entitlements will be applied to part-time staff on a pro rata basis.
45	<b>Lump sum compensation</b>	To award lump sum compensation of up to 104 weeks' pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment	6	Employer	<b>Mandatory</b>	NYC will not award any lump sum compensation in any situations.

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**Discretions in relation to any compensatory added years awarded before 1 April 2007**

**Applicable Regulations:**

Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) (SI 2000/1410)

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
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**Section 6 -**

46	<b>Abatement during re-employment</b>	Whether and to what extent to reduce or suspend the member's annual compensatory added years (CAY) payment during any period of reemployment in local government	17	Employer	<b>Mandatory</b>	NYC will make a determination after consultation with the administering Authority and having regard to the date of original award.
47	<b>Reduction following cessation of reemployment</b>	How to reduce the member's annual CAY payment following the cessation of a period of re-employment in local government	19	Employer	<b>Mandatory</b>	NYC will make a determination after consultation with the administering Authority and having regard to the date of original award.
48	<b>Apportionment of survivor benefit</b>	How to apportion any surviving spouse's or civil partner's annual CAY payment where the deceased person is survived by more than one spouse or civil partner	21(4)	Employer	<b>Mandatory</b>	NYC will consider on a case by case basis.
49a	<b>Effects of remarriage, new civil partnership or co-habitation on survivor's compensation payments</b>	Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be disapplied i.e. whether the spouse's or civil partner's annual CAY payments should continue to be paid	21(7)	Employer	<b>Mandatory</b>	NYC will consider on a case by case basis.
49b		If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual CAY payment should be reinstated after the <b>end</b> of the remarriage, new civil partnership or cohabitation	21(5)	Employer	<b>Mandatory</b>	If NYC determined to suspend such payment, it will reinstate after the end of the remarriage, new civil partnership or cohabitation.

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
49c	<b>Effects of remarriage, new civil partnership or co-habitation on survivor's compensation payments (cont.)</b>	Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partners annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, should be disapplied i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them	21(7)	Employer	<b>Mandatory</b>	NYC will consider on a case by case basis.

## Section 7 - Injury allowances as they apply to leavers, deaths and reductions in pay that occurred after 15 January 2012

### Applicable Regulations:

Discretions under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011(SI 2011/2954)

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
50a	<b>Injury Allowances</b>	Whether to grant an injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job	3(1)	Employer	<b>Mandatory</b>	NYC will consider each case on its merits.

50b	Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job	3(4) and 8	Employer	<b>Mandatory</b>	Any injury allowance granted will not exceed the amount of the reduction in remuneration offset against any other benefits, payments or awards received in relation to the injury or disease.
50c	Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1) (reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job).	3(2)	Employer	<b>Mandatory</b>	Any injury allowance granted will cease when the employee leaves employment with NYC. The injury allowance will be reviewed should the employee's circumstances change e.g. relation to the employee's working or earning capacity or other payments received.
50d	Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.	4(1)	Employer	<b>Mandatory</b>	NYC will consider each case on its merits.

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
50e	<b>Injury Allowances (cont.)</b>	Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job	4(3) and 8	Employer	<b>Mandatory</b>	Any injury allowance granted will not exceed 85% of the employee's final pensionable remuneration, offset against any other benefits, payments or awards received in relation to the injury or disease.
50f		Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity)	4(2)	Employer	<b>Mandatory</b>	Any injury allowance granted will cease when the employee reaches their state pension age or is granted tier 1 ill-health retirement.

50g	Whether to suspend or discontinue injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months.	4(5)	Employer	<b>Mandatory</b>	Any injury allowance granted will be reassessed or suspended if the employee becomes capable of working again.
50h	Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a regulation 3 payment (reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job) was being made at date of cessation of employment but regulation 4 (loss of employment through permanent incapacity) does not apply	6(1)	Employer	<b>Mandatory</b>	NYC will not make an injury allowance.
50i	Determine amount of any injury allowance to be paid under regulation 6(1) (payment of injury allowance following cessation of employment)	6(1)	Employer	<b>Mandatory</b>	NYC will not make an injury allowance.

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
50j	<b>Injury Allowances (cont.)</b>	Determine whether and when to cease payment of an injury allowance payable under regulation 6(1) (payment of injury allowance following cessation of employment).	6(2)	Employer	<b>Mandatory</b>	NYC will not make an injury allowance.

50k	Whether to grant an injury allowance to the spouse, civil partner, co-habiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.	7(1)	Employer	<b>Mandatory</b>	NYC will consider each case on its merits.
50l	Determine amount of any injury allowance to be paid to the spouse, civil partner or co-habiting partner under regulation 7(1) (employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job).	7(2) and 8	Employer	<b>Mandatory</b>	Any injury allowance granted will not exceed 85% of the employee's final pensionable remuneration, offset against any other benefits, payments or awards received in relation to the injury or disease.
50m Page 89	Determine whether and when to cease payment of an injury allowance payable under regulation 7(1) (employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job).	7(3)	Employer	<b>Mandatory</b>	Any injury allowance granted will cease at the date when the employee would have reached their state pension age or may be reviewed if the beneficiary remarries, enters into a new civil partnership or cohabits.

**Section 8 - Injury allowances as they apply to leavers, deaths and reductions in pay that occurred before 16 January 2012**

**Applicable Regulations:**

Discretions under the Local Government (Discretionary Payments) Regulations 1996 (as amended) (SI 1996/1680)

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
52a	<b>Injury Allowances</b>	Suspend or discontinue injury allowance if person becomes capable of working again	34(4)	Employer	<b>Less Common</b>	Any injury allowance granted will be reassessed or suspended if the employee becomes capable of working again.

52b	Amount and duration of a dependant's, spouse's or civil partner's injury allowance following death of employee after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job	37(3), 37(6) and 38	Employer	<b>Less Common</b>	Any injury allowance granted will not exceed 85% of the employee's final pensionable remuneration, offset against any other benefits, payments or awards received in relation to the injury or disease. This allowance will cease at the date when the employee would have reached their state pension age or may be reviewed if the beneficiary remarries, enters into a new civil partnership or cohabits.
52c	Reinstate spouse's or civil partner's injury allowance following earlier cessation due to cohabitation, remarriage or registration of a new civil partnership	37(4)	Employer	<b>Less Common</b>	If NYC determined to suspend such payment, it will reinstate after the end of the remarriage, new civil partnership or cohabitation.
52d	Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of annuity payments fall short of their capital value at date of award	41(4)	Employer	<b>Less Common</b>	NYC will not award a further gratuity.
52e	Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of redundancy annuity payments fall short of their capital value at date of award.	42(4)	Employer	<b>Less Common</b>	NYC will not award a further gratuity.

No.	Area	Discretion	Regulation	Exercised by	Key	Policy
52f	<b>Injury allowances (cont.)</b>	Amount of gratuity payable to any other surviving dependant, spouse or civil partner where amount of annuity payments paid under 42(4) fall short of their capital value at date of award.	42(7)	Employer	Less Common	NYC will not award a further gratuity.



**North Yorkshire Council**

**Injury Allowance Payment Scheme**

**Guidance Notes**

**1. Introduction**

- 1.1 Any employee who sustains an injury or contracts a disease whilst at work which results in permanent incapacity may apply to the Council for an injury allowance. In the event that an employee dies in the course of their duties, their dependents may be awarded an allowance.
- 1.2 The scheme applies the provisions of the NYC LGPS Employer Discretion Policy and should be read in conjunction with that policy.
- 1.3 Allowances are decided and paid by the Council and any payment awarded is administered by North Yorkshire Pension Fund. The award of an allowance is not an admission of any liability.

**2. Scope and Eligibility**

- 2.1 Any employee of nyc, who is eligible to be a member of the Local Government Pension Scheme, may apply for an allowance under this scheme. Membership of the scheme is not necessary.
- 2.2 The scheme applies where an employee sustains an injury or contracts a disease as a result of anything he or she was required to do in carrying out his or her work and, as a result, suffers permanent incapacity. Such incapacity results in the employee being unable to work again or only able to work in a reduced capacity, that is, his or her remuneration or potential remuneration is permanently reduced, or in his or her death.
- 2.3 The Council will, therefore, consider a payment of an injury allowance in the following situations:
  - Where permanent incapacity results in loss of employment
  - Where permanent incapacity results in the employee only being able to work in a reduced capacity such that their remuneration or potential remuneration is permanently reduced
  - On the death of an employee
- 2.4 To be eligible for consideration, the injury must have occurred or the disease contracted 'during the course of employment'. If the accident/injury occurred during the journey

to or from work or on his/her way to a lunch break, this would not be construed as 'during the course of their employment' unless the employee was travelling in a vehicle with the Council's express permission and the vehicle was at the time being operated on behalf of the Council (other than as a public service vehicle).

### **3. Conditions**

- 3.1 The Council may choose to review appropriate cases from time-to-time or in the event that the employee's circumstances change, for example, in relation to the employee's working or earning capacity or other payments received. The employee (or widow/widower) may also request a review on receipt of new evidence.
- 3.2 Conditions for the termination or review of payments is detailed for each type of injury allowance in sections 4 to 6 below.
- 3.3 Any award assessed will be reduced by the full amount of any other benefits or payments or awards received in relation to the injury or disease, including ill health or other pension payments (whether LGPS or otherwise), statutory benefits, compensation and damages/insurance payments. The employee must furnish the Council with documentary evidence of all of the above on request and any other income/capital that may be relevant.
- 3.4 The Council may choose to pay a lump sum or annual allowance. Any lump sum payments or awards may be taken at 1/12th of their amount to produce a comparative 'annual' income.
- 3.5 Any change in circumstances must be notified immediately to the relevant Service Director, e.g. relating to the employee's working or earning capacity or withdrawal of benefits relating to the injury or disease. If the employee fails to notify the Council of any relevant change, the Council may later seek to recover all or part of any allowance made since the change of circumstances.
- 3.6 If the Council decides there should be a regular review of the allowance, the employee will be advised of its decision and any allowance may be suspended or terminated if the employee does not comply with reasonable requests on review.

### **4. Loss of employment through permanent incapacity**

- 4.1 Where an employee ceases employment due to permanent incapacity as a direct result of injury or disease contracted in the course of carrying out their employment, the Council will consider paying the employee an allowance not exceeding 85 per cent of the employee's annual rate of pensionable remuneration at the point the employment ceased. The allowance will be offset against other payments detailed in paragraph 3.3 above.
- 4.2 Where the employee was receiving no pay or reduced pay at the time the employment ended because of absence, the Council will assess the remuneration on the basis of the pay the employee would have received but for being absent.

4.3 The Council may suspend or discontinue the allowance if the former employee secures gainful employment (paid employment for not less than 30 hours in each week for a period of not less than 12 months).

4.4 Payment of the allowance will cease when the employee reaches their state pension age or is granted Tier 1 ill-health retirement.

## **5. Reduction in remuneration**

5.1 Whilst an employee is receiving reduced pay as a direct result of an injury or disease contracted in the course of carrying out their employment, the Council may consider paying the employee an allowance while the reduction in pay continues.

5.2 The value of the allowance, when added to the reduced pay being received by the employee, will not be of a value that means the employee receives total pay in excess of the pay that they would normally expect to have received but for their injury or disease. The allowance will be offset against other payments detailed in paragraph 3.3 above.

5.3 Should the employee's remuneration change as a result of a move to another role within NYC or due to a change in the employee's capacity, either improvement or deterioration, then their allowance will be reviewed.

5.4 The award will be payable from the date remuneration was reduced and may be increased in line with cost of living rises where appropriate. The allowance will cease when the employee leaves NYC.

## **6. Death award**

6.1 Where an employee dies as a direct result of injury or disease contracted in the course of carrying out their employment, the Council will consider paying an annual allowance or a lump sum to a surviving spouse, civil partner, nominated co-habiting partner, or dependant (as defined by the Regulations).

6.2 The Council may make an award of up to 85% of his or her final pensionable pay. Where the employee was receiving no pay or reduced pay at the date of death because of absence related to the injury or disease, the Council will assess the remuneration on the basis of the pay the employee would have received but for being absent. The allowance will be offset against other payments detailed in paragraph 3.3 above.

6.3 An allowance to a dependant ("an eligible child") shall continue for such period as the Council will determine and will be considered on a case-by-case basis.

6.4 Any allowance to widow or widower, surviving civil partner or nominated cohabiting partner will be reviewed on remarriage, civil partnership or cohabitation. An allowance will not be payable if the individual's marriage to, or civil partnership or cohabitation with, the employee took place after the event causing the injury or illness.

6.5 The allowance will cease at the date when the employee who have reached their state pension age.

## **7. Process**

7.1 Applications under the Scheme must be made without unreasonable delay (which will depend on the specific circumstances of the case).

7.2 The employee is required to claim the injury allowance in writing and provide all supporting information or evidence he or she wishes to submit in support of the claim. In the event of a claim after death, this should be submitted by the Executor or Administrator of the estate. The claim should be sent to the employee's line manager/former line manager.

7.3 Claims may be authorised by the relevant Service Director in conjunction with the Assistant Chief Executive (Business Support). Advice will be sought from HR and Finance (Insurance) and any other Council personnel at the discretion of the Service Director or Assistant Chief Executive (Business Support).

7.4 On receipt of any injury allowance claim the employee should be referred to Occupational Health. OH will refer the employee for consideration by an Independent Registered Medical Practitioner (IRMP) who will be asked to advise on:-

- Whether the injury or disease was received or contracted wholly in the execution of the employee's duties
- The degree of disability if employment is terminated as a result of the injury or disease
- Whether the injury or disease is likely to be temporary or permanent
- If temporary, the possible length of the effect of the injury or disease
- Whether the award should be subject to regular review
- Any other matters either the Director, Occupational Health Service or the IRMP thinks appropriate
- And to certify to the same by completing and signing the Certificate to be provided by Occupational Health Service

7.5 In the case of deaths, written evidence will be submitted to Occupational Health.

7.6 In all cases, a copy of the relevant accident reports should be supplied with the Occupational Health referral to be forwarded to the IRMP. The accident report will be an important document in determining whether an employee has an entitlement under this scheme and managers should ensure that the appropriate form or forms are completed at the time of the incident.

7.7 Any other correspondence or documentation relating to the event (including any insurance claims) should be provided to the relevant Service Director who may share these with OH and the IRMP if relevant to the employee's claim. If the employee was working at a site not operated or managed by the Council, the Service Director may contact a representative of the site operator, manager or owner for information.


- 7.8 Occupational Health, on the advice of the IRMP, may decide that the employee should be referred for specialist and/or up to date advice. In that case, the employee will be required to give his authority for disclosure of medical details and information and to attend for examination as reasonably requested. Should the employee refuse to give this authority the Service Director will make their decision based on the information they have available to them at the time.
- 7.9 The Service Director will notify the employee of their decision in writing. If the application is unsuccessful, the employee will be provided with reasons for this decision.

## **8. Appeals**

- 8.1 Appeals against whether an award was made should be directed to the Chief Executive and should be submitted within 10 working days of receipt of the decision letter.
- 8.2 An appeal against the Chief Executive's decision can be made, in the first instance, through the Internal Disputes Resolution Procedure – see [www.nypf.org.uk](http://www.nypf.org.uk) for application forms. There is no right of appeal against the amount of benefit awarded.

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<b>Initial equality impact assessment screening form</b>			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
<b>Directorate</b>	Central Services		
<b>Service area</b>	Human Resources		
<b>Proposal being screened</b>	Administrative amendments to the LGPS Discretions Policy		
<b>Officer(s) carrying out screening</b>	Anna Cowan		
<b>What are you proposing to do?</b>	Make administrative amendments to the LGPS Discretions Policy		
<b>Why are you proposing this? What are the desired outcomes?</b>	Amend references from predecessor authority North Yorkshire County Council to North Yorkshire Council and delegation to Assistant Chief Executive Business Support & HR to make in-year minor administrative amendments.		
<b>Does the proposal involve a significant commitment or removal of resources?</b> Please give details.	No		
<b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics</b>			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
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 directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Are from the Armed Forces Community		X	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (for example, disabled people's access to public transport)? Please give details.	No		
<b>Will the proposal have a significant effect on how other organisations operate?</b> (for	No		

<p><b>example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</b></p>				
<p><b>Decision (Please tick one option)</b></p>	<p>EIA not relevant or proportionate:</p>	<input checked="" type="checkbox"/>	<p>Continue to full EIA:</p>	
<p><b>Reason for decision</b></p>	<p>Administrative changes to policy and no impact</p>			
<p><b>Signed (Assistant Director or equivalent)</b></p>				
<p><b>Date</b></p>	<p>10/5/24</p>			



## Initial Climate Change Impact Assessment (Form created August 2021)

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

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

<b>Title of proposal</b>	<b>Administrative amendments to the LGPS Discretions Policy</b>
<b>Brief description of proposal</b>	<b>Minor administrative amendments have been made to the LGPS Discretions Policy and it is proposed that there is delegation to the Assistant Chief Executive HR &amp; Business Support to make in-year minor administrative amendments to the Policy.</b>
<b>Directorate</b>	<b>Central Services</b>
<b>Service area</b>	<b>Human Resources</b>
<b>Lead officer</b>	<b>Anna Cowan, Principal HR Adviser</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	


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

Remember to think about the following;

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

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

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

<b>Decision (Please tick one option)</b>	Full CCIA not relevant or proportionate:	x	Continue to full CCIA:	
<b>Reason for decision</b>	Administrative amendments to LGPS Discretions Policy does not have a climate change impact.			
<b>Signed (Assistant Director or equivalent)</b>				
<b>Date</b>	10/5/24			

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## North Yorkshire Council

### Executive

11 June 2024

### Appointments to Committees and 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 SHAREHOLDER COMMITTEE

- 2.1 There is currently a vacancy on the Shareholder Committee. It is proposed that **Cllr Mark Crane** be appointed to the vacancy.
- 2.2 The Shareholder Committee is a Committee of the Executive, appointed to oversee the Council's company interests. It reviews business plans and projects, monitors the performance of Council companies, and approves or amends strategic plans of those companies.<sup>1</sup>

#### 3.0 NORTH YORKSHIRE STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION

- 3.1 There is also a vacancy on the North Yorkshire Standing Advisory Council on Religious Education (SACRE). A nomination to this vacancy will be provided at the meeting.
- 3.2 SACRE's role is to advise the local authority on what needs to be done to support and improve religious education and collective worship for schools in North Yorkshire. SACRE membership is governed by the SACRE constitution, which states that it includes "five elected Members of the Council, as appointed by North Yorkshire Council".<sup>2</sup>

#### 4.0 APPOINTMENT TO VACANT COMMITTEES OUTSIDE BODIES

- 4.1 On 15 May 2024, Cllr Derek Bastiman stepped down from the Executive. As a result, he is no longer eligible to sit on the Shareholder Committee as it is a committee of the Executive, leaving one vacancy. Cllr Mark Crane was appointed to the vacancy on the Executive, and so it is proposed that Cllr Crane also be appointed to the resulting vacancy on the Shareholder Committee.

<sup>1</sup> NYC Constitution, v6, April 2024, Schedule 2, Part 2.

<sup>2</sup> SACRE Constitution, July 2021.

4.2 On 24 March 2024, Cllr George Jabbour resigned from SACRE. As a result, there is one vacancy which must now be filled.

## 5.0 IMPLICATIONS

5.1 There are no equalities, finance, legal or climate change implications arising from the recommendations in this report.

## 6.0 RECOMMENDATIONS

6.1 That the Executive appoint **Cllr Mark Crane** to the Shareholder Committee.

6.2 That the Executive appoint to the North Yorkshire Standing Advisory Council on Religious Education

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)  
County Hall  
Northallerton  
20 May 2024

### Report Authors

- Edward Maxwell, Senior Democratic Services Officer

### Background documents

- SACRE Constitution, July 2021
- NYC Constitution, v6, April 2024

# FORWARD PLAN

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

Publication Date: 3 June 2024

Last updated: 3 June 2024

Period covered by Plan: 3 June 2024 - 30 June 2025

## PLEASE NOTE:-

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

**FUTURE DECISIONS**

Likely Date of Decision	**Decision Taker	In Consultation with (Executive Member or Corporate Director)	Description of Matter – including if the report contains any exempt information and the reasons why	Key Decision YES/NO	Decision Required	Consultees (i.e. the principal groups to be consulted)	Consultation Process (i.e. the means by which any such consultation is to be undertaken)	Contact details for making representations (Tel: 0845 034 9494) unless specified otherwise)	Relevant documents already submitted to Decision Taker
18 Jun 2024	Executive		North Yorkshire Joint Health and Wellbeing Strategy	Yes	To consider the proposed North Yorkshire Joint Health and Wellbeing Strategy and recommend it for adoption to the Council. NOTE: The North Yorkshire Health and Wellbeing Board's Terms of Reference state that "The Joint Health and Wellbeing Strategy will be referred to the Council for approval as part of the Council's Policy Framework."	<ul style="list-style-type: none"> <li>•The public and partners</li> <li>•North Yorkshire Health and Wellbeing Board (finalised draft) in May 2024</li> <li>•Executive on 18 June 2024</li> <li>•Council on 24 July 2024</li> </ul> NOTE: There is on-going liaison with the North Yorkshire Health and Wellbeing Board, who will be asked to approve a draft Strategy to be consulted on, at its meeting	In terms of the public and partners, a period of public consultation is planned for autumn/winter 2023. In terms of the formal meetings referred to above, the process will be via presentation and discussion of the proposed Strategy at the relevant Committee meetings.	Louise Wallace, AD Health and Integration louise.wallace@northyorks.gov.uk	



						on 29 November 2023.			
18 Jun 2024	Executive		Review of North Yorkshire Bus Service Improvement Plan	Yes	To approve an updated Bus Service Improvement Plan (BSIP) which requires submission to the Department of Transport (DfT) by 12 June 2024	Department for Transport guidance sets out that this should be agreed through the North Yorkshire Bus Enhanced Partnership which includes bus company and passenger group representatives.	Through the NY Bus Enhanced Partnership	Andrew Clarke, Public & Community Transport Manager andrew.clarke@northyorks.gov.uk	
18 Jun 2024	Executive		Local Authority Housing Funding	Yes	The purpose of this report is to enter into a Memorandum of Understanding (MOU) with the Department of Levelling-Up, Housing and Communities (DLUHC) for funding of £1,740,114 from the Local Authority Housing Fund (LAHF). This funding will contribute towards the acquisition of 2 homes for temporary	We will consult with the following: The Councils Refugees Resettlement Manager The Councils Head of Housing Needs	Consultation will take place on an on-going basis with the Refugee Resettlement Manager in order to identify suitable locations and properties for the Afghan households. Similarly consultation will take place with the Head of Housing	John Burroughs, Housing Strategy and Development Officer John.Burroughs@northyorks.gov.uk	

					accommodation for homeless households plus an additional 11 affordable homes to provide accommodation for 11 households from the Afghan Citizens Resettlement Scheme (ACRS).		Needs to identify suitable locations and properties for the temporary accommodation for the homeless households.		
18 Jun 2024	Executive		Housing Assistance and Disabled Adaptations Policy	Yes	Due to the variations in approach towards the method of delivery of the disabled facilities grant, there were also some subtle variations between the legacy areas in relation to their policy approach and their interpretation and implementation of legislation.. The report will therefore set out the key recommendations for the policy and seek agreement to adopt the North Yorkshire Housing Assistance and Disabled Facilities Grant Policy for the new authority.	Health	A draft policy was submitted to the LGR Housing board post vesting day. As part of the LGR work, consultation had taken place with representatives from the LGR Housing work stream. A further task	Lynn Williams, Head of Housing Renewal lynn.williams@northyorks.gov.uk	
18 Jun 2024	Executive		Housing Enforcement Policy	Yes	The report will set out the detail of the proposed NYC housing enforcement policy,	As this is based on statutory legislation,	Consultation was undertaken initially as part of the LGR work	Lynn Williams, Head of Housing Renewal	

					which is required in order for us to deliver our statutory duties in relation to housing standards in the private sector.	consultation has been undertaken in house with environmental health and enforcement officers across the legacy council areas who deliver the service, in addition to other environmental health colleagues regionally and nationally.	streams. The policy has been developed based on the good practice of other authorities, through information sharing at regional and national meetings. A housing enforcement workshop was utilised to discuss the key points of the policy amongst all staff delivering housing enforcement.	lynn.williams@northyorks.gov.uk	
Jun 2024	Executive		Adult Learning and Skills Service Accountability Agreement 2024-25	Yes	As a provider of adult education in receipt of grant funding of over £1m we must write and publish an accountability statement to form part 2 of our funding agreement with the Skills Funding Agency.  The statement is a mandatory part of the legislation linked to our current funding arrangements but must make clear reference to	The document will have been produced with full internal consultation with colleagues in inclusion service, economic development, training and learning and the wider localities	Whilst the document must respond to local key priorities it is key to the service to position this within the wider education landscape. Open consultation is not deemed necessary as the plan aligns the strategic direction of the service (subject to full open	Paul Cliff, Shared Head of Adult Learning and Skills paul.cliff@northyorks.gov.uk	

					<p>a document, written by West and North Yorkshire Chamber of commerce called the Learning Skills Improvement Plan (LSIP) and the key priorities of the council. This document is this year's version of a document approved for 2023-24</p>	<p>teams, external consultation is based upon work with local further education providers as part of the LSIP steering board, with colleagues from the combined authority as part of the work to shape the MCA skills strategy and with colleagues at Yorkshire Learning Providers.</p>	<p>consultation) with these priorities the document must detail the key role the service plays in the adult education ecosystem, so consultation with these stakeholder groups is essential and will involve direct feedback on drafts of the document.</p>	
18 Jun 2024	Executive		Review of Maximum Hackney Carriage Fares	Yes	To review the current maximum Hackney Carriage fares set by the Council consequent to consultation and statutory public notice.	Hackney Carriage trade and users of Hackney Carriages	The Hackney Carriage trade was consulted in the preparation of the original proposals. This was followed by a statutory public notice giving all parties a chance to comment on proposals.	Gareth Bentley, Head of Licensing gareth.bentley@northyorks.gov.uk

18 Jun 2024	Executive		Temporary Accommodation Business Case	Yes	The report sets out plans to increase the provision of temporary accommodation stock in the county. The report seeks approval to follow the approach identified in the business case (mixed model in-house and registered provider developed provision).	Corporate Director of Community Development Assistant Director of Resources for Community Development Finance Legal Executive Member for Culture, Arts and Housing Management Board The Executive.	Via email briefings and in person meetings	Hannah Heinemann, Head of Housing Delivery and Partnerships Hannah.heinemann@northyorks.gov.uk	
18 Jun 2024	Children and Young People's Service - Executive Members & Corporate Director Meetings		Boroughbridge High School, Boroughbridge – Proposal to remove Sixth Form Provision	Yes	Following the publication of statutory notices, to determine whether to change the age range at Boroughbridge High School, effective from 31 August 2024, by ceasing the Sixth Form Provision. If there are no objections to the statutory notices, this decision will be taken by the Executive	Parents, Staff, Governors, Primary Feeder Schools, Local Secondary Schools, Local Elected Members, Town and parish councils, MP and other	Consultation ran from 19 January to 1 March 2024. Consultation document issued to consultees and available on NYC website. Statutory proposals published on NYC website, in a local newspaper and displayed at the school. Statutory	John Lee, CYPS Strategic Planning Officer john.s.lee@northyorks.gov.uk	

					Member for Education, Learning and Skills at the meeting with the Corporate Director - Children and Young People's Service	local stakeholders.	proposals representation period from 4 April to 2 May 2024. How representations may be made: In writing to the Corporate Director- Children and Young People's Service, County Hall, Northallerton, DL7 8AE, or by email to schoolorganisations@northyorks.gov.uk by 2 May 2024	
18 Jun 2024	Executive Member for Education, Learning & Skills	Corporate Director Children and Young People's Services	Targeted Mainstream Provisions – Change of designation	Yes	To Seek approval to consult on the change of designation to establish targeted mainstream provisions (TMPs) at Caedmon College, Whitby, Norton Community Primary, Malton and Dishforth Airfield Primary, Thirsk.	Parents, Staff, Governors, Local Elected Members, District Council, and other local stakeholders	Public consultation from 21 June to 19 July 2024. Statutory proposals will be published on NYC website. Statutory notice will be published in local newspaper and placed on schools gates. Statutory proposals representation period from 27	Chris Reynolds, Head of SEND Strategic Planning and Resources chris.reynolds@northyorks.gov.uk

							September to 25 October 2024.		
1 Jul 2024	Assistant Director - Property, Procurement & Commercial		Contract for Water Retailer	Yes	Procurement for Water Retailer Contract to commence from the 1st April 2025	Relevant Officers - internal	Internal communication, discussions and meetings as required	Katherine Edge, Senior Property Officer katherine.edge@northyorks.gov.uk	
9 Jul 2024	Executive		Submission of data to the Local Government Boundary Commission for England	Yes	Following LGR, the Local Government Boundary Commission for England will be undertaking a Boundary Review. This review will identify the number of councillors to be elected and the geographies of the Divisions they represent for the next local government elections in 2027. The first stage of this is for the Council to submit a proposed number of Councillors and a prediction of the number of electors in each polling district in 2030. Executive will be asked to approve the submission of this information, and other background information required by the Boundary Commission.	The recommendations have been developed by a Member Working Group, supported by relevant officers. The Boundary Review will be subject to two Public Consultations.	The public consultations will be run by the Boundary Commission, to gather views on draft and then final proposed division patterns (i.e the areas each council member will represent following the next election)	Rachel Joyce, Assistant Chief Executive for Localities 01423 556187	

<p>16 Jul 2024</p>	<p>Executive</p>		<p>Examiner's Report on the Pannal and Burn Bridge Neighbourhood Plan - Decision Statement and Referendum</p>	<p>Yes</p>	<p>This is a statutory stage in the preparation of a Neighbourhood Plan that takes place following independent Examination of the plan. The report will set out a recommendation on whether to agree an appended Decision Statement. The Decision statement will set out the Council's position on the Neighbourhood Plan in-light of the Examiner's Report and whether the Plan can progress to referendum. Based on consideration of a Fact-Checking Draft of the Examiner's Report, both the local planning authority (LPA) and the qualifying body responsible for the preparation of the plan (Pannal and Burn Bridge Parish Council) agree with all of the Examiner's modifications recommended as necessary for the Plan to meet the basic conditions. This will be confirmed on receipt of the final Examiner's</p>	<p>The neighbourhood plan has already been subject to consultation by both the parish council- during their preparation of the plan, and the LPA following submission in order to inform the Examination. Internal consultation with senior officers will take place in conjunction with the report's preparation.</p>	<p>Email meetings.</p>	<p>and Joe Varga, Senior Policy and Delivery Officer, Natasha Durham, Planning Manager (Policy) joe.varga@northyorks.gov.uk,</p>	
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report.  
Subject to a favourable decision, the Plan would be amended in-line with the recommended modifications post-decision and this modified Plan would go forward to referendum.

16 Jul 2024

Executive

Malton and Norton Neighbourhood Plan – Decision Statement and referendum

Yes

This is a statutory stage in the preparation of a Neighbourhood Plan post Examination Report is to set out a recommendation to agree the appended Decision statement (a statement which sets out the Council's position on the Neighbourhood Plan) and agree that a referendum will be held. Both the LPA and the Qualifying body agree with all of the Examiner's recommendations and are in the process of modifying the plan to make it is capable to meet the basic conditions tests.

Internal consultation will take place in conjunction with the report's production, also submission to Thirsk

The Plan has already been subject to consultation and examination as part of its production.

Rachael Balmer  
rachael.balmer@northyork.gov.uk

16 Jul 2024	Executive		York & North Yorkshire Key Route Network	Yes	To seek agreement on the finalised draft of the North Yorkshire parts of the proposed Key Route Network for York and North Yorkshire ahead of approval by the Mayoral Combined Authority.	Environment Executive Member	By email to HAM@northyorks.gov.uk	James Gilroy, Team Leader, Highway Asset Management Email: james.gilroy@northyorks.gov.uk	
16 Jul 2024	Executive		Double Devolution – Pilot Business Case sign-off	No	<p>The double devolution pilots are progressing with the parish and town councils, business case templates have been shared with them all and will require sign-off individually once completed. Specific dates to be agreed with each area and the Forward Plan will be updated for each area once this has been confirmed.</p> <p>Areas for information:  Filey Town Council  Knaresborough Town Council  Malton Town Council  Northallerton Town Council  Ripon Town Council  Selby Town Council  Skipton Town Council  Whitby Town Council</p>	N/A	No needed	Rachel Joyce, Assistant Chief Executive for Localities Rachel.Joyce@northyorks.gov.uk ; 01423 556706	

16 Jul 2024	Executive		Consultation on changes to the Council's Home to School Travel Policy	Yes	To report the outcome of a consultation on a proposed new Home to School Travel Policy for North Yorkshire. To seek approval of the proposed policy to move forward for adoption by the Council in July 2024.	Parents / carers, schools, governors, NYC councillors, neighbouring councils, parish councils, academy trusts, transport contractors, Diocese, MP and other stakeholders.	Public consultation between 19 February and 26 April 2024. Consultation documents available on NYC website. Several engagement activities undertaken with a mixture of virtual and in-person events.	Amanda Newbold, AD Education & Skills Amanda.newbold@northyorks.gov.uk	
18 Jul 2024	Executive		Managing Adult Social Care Pressures	Yes	To update Members on actions being taken to address adult social care waiting times and workforce pressures and to set out the evaluation of the Ethical Decision-Making Framework that was put in place in January 2022			Richard Webb, Corporate Director of Health and Adult Services richard.webb@northyorks.gov.uk	
16 Jul 2024	Executive		Care market proposals for Malton	Yes	To request approval from Executive on proposals for the development of the adult social care market in Malton	Local stakeholders	Stakeholder meetings	Hannah Brown hannah.brown3@northyorks.gov.uk 01609 535906	

16 Jul 2024	Executive		Proposed Traffic Regulation Orders for Harrogate Town Centre	Yes	For Executive to approve the introduction of the Traffic Regulation Orders required for the Harrogate Transforming Cities Fund project.	Executive Member for Highways and Transportation Harrogate	Statutory consultation undertaken in line with Traffic Regulation Order process.	Tania Weston Email: tania.weston@northyorks.gov.uk , Tel No: 01609 532905	
16 Jul 2024	Executive		North Yorkshire Autism Strategy	Yes	To approve the North Yorkshire Autism Strategy, considering feedback and refinements following the public consultation.	The draft strategy was subject to public consultation (November 2023 – March 2024), including Scrutiny of Health. A range of partner organisations also contributed to the draft strategy.	The Executive Member Health and Adult Services approved the launch of the public consultation plan at the Health and Adult Services Executive meeting on 3rd November 2023.	Natalie Smith, Head of Service HAS Planning, Public Health Team, Naomi Smith, Programme Manager, Strategic Resources naomi.smith@northyorks.gov.uk 01609 534823,	
16 Jul 2024	Executive		Long Term Plan for Scarborough	Yes	To approve the ten year Long Term Plan for Scarborough and initial three year Investment Plan of agreed interventions to receive, allocate and spend funding received from	The Council in partnership with the Scarborough Town Board is conducting wide ranging consultation	The wider consultation mentioned above will be delivered through a variety of means such as targeted stakeholder	Helen Jackson, Regeneration Projects Manager helen.jackson1@northyorks.gov.uk	

Government through the Long Term Plan for Towns programme.

on the creation of the Long Term Plan for Scarborough with internal services and key strategic Officers, the Scarborough and Whitby ACC, local businesses, local stakeholder groups, charities, community organisations, schools and residents.

The Scarborough Town Board also needs to approve the LTP for Scarborough before submission to the Department of Levelling Up, Homes and Communities . Executive representativ

meetings, open public sessions and online methods and is being undertaken in liaison the Scarborough Town Board.

						es of NYC sit on the Scarborough Town Board.			
16 Jul 2024	Executive		HRA Policy Framework	Yes	<p>The purpose of the report is to set out the proposed policy framework for the functions within the Housing Revenue Account; Landlord Services and Housing Standards.</p> <p>Decisions are required on adoption of the Policy Framework, agreement of the implementation plan and associated timescales and any delegations as advised.</p>	<p>Managers and Officers within the HRA functions Legal and Democratic Services colleagues Executive Member for Culture, Arts and Housing and Leisure Overview and Scrutiny Committee Housing Tenants</p>	<p>In person meetings emails Ms Teams meetings</p>	<p>Victoria Young, Housing Policy and Strategy Officer Victoria.young@northyorks.gov.uk</p>	
16 Jul 2024	Executive		Transfer of part of former Northallerton School and Sixth Form College (Grammar School Lane) to the Department for Education.	No	To approve the transfer of part of the former Northallerton School and Sixth Form College, Grammar School Lane, Northallerton to the Department for Education at nil cost to enable the delivery of a new SEND School to provide educational services from the site.	None		<p>Philip Cowan, Non-Operational Property Manager, NYCC Property Services philip.cowan@northyorks.gov.uk</p>	

16 Jul 2024	Executive		St Hilda's Ampleforth Church of England Voluntary Controlled Primary School – School Closure Proposal	Yes	<p>Following the publication of statutory notices, to determine whether to cease to maintain (to close) St Hilda's Ampleforth Church of England Voluntary Controlled Primary School with effect from 31 August 2024.</p> <p>If there are no objections to the statutory notices, this decision will be taken by the Executive Member for Education, Learning and Skills at their meeting with the Corporate Director - Children and Young People's Service</p>	Staff, Governors, Local Elected Members, Parish Councils, Diocese, MP and other local stakeholders	<p>Consultation document issued to consultees and available on NYCC website between 1 March 2024 and 19 April 2024.</p> <p>A further 4 week representation period commenced on 22 May and is ending on 19 June. During this period representations can be made in writing to the Director of Children &amp; Young People's Service</p>	Jon Holden, Head Strategic Planning (CYPS) jon.holden@northyorks.gov.uk	
16 Jul 2024	Executive		Consultation on the de-designation of Children Centres	Yes	To request consultation on the de-designation of all 24 children's centres to enable greater flexibility for the use of the buildings	General public via online surveys		Barbara Merrygold, Head of Early Help, Children and Families Service barbara.merrygold@northyorks.gov.uk	
20 Aug 2024	Executive		Q1 Performance Monitoring and Budget Report	Yes	Q1 Performance Monitoring and Budget report including: Revenue Plan; Capital Plan; Treasury	Management Board	Meetings	Gary Fielding, Corporate Director of Resources	

					Management and Prudential Indicators			gary.fielding@northyorks.gov.uk	
17 Sep 2024	Executive		Proposed extra care housing scheme	Yes	To approve funding to support the development of an extra care housing scheme in Whitby. To review the proposed scheme and outcome of the procurement.			Michael Rudd, Head of Housing Marketing Development (Commissioning), Health and Adult Services michael.rudd@northyorks.gov.uk	
17 Sep 2024	Executive		Redeployment of land to the north and south of Crosshills Lane, Selby	Yes	To approve the proposed redeployment of the property	Executive members and Management Board at the informal Executive meeting held on 8 June 2021		Philip Cowan, Non-Operational Property Manager, NYCC Property Services Philip.Cowan@northyorks.gov.uk	
15 Oct 2024	Executive		Double Devolution – Pilot Business Case sign-off	No	The double devolution pilots are progressing with the parish and town councils, business case templates have been shared with them all and will require sign-off individually once completed. Specific dates to be agreed with each area and the Forward Plan will be updated for each area once this has been confirmed.	N/A	Not required	Rachel Joyce, Assistant Chief Executive for Localities Rachel.Joyce@northyorks.gov.uk ; Tel: 01423 556705	



					Areas for information: Filey Town Council Knaresborough Town Council Malton Town Council Northallerton Town Council Ripon Town Council Selby Town Council Skipton Town Council Whitby Town Council				
15 Oct 2024	Executive		Annual Review of Member Champions	No	Annual Review of Member Champions	Leader	Emails	Daniel Harry, Democratic Services and Scrutiny Manager daniel.harry@northyorks.gov.uk	
19 Nov 2024	Executive		Cultural Strategy for North Yorkshire	Yes	To seek approval for adoption of the Cultural Strategy for North Yorkshire, as facilitated and developed by the Culture	Culture	Via briefings and meetings, either in person or via Ms Teams or email.	Danielle Daglan, Head of Culture and Archives danielle.daglan@northyorks.gov.uk	
19 Nov 2024	Executive		Q2 Performance Monitoring and Budget Report	Yes	Q2 Performance Monitoring and Budget report including: Revenue Plan; Capital Plan; Treasury Management and Prudential Indicators	Management Board	Meetings	Gary Fielding, Corporate Director of Resources gary.fielding@northyorks.gov.uk	
17 Dec 2024	Executive		Double Devolution – Pilot Business Case sign-off	No	The double devolution pilots are progressing with the parish and	N/A	Not required	Rachel Joyce, Assistant Chief	

					<p>town councils, business case templates have been shared with them all and will require sign-off individually once completed. Specific dates to be agreed with each area and the Forward Plan will be updated for each area once this has been confirmed.</p> <p>Areas for information:                      Filey Town Council                      Knaresborough Town Council                      Malton Town Council                      Northallerton Town Council                      Ripon Town Council                      Selby Town Council                      Skipton Town Council                      Whitby Town Council</p>			<p>Executive for Localities                      Rachel.Joyce@northyorks.gov.uk; Tel: 01423 556705</p>	
21 Jan 2025	Executive		Revenue Budget 2025/26 and Medium Term Financial Strategy - To make recommendation to Full Council	Yes	To consider and recommend to Council the Revenue Budget for 2025/26 and the Medium Term Financial Strategy (MTFS) including: Revenue Plan; Capital Plan; Treasury Management; Prudential Indicators	Management Board	Budget consultation process	Gary Fielding, Corporate Director of Resources gary.fielding@northyorks.gov.uk	
18 Feb 2025	Executive		Q3 Performance Monitoring and Budget Report	Yes	Q3 Performance Monitoring and Budget report including:	Management Board	Meetings	Gary Fielding, Corporate	

					Revenue Plan; Capital Plan; Treasury Management and Prudential Indicators			Director of Resources gary.fielding@northyorks.gov.uk	
18 Mar 2025	Executive		North Yorkshire and York Local Nature Recovery (LNRS) Strategy) - Publication	Yes	To seek approval to formally publish the statutory outputs of the North Yorkshire and York Local Nature Recovery (LNRS) Strategy comprising -local habitat map -statement of biodiversity priorities. As developed in accordance with the LNRS Regulations 2023.	Natural England City of York Council North York Moors National Park Authority Yorkshire Dales National Park Authority Stakeholders and members of the public across NY and City of York	Online hosting	Timothy Johns, Senior Policy Officer timothy.johns@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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