

**NORTH YORKSHIRE COUNCIL**

**15 November 2023**

**Proposed Changes to the Constitution  
for recommendation to full Council**

**Report of the Assistant Chief Executive Legal and Democratic Services**

**1.0 PURPOSE OF REPORT**

1.1 To present to Members, for their approval, proposed changes to the Constitution.

**2.0 BACKGROUND**

2.1 The Constitution is maintained by the Assistant Chief Executive Legal and Democratic Services and kept under review on an ongoing basis.

2.2 Under Article 15.02(c) of the Constitution, the Assistant Chief Executive Legal and Democratic Services has delegated power to amend the Constitution:

- (i) to correct administrative issues such as cross-references, title changes, typographical errors and formatting;
- (ii) to ensure that the Constitution and the Council's procedures meet all legal requirements;
- (iii) to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by the person(s) or body with authority to take such action; and
- (iv) consequentially, to give effect to changes explicitly approved by the full Council;

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

2.3 A full review of the Constitution will take place after one years' operation post Vesting Day.

**3.0 AMENDMENTS TO THE CONSTITUTION**

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

3.2 Part B of the amendments chart at **Appendix 1** sets out amendments for information which have been undertaken by the Assistant Chief Executive Legal and Democratic Services under his delegated powers in Article 15.02(c) of the Constitution. The Assistant Chief Executive Legal and Democratic Services has recently used his delegated powers to amend the Constitution to correct typographical/administrative errors and to update the Constitution regarding post title changes and are being reported back to full Council for information.

3.2.1 A further amendment regarding post title changes has been included in Part B of the amendments chart at **Appendix 1**, since it was considered by the Members' Working Group on the Constitution and the Executive.

#### 4.0 **COUNCIL PROCEDURE RULES**

##### **Provisions re substitutes**

4.1 In adopting a new Constitution for North Yorkshire Council, the opportunity was taken to simplify the provisions of the Council Procedure Rules regarding substitution arrangements, by removing reference to a substitute being from the same political group.

4.2 It is recommended that, for clarification purposes, the proposed clarifying amendments below are made to Council Procedure Rule 4.1, to avoid any ambiguity; and a new paragraph 4.4 be inserted as set out below to clarify that a substitute cannot be appointed to attend for just part of a meeting:

#### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

4.1 Save as provided elsewhere in the Constitution, political groups may nominate any Members to be substitutes for appointed Members of committees, joint committees, sub-committees, working groups and panels. The Assistant Chief Executive Legal and Democratic Services shall have authority to give effect to those nominations in accordance with this Procedure Rule, provided that in the case of the:

- (a) Regulatory committees and sub-committees, substitutes must have received the required training; and
- (b) Overview and Scrutiny Committees, Audit and Standards and Governance Committee, all Members except Executive Members are permitted to be substitutes.

4.2 Arrangements for any substitute Member shall be made by the Member for whom the substitution is being sought or if that Member is unavailable or it is not practical for them to do so then by their political group leader by giving notice to the Assistant Chief Executive Legal and Democratic Services as soon as practicable before the meeting to which the substitution relates. In the event of notification not being provided/received before the start of the meeting then the substitute shall not be treated as a member of the committee or sub-committee for the purposes of being able to speak or vote.

4.3 Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.4 A substitute member may only be appointed to attend for the whole duration of a meeting, not part, in place of the appointed Member.

Deleted: some or all their Members

4.3 Subject to any comments Members may have, it is recommended that the proposed amendments to Council Procedure Rule 4 be approved.

**Questions and Statements by the public**

4.4 Full Council previously agreed certain amendments to Council Procedure Rule 9 (Questions and Statements by the Public) to dis-apply Rule 9 (which at the time applied to all committees) to the Council’s planning and licensing committees, as it conflicted with other provisions in the Constitution regarding public speaking at those committees, specifically the rules set out in the Code of Practice for Councillors and Officers dealing with planning matters in Part 5 of the Constitution.

4.5 It is recommended that the following further proposed amendments are made to Rule 9.1.1 for clarification purposes:

**9. QUESTIONS AND STATEMENTS BY THE PUBLIC**

**9.1 General**

Members of the public may ask questions or make statements at ordinary meetings of the Council, and meetings of the Executive and of committees.

9.1.1 This Council Procedure Rule 9 does not apply to the Council’s ~~Planning Committees, Statutory Licensing Sub-Committees and General Licensing and Registration Sub-Committees~~ or any other committee of a quasi-judicial nature, ~~where there are other procedures in place to permit public questions/statements~~. Public questions/statements at planning committees are governed by the Code of Practice for Councillors and Officers dealing with planning matters in Part 5 of the Constitution.

Deleted: p  
Deleted: l  
Deleted: c  
Deleted: (  
Deleted: ).

4.6 Subject to any comments Members may have, it is recommended that the proposed amendments to Council Procedure Rule 9.1.1 be approved.

4.7 Council Procedure Rule 9.7 covers the asking of the public question or statement at a meeting. It allows for members of the public to have their question or statement read out on their behalf, if they are unable to attend the meeting to which their question or statement has been submitted. This is at the discretion of the committee Chair.

4.8 At meetings of the Council’s committees since 1 April 2023, a significant proportion of the public who have submitted questions and statements have stated that they have been unable to attend the committee meeting and so the Chair has allowed them to be read out on their behalf. Often, these public questions have related to controversial matters and decisions.

4.9 The Members’ Working Group on the Constitution, at its meeting on 4 October 2023, considered whether the Constitution should be amended to remove the Chair’s discretion to allow the question/statement to be read out in the questioner’s absence and make it a requirement for a member of the public to attend the meeting in-person to read out their question or statement. The Group’s view was that unless there is some exceptional reason for non-attendance, such as disability, a member of the public wishing to ask a question or make a statement should

attend the meeting or send a representative to do so; failure to attend or send a representative means the question or statement will not be read out at the meeting and a written response will be provided.

- 4.10 The Group also felt that the Chair should be able to handle the thirty minute public question/statement time in their absolute discretion. It is therefore proposed that Council Procedure Rule 9.2 be amended as follows and a further amendment is suggested to Council Procedure Rule 9.7 (see below) in support of Council Procedure Rule 9.2:

#### 9.2 Order of Questions/Statements

Questions will be asked (or statements made) in the order notice of them was received, except that the Chair may group together similar questions or statements. The Chair has discretion when grouping together similar questions to limit the time for asking such questions and may also, in his discretion, accept one question or statement only per theme or topic and has discretion as to the handling and management of multiple questions/statements on one topic.

- 4.11 The Members' Working Group on the Constitution and, subsequently, the Executive considered it would be appropriate to propose the following amendments to Council Procedure Rule 9.7 to full Council:

#### 9.7 Asking the Question or Making the Statement at the Meeting

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

**Deleted:** ask the Chair

**Deleted:** The Chair may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with....

**Deleted:** the Chair

**Deleted:** The Chair has discretion whether or not to do so.

- 4.12 The Members' Working Group on the Constitution also considered whether there should be a requirement within the Constitution for a member of the public submitting a question or statement to demonstrate a local connection to North Yorkshire. Currently, the Constitution does not have any restrictions on who can ask a question or statement, other than to limit the number that can be submitted to one per organisation or the content in certain circumstances.

- 4.13 As such, a member of the public from anywhere in the UK or abroad can submit a question or statement to a committee of the Council. This lack of a local connection has raised concerns amongst some members, particularly when linked to submissions from national campaigns and lobby groups.
- 4.14 The Council's Petitions Scheme states that for a petition to be accepted those who have signed the petition must be able to demonstrate that they live, work or study in North Yorkshire. The Group and, subsequently, the Executive, considered that similar criteria for the acceptance of public questions and statements should be included in the Constitution.
- 4.15 Subject to any comments Members may have, it is therefore recommended that the following amendments to Council Procedure Rule 9.5 be approved:

#### 9.5 Scope of Questions/Statements

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

- ♦ is not submitted by a person who can demonstrate a connection to North Yorkshire through living, working or studying in the county;
- ♦ is not about a matter for which the local authority has a responsibility or which affects the county;
- ♦ is defamatory, frivolous or offensive;
- ♦ is essentially a complaint about and/or appeal against a committee decision;
- ♦ is not within the purview of that particular committee;
- ♦ is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- ♦ requires the disclosure of confidential or exempt information.

#### 5.0 **AMENDMENTS RE DISMISSAL OF VOLUNTEER MEMBERS ON PANELS AND FORA – PROPOSED DELEGATION TO ACELDS**

- 5.1 Members are recommended to consider the inclusion in the Constitution of a provision delegating to the Assistant Chief Executive Legal and Democratic Services, the power to dismiss volunteer members of panels and fora where there are demonstrable concerns regarding standards of conduct and behaviour.
- 5.2 There are a number of members of the community appointed to panels, fora and committees who are recruited through an open recruitment process, similar to the process for the recruitment of staff. Such members are not paid and are not formally co-opted on to the bodies on which they serve. They are therefore not subject to the Council's Code of Conduct for Members or standards policy (other than an expectation that they would align with those standards and the General Principles of Public Life).
- 5.3 Examples of such panels and fora are:
- the Local Access Forum
  - the Independent Remuneration Panel re Members' Allowances
  - the Standing Advisory Council on Religious Education

- the School Admissions Appeals Service

5.4 Should Members be minded to recommend the inclusion of such a delegation to the Assistant Chief Executive Legal and Democratic Services, it is proposed that a new paragraph (t) be added to his specific delegations in paragraph 11 of the Officers' Delegation Scheme in the Constitution as set out below:

**11 Delegation to the Assistant Chief Executive Legal and Democratic Services**

...

**11.3 Specific Delegations**

...

(t) In consultation with the Chief Executive Officer, to dismiss a volunteer or community member of a Council committee, panel or forum, in appropriate circumstances as determined by the Assistant Chief Executive Legal and Democratic Services in consultation with the Chief Executive Officer.

**6.0 PROCUREMENT AND CONTRACT PROCEDURE RULES**

6.1 Proposed amendments to the Procurement and Contract Procedure Rules are set out by way of tracked changes on the extract attached at **Appendix 2** to this report.

6.2 The proposed amendments are intended to provide some simplification of the Rules and relate to the following:

- Amendments to Rule 1.3 (c): rectifies some numbering errors and enables the S151 Officer to delegate Directors' Recommendations;
- Rule 2.14 Tables 1-3: introduced the £0 - £5,000 process and while also adding additional clarity for award and transparency requirements. Other amendments highlighted below have also been included in the Tables;
- Rule 8 (Quotes): added a single quotation process for contracts less than or equal to £5,000, to simplify the process for low value spend;
- Added into Rule 8.5 where three quotes are being obtained, at least one quote should be from a local supplier based within North Yorkshire and at least one SME;
- Rule 22 (Grants): added a direct award process via a best value form for grants up to a value of £100,000. For grants below £100,000, they can be signed rather than sealed. We have also introduced a competitive grants form to document this process;
- Included a requirement for the directorate officer to follow the Council's Access to Information Procedure Rules with regards to decision making for procurements for clarity;
- Included an exemption to the Bids process for award to the Council's Teckal companies;
- Some delegations have been added into the Gateway Process at Rule 18 for the Monitoring Officer and the Head of Procurement;
- Novations of contracts and Grants have been added into the Gate 4 process (Rule 18) as this was not previously covered.

General consequential amendments have also been proposed to references resulting from the proposed changes above.

6.3 There are no legal implications arising from the proposed amendments to the Procurement and Contract Procedure Rules.

6.4 Subject to any comments Members may have, it is recommended that the proposed amendments to the Procurement and Contract Procedure Rules set out at **Appendix 2** be approved.

6.5 Since this report was considered by the Members' Working Group on the Constitution and the Executive, it should be noted that last month, the Health Care Services (Provider Selection Regime) Regulations 2023 were presented to Parliament and are intended to come into force on 1<sup>st</sup> January 2024. These rules will make changes with regard to public healthcare services and seeks to promote collaboration and flexible decision making. It provides for a "Provider Selection Regime" (PSR) to come into force for certain health care services and will require some changes to the existing Procurement and Contract Procedure Rules. These changes will be considered by the Members' Working Group on the Constitution but specific delegation is sought to enable the Assistant Chief Executive Legal and Democratic Services to make any necessary changes to the Constitution to incorporate the new rules from the 1<sup>st</sup> January 2024.

## 7.0 **FINANCIAL PROCEDURE RULES**

7.1 In preparing the approved Financial Procedure Rules for North Yorkshire Council, the opportunity was taken to fully update and strengthen the County Council's existing Financial Procedure Rules to ensure they were suitable for use by the new council and reflected best practice. A section on grants and external funding was included setting out the procedures which must be followed before applications are submitted and grants accepted. This was to reflect the risks attached to grant funding.

7.2 The process followed since Vesting Day has worked well but further clarification would be beneficial to avoid ambiguity and that a distinction is made between the approval process for the different type of grants. The proposed amendments to Financial Procedure Rule 28 (Grants and External Funding) are set out by way of tracked changes on the extract in **Appendix 3**.

7.3 Following comments from the Members' Working Group on the Constitution, further amendments are suggested to the Grants and External Funding provisions in the Rules, to provide for consultation with the Executive Member for Finance as well as relevant other Member(s).

7.4 Subject to any comments Members may have, Members are recommended to approve the amendments to the Financial Procedure Rules.

## 8.0 **AMENDMENTS RE PUBLIC RIGHTS OF WAY**

### **Officers' Delegation Scheme**

8.1 Proposed amendments to the specific delegations to the Corporate Director of Environment in the Officers' Delegation Scheme are set out by way of tracked changes on the extracts attached at **Appendix 4** to this report.

8.2 The proposed amendments relate to:

- a) amending paragraph 8.1 of the Specific Delegations to the Corporate Director of Environment, to extend the reference to Footpaths and Bridleways to also include 'Restricted Byways and Byways Open to all Traffic' for clarification purposes;
- b) amending paragraph 8.3(b) of the Specific Delegations to the Corporate Director of Environment re 'Physical Environment including Public Rights of Way and Open Spaces', to update a legislative reference, to reflect that *all* objections regarding Definitive Map Modification Orders must be referred to the Secretary of State and to amend certain terminology to reflect the Secretary of State's wording;
- c) amending paragraph 8.3(c) of the Specific Delegations to the Corporate Director of Environment re 'Commons Registration' to clarify and update the legislative references;
- d) After paragraph 8.3(f)(vi) of the Specific Delegations to the Corporate Director of Environment, removing the "8.4" numbering from the heading "Matters excluded from the delegation", for consistency in numbering.

#### **Area Constituency Planning Committee Terms of Reference**

8.3 Proposed clarifying amendments to the Area Constituency Planning Committee Terms of Reference are set out by way of tracked changes on the extracts attached at **Appendix 4** to this report.

8.4 The proposed amendments relate to:

- a) amending paragraph \*(e) to include the word "Creation" in the reference to "Public Path Orders", as the word "Creation" was omitted in error at the time of adopting the Constitution, when it was intended that Public Path Creation Orders (not all Public Path Orders) would be delegated to the Area Constituency Planning Committees;
- e) amending paragraph \*(e) to refer to "duly made objection" rather than "valid objection" to reflect the Secretary of State's wording.

8.5 Subject to any comments Members may have, it is recommended that the proposed amendments to the specific delegations to the Corporate Director of Environment in the Officers' Delegation Scheme, and the proposed amendments to the Area Constituency Planning Committee Terms of Reference, as set out at **Appendix 4** be approved.

#### **9.0 OFFICERS' DELEGATION SCHEME – BUSINESS IMPROVEMENT DISTRICT AREAS**

9.1 Proposed amendments to the Specific Delegations to the Corporate Director of Community Development and the Corporate Director of Resources in the Officers' Delegation Scheme are set out by way of tracked changes on the extracts attached at **Appendix 5** to this report.

9.2 The proposed amendments transfer responsibility for Business Improvement Districts from the Corporate Director of Resources to the Corporate Director for Community Development, to reflect current practice.



9.3 Subject to any comments Members may have, it is recommended that the proposed amendments to the Specific Delegations to the Corporate Director of Community Development and the Corporate Director of Resources in the Officers' Delegation Scheme set out at **Appendix 5** be approved.

10.0 **MEMBER ENGAGEMENT AND DECISION-MAKING – DEVELOPMENT PLAN DOCUMENTS**

**Development Plan Documents**

10.1 At its meeting on 4 October 2023, the Members' Working Group on the Constitution, and, subsequently, the Executive at its meeting on 17 October 2023, considered a report of the Corporate Director of Community Development regarding Member engagement and decision-making throughout the preparation of Development Plan Documents. A copy of the report considered is attached at **Appendix 6**.

10.2 The report presents to Members, for their consideration, proposed changes to the Constitution to support more effective and streamlined decision making during the preparation of Development Plan Documents (DPDs), such as the new Local Plan for North Yorkshire

10.3 The recommended approach in the report:

- retains a role of the Area Constituency Committees at the formal stages and proposes the use of a single Development Plan Committee throughout the plan making process. The concept of a single Development Plan Committee across a plan area is widely used by other local planning authorities and is considered best practice. Feedback from the LGR Planning Members Task and Finish Group (set up in 2022 to oversee work on LGR transition) showed support for a single cross-party Development Plan Committee;
- recommends the following changes to the Constitution:
  - amend the Terms of Reference of the Area Constituency Planning Committees by removing the reference to 'To support and be consulted in respect of any development plan documents';
  - amend the Terms of Reference of the Area Constituency Committees by adding:
    - ❖ 'To support and be consulted on development plan documents at formal decision making stages of the plan making process'
    - ❖ 'To support and be consulted in respect of Neighbourhood Plans within the constituency area'
  - amend the Terms of Reference of the Strategic Planning Committee by removing reference to 'To support and be consulted in respect of any development plan documents'.

10.4 The Members' Working Group on the Constitution and, subsequently, the Executive, agreed, in the main, with the proposed recommended option A, but suggested some amendments to, and views upon, the proposals:

- a) a membership of 24 to 30 Members for the Development Plan Committee would be too large: Members felt that a membership of 3 Members per Area

Constituency Committee, with a 'top up' of Members to ensure that all groups are represented would be appropriate. The Assistant Chief Executive Legal and Democratic Services looked at the political proportionality calculation figures on that basis and a copy of the calculations are attached at **Appendix 7** to this report.

### **Neighbourhood Planning**

10.5 The report of the Corporate Director of Community Development regarding Member engagement and decision-making attached at **Appendix 6** sets out the recommendations that, regarding the Neighbourhood Planning process:

- Area Constituency Committees (ACCs) are the main committee for considering Neighbourhood Plans and that it is not necessary to consult with the Development Plan Committee in addition to the relevant ACC/ACCs. The process would usually involve the input of a single ACC, unless the boundary of the Neighbourhood Area intersects with more than one constituency area;
- The CDCD report Appendix 4 sets out the detail of how the relevant ACC would interact with the Neighbourhood Planning Process.

10.6 The Members' Working Group on the Constitution and, subsequently, the Executive, agreed, in the main, with the proposed recommendation in the CDCD report, but also wished to recommend that where there was a reference to liaison with the relevant Executive Member, this should also include liaison with the relevant division Member.

10.7 Members are therefore requested to approve the approach to Member engagement and decision-making throughout the preparation of Development Plan Documents and Neighbourhood Plans as set out in this section 10 of this report, including the establishment of a Development Plan Committee, and the consequential amendments to the Constitution as set out in paragraph 10.3 of this report.

### **PROPOSED REVIEW OF OUTSIDE BODIES**

11.1 At its meeting on 17 October 2023, the Executive considered a report presenting an outline of options to review the outside bodies that the Council appoints to, which now number over 170, following the creation of the new unitary North Yorkshire Council and the amalgamation of outside bodies from all 8 former local authorities. A copy of the report considered is attached at **Appendix 8**.

11.2 The Executive agreed that Option 3 appeared to be the most appropriate option:

#### **Option 3**

Remove all of the Category 3 Outside appointments completely and review the remaining Category 1 and Category 2 appointments against the agreed set of criteria and ascertain which bodies align with the strategic and operational priorities of the Council. This would reduce the number significantly. As there is no requirement for Elected Members to report back to Council for these positions, there is no feedback or understanding of what the Outside Body is achieving or how that fits with the Council's objectives, if at all.

This would allow outside bodies to continue but strictly in line with supporting the Council's strategic and operational priorities, whilst reducing the number significantly and to a more manageable level. It also allows Elected Members to continue on an outside body in their own right, if they feel that are able to do that effectively, allowing them to manage their workload accordingly.

11.3 The Executive was of the view that when the Category 1 and 2 outside bodies were reviewed, those who sit on those bodies at the relevant time should be consulted.

11.4 In order to reduce and align the number of outside bodies appointed to, it is recommended that, subject to any comments Members may have, the approach set out in Option 3 of the report at **Appendix 8**, subject to including reference to consulting those who sit on the Category 1 and 2 bodies at the relevant time, be approved.

## 12.0 **FINANCIAL IMPLICATIONS**

12.1 The financial implications are set out in the body of this report.

## 13.0 **LEGAL IMPLICATIONS**

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

## 14.0 **ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS**

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

## 15.0 **CONSULTATION**

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

15.2 This report reflects the views of the Members' Working Group on the Constitution at its meeting on 4 October 2023 and the Executive at its meeting on 17 October 2023.

## 16.0 **REASONS FOR RECOMMENDATIONS**

16.1 For the reasons set out in the body of this report and in the Appendices, it is recommended that, subject to any comments Members may have, the recommendations and proposed changes to the Constitution set out below be approved.

## 17.0 **RECOMMENDATIONS**

17.1 That, subject to any comments Members may have:

(a) Members note the amendments to the Constitution set out in **Appendix 1** to this report, made by the Assistant Chief Executive Legal and Democratic Services under his delegated powers;

(b) the proposed amendments to the Council Procedure Rules as set out in **paragraphs 4.2, 4.5, 4.10, 4.11 and 4.15** of this report be approved;

- (c) the proposed amendments to the Specific Delegations to the Assistant Chief Executive Legal and Democratic Services in the Officers' Delegation Scheme as set out in **paragraph 5.4** of this report be approved;
- (d) the proposed changes to the Procurement and Contract Procedure Rules set out in **Appendix 2** be approved;
- (e) the ability to make the necessary consequential changes to the Procurement and Contract Procedure Rules to incorporate any changes considered appropriate to incorporate the changes made by the Health Care Services (Provider Selection Regime) Regulations 2023 be delegated to the Assistant Chief Executive Legal and Democratic Services, in consultation with the Executive Member for Corporate Services;
- (f) the proposed changes to the Financial Procedure Rules set out in **Appendix 3** be approved;
- (g) the proposed changes to the Specific Delegations to the Corporate Director of Environment in the Officers' Delegation Scheme as set out by way of tracked changes on the extracts attached at **Appendix 4** be approved;
- (h) the proposed changes to the Area Constituency Planning Committee Terms of Reference as set out in **Appendix 4** be approved;
- (i) the proposed amendments to the Specific Delegations to the Corporate Director of Community Development and the Corporate Director of Resources in the Officers' Delegation Scheme as set out at **Appendix 5** be approved;
- (j) the approach to Member engagement and decision-making throughout the preparation of Development Plan Documents and Neighbourhood Plans as set out in **section 10** of, and **Appendices 6 and 7** to this report, including the establishment of a Development Plan Committee, and the consequential amendments to the Constitution as set out in **paragraph 10.3** of this report, be approved;
- (k) the approach to the review of Outside Bodies as set out in **paragraph 11.4** of this report be approved (as set out in **Appendix 8**).

BARRY KHAN  
Assistant Chief Executive Legal and Democratic Services

County Hall  
NORTHALLERTON

7 November 2023

Background Documents:

The Council's Constitution  
The Local Government 2000 as amended

**APPENDIX 1**

**Proposed Amendments to Constitution – for full Council in November 2023**

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

<b><u>PART A: ITEMS FOR DECISION</u></b>			
<b>Provision in Constitution</b>	<b>Current Wording</b>	<b>Proposed Amendment</b>	<b>Reason(s)</b>
		See body of report.	
<b><u>PART B: ITEMS FOR INFORMATION</u></b>			
Whole Constitution		<i>Certain typographical/administrative errors have been corrected in the Constitution under the Monitoring Officer's delegated powers as set out in Article 15.02(c)(i) of the Constitution to correct administrative issues.</i>	To ensure that the Constitution is accurate and up to date.
Whole Constitution		<i>To update references to "Democratic Services and Scrutiny Manager" throughout the Constitution to "Head of Democratic Services and Scrutiny".</i>	To reflect changes in nomenclature ensure that the Constitution is accurate and up to date.

<p>Part 4 Staff Employment Procedure Rules</p> <p><b>5. Right of the Leader to object to proposed senior appointments</b></p>	<p><b>5. Right of the Leader to object to proposed senior appointments</b></p> <p>(a) This Rule applies to:</p> <ul style="list-style-type: none"> <li>◆ all Chief Officers including the Chief Executive Officer and all Corporate Directors;</li> <li>◆ all Assistant Chief Executives;</li> <li>◆ the Staff Officer to the Chief Executive Officer;</li> <li>◆ all staff (other than those undertaking purely clerical secretarial and support services) who report directly to the Corporate Directors, the Assistant Chief Executives and Staff Officer to the Chief Executive Officer.</li> </ul>	<p><b>5. Right of the Leader to object to proposed senior appointments</b></p> <p>(b) This Rule applies to:</p> <ul style="list-style-type: none"> <li>◆ all Chief Officers including the Chief Executive Officer and all Corporate Directors;</li> <li>◆ all Assistant Chief Executives;</li> <li>◆ <del>the Staff Officer to the Chief Executive Officer;</del></li> <li>◆ all staff (other than those undertaking purely clerical secretarial and support services) who report directly to the Corporate Directors, <del>and</del> the Assistant Chief Executives.</li> </ul>	<p>To reflect changes in the Council's structure (the Staff Officer post no longer exists) and ensure that the Constitution is accurate and up to date.</p>
<p>Part 6 Protocol on Members' Attendance at Conferences</p>		<p><i>To update references to "Staff Officer to the Chief Executive Officer" throughout the Protocol to "the Chief Executive's Office".</i></p>	<p>To reflect changes in the Council's structure (the Staff Officer post no longer exists) and ensure that the Constitution is accurate and up to date.</p>

**Deleted:** the Staff Officer to the Chief Executive Officer;

**Deleted:** ,

**Deleted:** and Staff Officer to the Chief Executive Officer

# Procurement and Contract Procedure Rules

Formatted: Font: (Default) Arial

## CONTENTS

Formatted: Font: Arial, 12 pt

Formatted: Font: Arial

1. Introduction
2. General
3. Compliance with Legislation and Standards
4. Powers and Key Decisions
5. Form of Contract
6. Signature/Sealing of Contracts
7. Bonds and Liquidated Damages
8. Quotes
9. Bids
10. Post Bid Negotiations and Clarification
11. Above Threshold Process
12. Options for Above Threshold Process
13. Receipt and Opening of Above Threshold Tenders
14. Above Threshold Tender Evaluation and Acceptance
15. Certification of Contracts
16. Exceptions to Procurement and Contract Procedure Rules
17. Compliance, Contract Register and Forward Procurement Plan
18. Gateway Process Reports including notification of Section 151 Officer and Monitoring Officer
19. Contract Management
20. Training for Procurement
21. Declaration of Interests
22. Grants
23. Hiring and Engaging Staff

Formatted: Font: Arial

Deleted: <object>

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

Please note that any reference within these Rules to the Public Contracts Regulations 2015 and any requirement arising from them remain in force in accordance with the Withdrawal Agreement 2019 until replaced by future legislation. Further guidance will be issued by the Procurement and Contract Management Service in due course.

## 1. INTRODUCTION

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

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

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

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

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

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

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

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

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

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

**Contract Register** means the register of Contracts maintained by the Council as set out in Rule 17.8

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

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

Formatted: Indent: Left: 1.27 cm, Hanging: 4.98 cm

Formatted: Indent: Left: 1.27 cm, Hanging: 4.98 cm

Formatted: Font: (Default) Arial

Deleted: 4

Formatted: Font: (Default) Arial

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

Formatted: Font: Not Bold

Formatted: Font: (Default) Arial

Formatted: Indent: Left: 1.27 cm, Hanging: 4.98 cm

Deleted: <object>



<b>Council</b>	means The North Yorkshire Council
<b>Decision Record</b>	means a record of a decision produced in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
<b>Director</b>	means the Chief Executive Officer; Assistant Chief Executive HR and Business Support, Assistant Chief Executive Legal and Democratic Services, Assistant Chief Executive Local Engagement, Corporate Director of Environment; Corporate Director Health and Adult Services; Corporate Director Children and Young People's Service; Corporate Director of Resources; Corporate Director of Community Development as the context requires
<b>Directors Recommendation</b>	means a written record of the decision and justification to apply one of the exceptions set out in <b>Rule 16.1</b> to be signed and kept by the relevant Director

<b>Electronic Signatures</b>	means an advanced electronic signature which is: <ul style="list-style-type: none"> <li>(i) uniquely linked to the signatory; and</li> <li>(ii) capable of identifying the signatory; and</li> <li>(iii) created using means that the signatory can maintain under his/her sole control; and</li> <li>(iv) linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.</li> </ul>
------------------------------	---

<b>E-Sourcing system</b>	means the Council's chosen E-sourcing system
<b>FPP</b>	means the Forward Procurement Plan which outlines all future procurement requirements of the Council

<b>Framework Agreement</b>	means an agreement with one or more contracting authorities and one or more economic operator which establishes an arrangement for: <ul style="list-style-type: none"> <li>(i) multiple orders to be placed with one Contractor (a single supplier framework), or</li> <li>(ii) a framework of multiple Contractors to engage in further competitions or direct award (a multiple supplier framework)</li> </ul>
----------------------------	--

<b>Gateway Process</b>	means the Council's value based gateway commissioning and procurement process that combines assessment and understanding of various aspects of
------------------------	--

**Deleted:** DMT means the Directorate Management Team¶

**Deleted:** (i)

**Formatted:** List Paragraph,bullet list, Indent: Left: 6.5 cm, Hanging: 0.75 cm, Outline numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 2.85 cm + Tab after: 4.12 cm + Indent at: 4.12 cm, Tab stops: Not at 4.12 cm

**Deleted:** (ii)

**Formatted:** Font: (Default) Arial

**Formatted:** List Paragraph,bullet list, Indent: Left: 6.5 cm, Hanging: 0.75 cm, Outline numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 2.85 cm + Tab after: 4.12 cm + Indent at: 4.12 cm, Tab stops: Not at 4.12 cm

**Deleted:** (iii)

**Formatted:** Font: (Default) Arial

**Formatted:** List Paragraph,bullet list, Indent: Left: 6.5 cm, Hanging: 0.75 cm, Outline numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 2.85 cm + Tab after: 4.12 cm + Indent at: 4.12 cm, Tab stops: Not at 4.12 cm

**Deleted:** (iv)

**Formatted:** Font: (Default) Arial

**Formatted:** List Paragraph,bullet list, Indent: Left: 6.5 cm, Hanging: 0.75 cm, Outline numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 2.85 cm + Tab after: 4.12 cm + Indent at: 4.12 cm, Tab stops: Not at 4.12 cm

**Formatted:** Indent: Left: 1.27 cm, Hanging: 4.98 cm

**Formatted:** Indent: Hanging: 1.12 cm

**Formatted:** Indent: Left: 1.27 cm, Hanging: 4.98 cm

**Deleted:** <object>

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

**Procurement and Contract Management Service**

means the procurement and contract management team at the Council

Formatted: Indent: Left: 1.27 cm, Hanging: 4.98 cm

Deleted: MEAT means the Most Economically Advantageous Tender

Deleted: <object>

**Procurement Manual** means the manual to accompany these Rules which provides detailed guidance on procurement techniques and the effect of the Rules

Formatted: Font: (Default) Arial

Formatted: Indent: Left: 1.27 cm, Hanging: 4.98 cm

**Procurement and Contract Management Strategy** means the Council's approved Procurement and Contract Management Strategy

Deleted: Contract

Formatted: Font: (Default) Arial

**Property Contract** means a contract which creates an estate or interest in land or buildings

**Responsible Officer** means the Officer from the directorate who is responsible for the procurement and/or management of a Contract

Formatted: Font: (Default) Arial

**Rules** means these Procurement and Contract Procedure Rules

**SCM** means Senior Category Manager

**S151 Officer** means the Council's appointed Section 151 Officer

**Services or Supplies** means as defined in Regulation 2 of the PCRs

**Social and Other Specific Services** means those services defined as such in Schedule 3 of the PCRs

**SQ** means the Selection Questionnaire

**WTO GPA Threshold** means the current threshold above which the PCR's apply, currently £213,477.00 inclusive of VAT for services and supplies £663,540.00 inclusive of VAT for social and other specific services and £5,336,937.00 for works inclusive of VAT

**Waiver Request Form** means the prescribed form to be completed when requesting a waiver in accordance with **Rule 16.4**

Deleted: 5

Formatted: Font: (Default) Arial

**Works** means as defined in Regulation 2 of the PCRs

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

Deleted:

Deleted:

1.3 References in these Rules to:-

(a) any legislation (e.g. Act, Statutory Instrument, WTO requirement) include a reference to any amendment or re-enactment of such legislation;

Formatted: Font: (Default) Arial

Deleted: <object>

(b) the value of any Contract or Grant are to the total estimated value payable (including VAT where applicable) over the full period of the Contract or Grant including any options or extensions to the Contract or Grant.

(c) Directors, the S151 Officer and the Monitoring Officer shall be taken to include such Officers as are designated by those officers to undertake the duties and responsibilities set out in these Rules, except in the case of the following Rules:-

- (i) Director - Rules 9.6, 16.1 (e) and (i)
- (ii) S151 Officer - Rules 2.1,
- (iii) Monitoring Officer - Rules 2.1,

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

## 2. GENERAL

2.1 These Rules are made by the Council on the advice of the S151 Officer (in consultation with the Monitoring Officer) under Article 14.02 of the Constitution and define the correct procedures to be followed when the Council enters into any contractual arrangement and should be read in conjunction with the Finance Procedure Rules under Article 14.01 of the Constitution.

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

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

2.3 The S151 Officer (in consultation with the Monitoring Officer) shall review the application and effect of these Rules and make an annual report or as required but no less than once per year to the Audit Committee recommending such amendments to the Rules as are considered appropriate.

2.4 The S151 Officer has produced a Procurement Manual which sets out important issues to be considered in the procurement context. These Rules should be read in conjunction with the Procurement Manual.

2.5 The S151 Officer has also produced a Finance Manual which gives advice on financial procedures.

2.6 Where a contract for the acquisition or hire of goods or services involves any form of Leasing Agreement to finance the transaction then the S151 Officer shall undertake the negotiation of terms and authorise the arrangement in accordance with Rule 20.10 of the Financial Procedure Rules.

Deleted:

Formatted: Font: (Default) Arial

Formatted: Tab stops: 3.75 cm, Left

Deleted:

Formatted: Font: (Default) Arial

Deleted: 5

Formatted: Font: (Default) Arial

Deleted: g

Formatted: Font: (Default) Arial

Deleted: h), 16.4(b)

Formatted: Font: (Default) Arial

Deleted: 16.1 (h), 16.4(b),

Deleted:

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Deleted:

Deleted:

Deleted: <object>

- 2.7 Directors and the HoP shall ensure that all documentation relating to Contracts, Grants and procurement processes is retained in accordance with the Council's Records Retention and Destruction Schedule.
- 2.8 Where the Council has awarded a contract to any person to supervise or otherwise manage a contract on its behalf such a person shall be required to comply with these Rules as if they were an Officer of the Council.
- 2.9 Wherever appropriate procurement shall be undertaken using the standard documents contained in the Procurement Manual applying to SQ's, ITT's or ITBs. Wherever alternative documents are to be used they must be approved by the HoP and where appropriate the Monitoring Officer.
- 2.10 All Officers shall adhere to the approved Procurement and Contract Management Strategy of the Council.
- 2.11 Where the Council is procuring in partnership with another contracting authority who are the lead procurer, subject to agreement from the HoP, the Council will follow the lead procurers Procurement and Contract Procedure Rules or equivalent.
- 2.12 Where the total Grant or Contract value is within the values in the first column of **Tables 1-4**, below, the award and transparency procedure in the second column must be followed.
- 2.13 Where a procurement includes two or more types of provision (i.e. Goods, Services and Works) the value shall be based on the provision that characterises the main subject of the Contract in question.
- 2.14 For the purposes of the Transparency Procedures set out in **Tables 1-4** below, the Responsible Officer must also consider the Key Decision criteria set out in Article 13.03(b)(i) of the Constitution when determining whether the procurement comprises a Key Decision.

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

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

Deleted:

Deleted:

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, 7 pt

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Left

Formatted Table

Formatted: Font: (Default) Arial

Formatted: Left

Formatted: Font: (Default) Arial

Deleted: - £30

Deleted: Quotes should

Formatted: Font: (Default) Arial

Formatted: Font: Arial

Formatted: Left

Formatted: Font: (Default) Arial

Deleted: inclusive

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, Font colour: Text 1

Formatted: Font: (Default) Arial, Font colour: Auto

Deleted: or the Best Value Form process followed

Formatted: Font: (Default) Arial, Font colour: Auto

Formatted: Font: (Default) Arial, Font colour: Text 1

Deleted: Does not need to be advertised using the E-Sourcing system or published on to Contracts Finder

Formatted: Font: (Default) Arial, Font colour: Text 1

Deleted: The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded above £5,000 to enable the contract to be published on the Contract Register.

Formatted: Font: Arial

Formatted: Font: (Default) Arial

Deleted: 30

Formatted: Font: (Default) Arial

Deleted: -

Formatted: Font: (Default) Arial, Font colour: Text 1

Formatted: Justified

Deleted: The Responsible Officer will notify the Procurement and Contract Management Service to enable the contract details to be published on the Contract Register and Contracts Finder.

Formatted: Font: (Default) Arial, Font colour: Text 1

Formatted: Font: (Default) Arial, Font colour: Text 1

Deleted: <object>

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
£50,000 (inclusive of VAT)	<p>process followed in accordance with <b>Rule 8.</b></p> <p><u>The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</u></p>	<p><u>Contract award is approved by the Responsible Officer.</u></p> <p><u>Contract details must be published on the Contract Register.</u></p> <p><u>Contract details must be published on Contracts Finder for contracts above £30,000 (incl. VAT).</u></p> <p><u>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</u></p> <p><u>Where applicable, the Responsible Officer must complete the Key Decision process.</u></p>	<p>Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>
£50,000 (inclusive of VAT) up to WTO GPA Threshold (currently £213,477.00, inclusive of VAT)	<p>Bids must be invited in accordance with <b>Rule 9.</b></p> <p><u>The opportunity must be advertised on the e-tendering system, Contracts Finder. It does not need to be advertised on Find a Tender Service.</u></p>	<p><u>Contract award is approved by the Responsible Officer.</u></p> <p><u>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</u></p> <p><u>Contract details must be published on the Contract Register and on Contracts Finder.</u></p>	<p>One signature</p> <p>The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>
Above WTO GPA Threshold (currently £213,477.00, inclusive of VAT)	<p>Follow the appropriate procedure as set out in <b>Rules 11 and 12.</b></p>	<p><u>Approval must be sought through the Gateway Process.</u></p> <p><u>The Responsible Officer must complete the</u></p>	<p>Two signatures:</p> <p>The Director (or by an Officer authorised by the Director to sign on the Directors behalf). <b>AND</b></p>

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Left

Formatted Table

Formatted: Font: (Default) Arial

Formatted: Left

Deleted: ¶

-

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Deleted: Does not need to be advertised using the E-Sourcing system or Contracts Finder.¶

¶

The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register. ¶

¶

Awarded contracts with a value above £30,000 (inclusive of VAT) must also be published on Contracts Finder.¶

Formatted: Font: (Default) Arial, 10 pt

Formatted: Space After: 0 pt

Formatted: Font:

Commented [PM1]: Cannot delete this row in track changes so it will need removing in the final version.

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Deleted: These must be advertised using the E-Sourcing system and Contracts Finder.

Formatted: Font: Arial

Deleted: Bids must be invited in accordance with Rule 9.¶

¶

These must be advertised using the E-Sourcing system and Contracts Finder.¶

¶

The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above.¶

¶

Contract details must be published on the Contract Register and on Contracts Finder.

Formatted: Font: (Default) Arial

Deleted: <object>

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
	<a href="#">The opportunity must be advertised on the e-tendering system, Contracts Finder and Find a Tender Service.</a>	<a href="#">Decision Record process and, where applicable, the Key Decision Process.</a>  <a href="#">Contract details must be published on the Contract Register and on Contracts Finder.</a>	The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf).  Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with <b>Rule 6.</b>

**Table 2: Works and Concessions**

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
<a href="#">£0 up to £5,000 (exclusive of VAT)</a>	<a href="#">A single quotation shall be invited in accordance with Rule 8.</a>  <a href="#">The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</a>	<a href="#">Contract award is approved by the Responsible Officer.</a>  <a href="#">Contract details do not need be published on the Contract Register or to Contracts Finder.</a>  <a href="#">Where applicable, the Responsible Officer must complete the Key Decision process.</a>	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).
<a href="#">£5,000 (excluding VAT) up to £50,000 (inclusive of VAT)</a>	Quotes should be invited or the Best Value Form process followed in accordance with <b>Rule 8.</b>  <a href="#">The opportunity does not need to be advertised on the e-tendering system, contracts finder or Find a Tender Service.</a>	<a href="#">Contract award is approved by the Responsible Officer.</a>  <a href="#">Contract details must be published on the Contract Register.</a>  <a href="#">Contract details must be published on Contracts Finder for contracts above £30,000 (incl. VAT).</a>	One signature The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).

- Formatted
- Formatted
- Formatted
- Formatted Table
- Formatted
- Formatted
- Deleted: Approval must be sought through the Gateway
- Deleted: The opportunity must be advertised on the Find a
- Deleted: Follow the appropriate procedure as set out in Ru
- Formatted
- Formatted
- Formatted
- Formatted
- Formatted Table
- Formatted
- Formatted
- Formatted
- Formatted
- Formatted
- Formatted
- Deleted: - £30
- Formatted
- Deleted: Quotes should
- Formatted
- Formatted
- Deleted: inclusive
- Formatted
- Deleted: ¶
- Formatted
- Deleted: or the Best Value Form process followed
- Formatted
- Formatted
- Deleted:
- Formatted
- Deleted: Does not need to be advertised using the E-
- Formatted
- Deleted: The Responsible Officer will notify the Procurement
- Formatted
- Formatted
- Deleted: 30
- Formatted
- Deleted: -
- Formatted
- Deleted: -
- Formatted
- Deleted: ¶
- Formatted
- Deleted: Does not need to be advertised using the E-
- Deleted: <object>



Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
		<p>The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</p> <p>Where applicable, the Responsible Officer must complete the Key Decision process.</p>	
£50,000 (inclusive of VAT) up to WTO GPA Threshold (currently £5,336,937 inclusive of VAT for Works)	<p>Bids must be invited in accordance with Rule 9.</p> <p>The opportunity must be advertised on the e-tendering system. Contracts Finder. It does not need to be advertised on Find a Tender Service. Contract details must be published on the Contract Register and to Contracts Finder.</p>	<p>Contract award is approved by the Responsible Officer. For Contracts with a value of £1,000,000 or greater approval must be sought through the Gateway Process.</p> <p>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</p> <p>Contract details must be published on the Contract Register and to Contracts Finder.</p>	<p>One signature</p> <p>The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p> <p>Contracts with a value in excess of £1,000,000 (inclusive of VAT), must be sealed by the Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with Rule 6.</p>

- Formatted: Font: (Default) Arial
- Formatted: Left
- Formatted: Font: (Default) Arial
- Formatted Table
- Formatted: Left
- Deleted: Quotes should be invited or the Best Value Form process followed in accordance with Rule 8.¶
- ¶ Does not need to be advertised using the E-Sourcing system or Contracts Finder.¶
- ¶ The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract details to be published on the Contract Register and to. Awarded contracts with a value above £30,000 (inclusive of VAT) must also be published on Contracts Finder.¶
- Formatted: Font: (Default) Arial
- Deleted: £50,000 inclusive of VAT up to <£1,000,000 inclusive of VAT
- Formatted: Font: Arial
- Formatted: Justified
- Moved down [1]: Bids must be invited in accordance with Rule 9.¶
- ¶ These must be advertised using the E-Sourcing system and Contracts Finder.
- Deleted: ¶
- ¶ Deleted: The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above.¶
- ¶ Where applicable, the Responsible Officer must complete the Key Decision process ¶
- ¶ Contract details must be published on the Contract Register and to Contracts Finder.
- Deleted: One signature ¶
- Formatted: Font: (Default) Arial
- Deleted: 1
- Formatted: Font: (Default) Arial
- Deleted: ,000
- Formatted: Font: (Default) Arial
- Formatted: Left
- Formatted: Font: (Default) Arial
- Deleted:
- Formatted: Font: (Default) Arial
- Formatted: Font: (Default) Arial
- Deleted: These must be advertised using the E--Sourcing system and Contracts Finder. ¶
- Formatted: Font: (Default) Arial
- Formatted: Font: (Default) Arial
- Deleted: The Responsible Officer must complete the Key ¶
- Deleted: <object>



Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
Above WTO GPA Threshold (currently £5,336,937 inclusive of VAT for Works)	Follow the appropriate Procedure as set out in <b>Rules 11 and 12.</b>  <u>The opportunity must be advertised on the e-tendering system, Contracts Finder and Find a Tender Service.</u>	<u>Approval must be sought through the Gateway Process.</u>  <u>The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</u>  <u>Contract details must be published on the Contract Register and on Contracts Finder.</u>	Contracts must be sealed by the Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with <b>Rule 6.</b>

Table 3: Social & Other Specific Services

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

Formatted ...

Formatted ...

Formatted ...

Formatted Table ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Deleted: ...

Deleted: Approval must be sought through the Gateway ...

Deleted: The opportunity must be advertised on the Find a ...

Formatted ...

Deleted: The Responsible Officer must complete the Key ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted Table ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Deleted: - £30

Deleted: Quotes should

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Deleted: inclusive

Formatted ...

Deleted: ¶

Deleted: or the Best Value Form process followed

Formatted ...

Formatted ...

Formatted ...

Deleted: ...

Formatted ...

Deleted: Does not need to be advertised using the E-

Formatted ...

Formatted ...

Deleted: The Responsible Officer will notify the Procurement

Formatted ...

Deleted: 30

Formatted ...

Deleted: -

Formatted ...

Formatted ...

Deleted: -

Formatted ...

Formatted ...

Deleted: -

Formatted ...

Formatted ...

Deleted: Does not need to be advertised using the E-

Deleted: <object>

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
		<p><a href="#">on Contracts Finder for contracts above £30,000 (incl. VAT).</a></p> <p><a href="#">The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</a></p> <p><a href="#">Where applicable, the Responsible Officer must complete the Key Decision process.</a></p>	
£50,000 inclusive of VAT up to WTO GPA Threshold (currently £663,540 inclusive of VAT).	<p>Bids must be invited in accordance with <b>Rule 9</b>.</p> <p><a href="#">The opportunity must be advertised on the e-tendering system, Contracts Finder. It does not need to be advertised on Find a Tender Service.</a></p>	<p><a href="#">Contract award is approved by the Responsible Officer.</a></p> <p><a href="#">The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</a></p> <p><a href="#">Contract details must be published on the Contract Register and on Contracts Finder.</a></p>	<p>One signature</p> <p>The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</p>
Above UK Procurement Threshold (currently £663,540 inclusive of VAT)	<p>Follow the appropriate procedure as set out in <b>Rules 11 and 12</b>.</p> <p><a href="#">The opportunity must be advertised on the e-tendering system.</a></p>	<p><a href="#">Approval must be sought through the Gateway Process.</a></p> <p><a href="#">The Responsible Officer must complete the</a></p>	<p>Two signatures</p> <p>The Director (or by an Officer authorised by the Director to sign on the Directors behalf).</p>

- Formatted: Font: (Default) Arial
- Formatted Table
- Formatted: Font: (Default) Arial
- Formatted: Left, Don't keep with next
- Formatted: Don't keep with next
- Formatted: Left, Don't keep with next
- Deleted: Quotes should be invited or the Best Value Form process followed in accordance with **Rule 8**.
- Does not need to be advertised using the E-Sourcing system or Contracts Finder.
- The Responsible Officer will notify the Procurement and Contract Management Service of any Contract awarded to enable the contract details to be published on the Contract Register and to. Awarded contracts with a value above £30,000 (inclusive of VAT) must also be published on Contracts Finder.
- Formatted: Font: (Default) Arial
- Formatted: Don't keep with next
- Formatted: Don't keep with next
- Formatted: Font: (Default) Arial
- Formatted: Don't keep with next
- Formatted: Left, Don't keep with next
- Deleted:
- Deleted: These must be advertised using the E-Sourcing system and Contracts Finder.
- Formatted: Font: Arial
- Formatted: Don't keep with next
- Formatted: Don't keep with next
- Moved (insertion) [1]
- Deleted: Bids must be invited in accordance with **Rule 9**.
- These must be advertised using the E-Sourcing system and Contracts Finder.
- The Responsible Officer must complete the Decision Record process for Contracts with a value of £50,000 inclusive of VAT or above.
- Where applicable, the Responsible Officer must complete the Key Decision process
- Contract details must be published on the Contract Register and to Contracts Finder.
- Formatted: Font: (Default) Arial
- Formatted: Don't keep with next
- Formatted: Font: (Default) Arial
- Formatted: Left, Don't keep with next
- Deleted:
- Deleted: Approval must be sought through the Gateway Process.
- Formatted: Font: (Default) Arial
- Deleted:
- Formatted: Don't keep with next
- Deleted: <object>

Total Contract Value	Award Procedure	Transparency Procedure	Signature/Sealing Contract
	<a href="#">Contracts Finder and Find a Tender Service.</a>	<a href="#">Decision Record process and, where applicable, the Key Decision Process.</a>  <a href="#">Contract details must be published on the Contract Register and on Contracts Finder.</a>	<b>AND</b> The Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf).  Sealing (where appropriate) Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with <b>Rule 6.</b>

- Formatted: Font: (Default) Arial
- Formatted: Left, Don't keep with next
- Formatted Table
- Formatted: Don't keep with next
- Formatted: Font: (Default) Arial
- Formatted: Left, Don't keep with next
- Deleted: Contract details must be published on the Contract Register and to Contracts Finder.
- Formatted: Font: (Default) Arial
- Formatted: Don't keep with next
- Formatted: Left
- Deleted: The Responsible Officer must complete the Key Decision process. ¶
- Contract details must be published on the Contract Register and to Contracts Finder
- Formatted: Left, Don't keep with next

**Table 4: Grants awarded by the Council**

Total Grant Value	Award Procedure	Transparency procedure	Signature/Sealing
<a href="#">£0 up to £100,000</a>	<a href="#">The Best Value Form or a Competitive Grant Form must be completed in accordance with Rule 22.</a>	<a href="#">The Responsible Officer must complete the Decision Record process and/or the Key Decision Process where applicable.</a>  <a href="#">Contract details must be published on the Contract Register for contracts above £5,000 (excl. VAT).</a>  <a href="#">Contract details must be published on Contracts Finder for contracts above £30,000 (incl. VAT).</a>  <a href="#">The Responsible Officer will notify the Procurement and Contract Management Service of any</a>	<a href="#">One Signature</a> <a href="#">The Director within the relevant Directorate (or by an Officer authorised by the Director to sign on the Directors behalf).</a>

- Formatted: Font: (Default) Arial
- Deleted:
- Formatted: Font: (Default) Arial
- Formatted: Font: (Default) Arial, 7 pt
- Formatted: Font: (Default) Arial
- Formatted: Left, Space Before: 6 pt, After: 6 pt, Don't keep with next
- Formatted: Don't keep with next
- Deleted:
- Formatted: Font: (Default) Arial
- Formatted: Font: (Default) Arial
- Formatted: Left, Space Before: 6 pt, After: 6 pt, Don't keep with next
- Formatted: Don't keep with next
- Formatted: Font: Not Bold
- Formatted: Font: Not Bold
- Formatted: Font: Not Bold
- Formatted: Don't keep with next

Deleted: <object>

		<a href="#">Contract awarded to enable the contract to be published on the Contract Register and Contracts Finder (where applicable).</a>	
<a href="#">£100,000+</a>	A competitive application process <b>must</b> be completed in accordance with <b>Rule 22</b> .  <a href="#">Where the value is below the thresholds set out in <b>Rule 18.2 a</b> Competitive Grant Form must be completed.</a>  Where the value exceeds the thresholds set out in <b>Rule 18.2</b> the Gateway Process must be completed.	<a href="#">The Responsible Officer must complete the Decision Record process and, where applicable, the Key Decision Process.</a>  <a href="#">Contract details must be published on the Contract Register and on Contracts Finder.</a>	Sealing Monitoring Officer (or by an Officer authorised by the Monitoring Officer to sign on his behalf) in accordance with <b>Rule 6</b> (unless signing is agreed by the Monitoring Officer).

- Deleted:** Where applicable, the Responsible Officer must complete the Decision Record process and/or the Key Decision process. ¶
- Deleted:** Any value ¶
- Formatted:** Left, Don't keep with next
- Formatted:** Font: (Default) Arial
- Formatted:** Font: (Default) Arial
- Deleted:** should
- Formatted:** Font: (Default) Arial
- Formatted:** Font: Bold
- Formatted:** Left, Don't keep with next
- Deleted:** )
- Formatted:** Font: (Default) Arial
- Formatted:** Font: (Default) Arial
- Deleted:** The Responsible Officer must complete the Decision Record process. ¶
- ¶ Where applicable, the Responsible Officer must complete the Key Decision process. ¶
- ¶

### 3. COMPLIANCE WITH LEGISLATION AND STANDARDS

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

- Deleted:** ¶
- Deleted:** ¶
- ¶
- ¶
- Formatted:** Font: (Default) Arial
- Formatted:** Font: (Default) Arial, 12 pt
- Formatted:** Font: (Default) Arial
- Deleted:**

### 4. POWERS AND KEY DECISIONS

- 4.1 In consultation with the Monitoring Officer Directors shall ensure that the Council has the legal power to enter into any Contract or Grant and that in respect of all Contracts and Grants, regardless of whether they involve the procurement or provision by the Council of Works, Supplies, Services or Social and Other Specific Services Directors shall ensure that no Contract or Grant shall be entered into which is ultra vires.
- 4.2 Directors shall ensure that a written record of the decision to procure a Grant or Contract is made in accordance with the Gateway process where **Rule 18** applies. Where such a decision comprises a Key Decision under the Constitution, Directors shall ensure that it is entered on to the Forward Plan and treated as a Key Decision in all respects.

- Formatted:** Font: (Default) Arial, 12 pt
- Formatted:** Font: (Default) Arial
- Deleted:**

### 5. FORM OF CONTRACT

- Formatted:** Font: (Default) Arial, 12 pt
- Formatted:** Font: (Default) Arial
- Deleted:** <object>

5.1 Every Contract and Grant shall be evidenced in writing and must be signed or sealed (as appropriate) by both parties. Signature or sealing by the Council shall be in accordance with the requirements set out in **Rule 2** and **Rule 6**.

Deleted:

5.2 Wherever appropriate, and for all Contracts exceeding £50,000 including VAT in value, such written agreements shall be made on the basis of terms and conditions agreed by the Monitoring Officer. Such terms and conditions may be incorporated into standard order conditions. The Council may accept different terms and conditions proposed by a Contractor provided that the advice of the Monitoring Officer as to their effect has been sought and considered.

Deleted:

Deleted:

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

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

## **6. SIGNATURE/SEALING OF CONTRACTS**

Deleted: .....Page Break.....

Formatted: Font: (Default) Arial, 11 pt, Not Bold

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

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

Deleted:

6.2 The Monitoring Officer and such of his staff as he may designate are authorised to sign any such contract or Grant.

6.3 The Monitoring Officer also authorises such Contracts or Grants to be signed as outlined in **Rule 2.12**, **Tables 1-4** and **Rule 1.3(c)** provided that:-

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

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

Deleted: <object>

the Monitoring Officer, electronic Deeds may be executed by the Monitoring Officer or a LDSO using the Council's chosen electronic deeds execution system.

- 6.5 Signatures may be affixed to a Contract either using physical, handwritten means or an Electronic Signature, as appropriate and in accordance with UK law.
- 6.6 Electronic Signatures may only be affixed using the Council's chosen electronic signature system or an approved alternative, as agreed by the HoP.
- 6.7 The use of Electronic Signatures is not permitted in circumstances where:
  - (a) the Contract is to be sealed (except where 6.4 applies);
  - (b) a physical handwritten signature needs to be filed;
  - (c) there is a proviso in the Contract which prevents the use of an Electronic Signature;
  - (d) the Contract may need to be enforced in a jurisdiction where Electronic Signatures are not accepted;
  - (e) the Contract needs to be notarised.

## 7. BONDS AND LIQUIDATED DAMAGES

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

## 8. QUOTES

### SINGLE QUOTATION

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

Formatted: Font: (Default) Arial, 12 pt

Deleted: .....Page Break.....  
¶

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

Deleted:

Deleted:

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt, Bold, All caps

Formatted: Font: (Default) Arial

Deleted: £50

Deleted: inclusive of

Formatted: Font: (Default) Arial

Deleted: or less

Deleted: <object>

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

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

#### MINIMUM THREE QUOTES PROCESS / BEST VALUE FORM

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

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

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

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

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

- (a) there is no requirement to advertise the opportunity, however if the Council chooses to advertise the opportunity, then it must also be advertised on Contracts Finder; and
- (b) once the contract is awarded, details must be published on Contracts Finder.

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

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

## **9. BIDS**

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

9.2 A notice advertising the opportunity shall be published through the E-Sourcing System and on Contracts Finder and, if considered appropriate, a local newspaper and a suitable professional or trade journal or website. The form of advertising shall take into account the value, location and subject matter of the Contract. The notice shall specify

**Deleted:** There is no requirement to advertise the opportunity using the E-Sourcing system.

**Formatted:** Font: (Default) Arial

**Deleted:** 8.2

**Deleted:** 3

**Formatted:** Font: (Default) Arial

**Deleted:** 8.4 If three quotes are not sought, the Contract may be directly awarded using the Best Value Form. It is the Officer's responsibility to complete the Best Value Form.

**Formatted:** Font: (Default) Arial

**Formatted:** Font: (Default) Arial, 12 pt

**Formatted:** Font: (Default) Arial

**Formatted:** Font: (Default) Arial

**Deleted:**

**Deleted:**

**Deleted:** <object>



brief details of the Contract, how the ITB documents may be obtained and the closing date for receipts of bids by the Council.

9.3 All potential Contractors invited to submit bids shall be provided in all instances with identical information and instructions. Where considered appropriate, Directors may permit potential Contractors who have been invited to submit bids under **Rule 9** to also submit variant bids (i.e. bids which do not comply with some or all of the requirements of the primary bid). The same opportunity to submit variant bids must be given to all potential Contractors.

Deleted: 2  
Formatted: Font: (Default) Arial  
Deleted:  
Deleted: .1  
Deleted:

9.4 A written bid may only be considered if:-

Deleted: 3  
Formatted: Font: (Default) Arial

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

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

Deleted: 4  
Formatted: Font: (Default) Arial  
Deleted: with a value in excess of £50,000 inclusive of VAT  
Deleted:  
Deleted: 5

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

Formatted: Font: (Default) Arial

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

Deleted: 6  
Formatted: Font: (Default) Arial  
Deleted:  
Deleted:

9.8 Before a Contract is awarded after a bid exercise such steps shall be taken as are reasonably necessary (having regard to the subject matter, value, duration of the Contract and other relevant factors) to complete a risk assessment of the potential Contractor's financial stability.

Deleted: 7  
Formatted: Font: (Default) Arial  
Formatted: Font: (Default) Arial

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

Deleted: by the Responsible Officer,  
Formatted: Font: (Default) Arial

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

Deleted: 8  
Formatted: Font: (Default) Arial  
Deleted: 9.

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

Formatted: Font: (Default) Arial  
Deleted: 10  
Formatted: Font: (Default) Arial

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

Deleted: .....Page Break.....

Deleted: <object>



## 10. POST BID NEGOTIATION AND CLARIFICATION

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

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

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

10.3 **Rules 10.1 and 10.2** shall not operate to prevent clarification of all or part of any bid to the extent permitted by law and where such clarifications are sought the provisions of **Rules 10.2(c) and 10.2(d)** shall apply.

## 11. ABOVE THRESHOLD PROCESS

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

### General Requirements

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

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

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

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

Formatted: Font: (Default) Arial, 11 pt, Not Bold

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm, Line spacing: single

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

Deleted:

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Deleted:

Deleted:

Deleted:

Deleted:

Deleted: <object>

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

Deleted:

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

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

Deleted:

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

Formatted: Font: (Default) Arial, 11 pt

Formatted: Justified, Indent: Hanging: 1.3 cm, Bulleted + Level: 1 + Aligned at: 1.92 cm + Indent at: 2.55 cm

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

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

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

Formatted: Font: (Default) Arial, 11 pt, Not Bold

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

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm

## 12. OPTIONS FOR ABOVE THRESHOLD PROCESS

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

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

Deleted:

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

Deleted: <object>

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

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

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

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

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

- (a) it has been received electronically through the E-Sourcing System, or (where permitted in exceptional circumstances, and subject to agreement by the HoP) it has been received electronically through an appropriate alternative method, such as a secure email inbox; or
- (b) (where permitted under Regulation 84(h)) it has been received in hard copy in a sealed envelope marked "Above Threshold Tender" and indicating the subject matter of the Above Threshold Tender, and the identity of the Participant cannot be ascertained from the tender envelope; and,
- (c) (subject to **Rule 13.4**) it has been received by the Above Threshold Tender closing date and time.

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

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

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

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

13.6 If an Above Threshold Tender is received after the specified closing date and time it may not be considered unless the HoP is satisfied that the Above Threshold Tender was submitted electronically or posted or otherwise dispatched in sufficient time to be

Formatted: Font: (Default) Arial, 11 pt, Not Bold, Font colour: Auto, Not All caps

Formatted: Justified

Formatted: Font: (Default) Arial

Deleted:

Deleted:

Deleted:

Deleted:

Deleted: <object>

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

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

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

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

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

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

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

#### 15. CERTIFICATION OF CONTRACTS

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

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

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

- (a) purchases via Framework Agreements which have been established either by the Council or by other public sector bodies or consortia (including, but not limited to PSBOs) and where such framework agreements are lawfully accessible to the Council. Contracts awarded from such Framework Agreements shall be awarded in accordance with the provisions of that Framework Agreement; or

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

Deleted: Responsible O

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Deleted:

Deleted:

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

Deleted:

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

Deleted:

Deleted: ¶

Deleted: <object>

(b) the contract is to be awarded to the Council's teckal company which is legally controlled by the Council; or

Formatted: Font: (Default) Arial

(c) the instruction of Counsel by the Monitoring Officer; or

Formatted: Font: (Default) Arial

(d) where funding is received by the Council, either in its own right or as an accountable body, and the terms of such grant or other external funding state that it must be applied in accordance with those terms; or

Deleted: c

Formatted: Font: (Default) Arial

(e) purchases at public auctions (including internet auction sites, e.g. Ebay) where the Director is satisfied that value for money will be achieved; or

Deleted: d

Formatted: Font: (Default) Arial

(f) the purchase of Supplies, Works, Services or Social and Other Specific Services which are of such a specialised nature as to be obtainable from one Contractor only; or

Deleted: e

Formatted: Font: (Default) Arial

(g) repairs to or the supply of parts for existing proprietary machinery or plant where to obtain such supplies from an alternative supplier would invalidate the warranty or contractual provisions with the existing supplier; or

Deleted: f

Formatted: Font: (Default) Arial

(h) Social or Other Specific Services Contracts where:-

Deleted: g

Formatted: Font: (Default) Arial

(i) the service is currently supplied by a Contractor to the satisfaction of the relevant Director, is considered to be offering value for money and where the foreseeable disruption to service users cannot justify the invitation of further bids, or

(ii) the service is of a specialist or personal nature and where service users must be involved in the selection of the Contractor and where the Director Health and Adult Services and the Director Children and Young People's Service considers it inappropriate for bids to be invited, or

(iii) where the relevant Director is satisfied that the urgency of the need for the service prevents the invitation of bids in which case consideration shall be given to the duration of that service; or

(i) in relation to Pilot schemes for a proof of concept / trialling a product or area of innovation.

Deleted: (h)

(j) Contracts where the Director with the agreement of the HoP agree that for reasons of extreme urgency brought about by unforeseeable events unattributable to the Council, the timescales for obtaining bids cannot be met. A written record shall be signed and dated by the Director, whenever this Rule applies.

Formatted: Font: (Default) Arial

Deleted:

Deleted: g

Formatted: Font: (Default) Arial

Deleted: h

Formatted: Font: (Default) Arial

Deleted:

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

Formatted: Font: (Default) Arial

Deleted: 16.3 The Director does not need to invite Bids in relation to Pilot schemes where below WTO GPA Threshold – in relation to a proof of concept / trialling a product or area of innovation. ¶  
¶  
16.4

16.3 A Director does not need to invite Above Threshold Tenders in accordance with Rule 11 and 12, in the following circumstances however the gateway process at Rule 18 shall still apply;

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Deleted: <object>

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

Deleted:

Deleted:

Deleted:

(b) where:

(i) Regulations 12 or 72 of the PCRs apply; or

(ii) any other specific exclusions as set out in the PCRs apply.

Deleted: ;

Formatted: Font: (Default) Arial

#### Waivers

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

Deleted: ¶  
and the Monitoring Officer, the relevant Director and S151 Officer are in agreement. A written record shall be signed and dated whenever this Rule applies and the Procurement and Contract Management Service shall maintain a register of such written records.¶

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

Deleted: 5

Formatted: Font: (Default) Arial

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

Deleted: 6

Formatted: Font: (Default) Arial

Deleted: 7

Formatted: Font: (Default) Arial

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

Deleted:

Formatted: Font: (Default) Arial, 12 pt

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

Formatted: Font: (Default) Arial

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

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

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

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

17.6 The Council maintains a Contract Register the purpose of which is to record key details of all Contracts with an aggregate value of £5,000 (exclusive of VAT) or more.

Formatted: Font: (Default) Arial

17.7 All Responsible Officers will notify the Procurement and Contract Management Service of any Contract awarded above £5,000. The Responsible Officer will use the format prescribed by the Procurement and Contract Management Service and report this information quarterly.

Deleted: <object>

17.8 The HoP shall ensure that:-

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

**Contracts Finder**

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

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

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

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

Gateway Process gate	Approval process
<b>Gate 1</b> – Commissioning and Procurement Options Appraisal (includes Grants)	<u>PAB or HoP or delegated SCM</u> <b>AND</b> The relevant Director or delegated Assistant Director <b>AND</b> Finance - S151 Officer or delegated Assistant Director <b>AND</b> The Monitoring Officer <u>or delegated officer</u>
<b>Gate 2</b> – Authorisation of Documents	An Officer from the Procurement and Contract Management Service <b>AND</b> SCM
<b>Gate 3</b> – Contract/ Grant Award	<u>PAB or HoP or delegated SCM</u> <b>AND</b> The relevant Director or delegated Assistant Director <b>AND</b> Finance - S151 Officer or delegated Assistant Director
<b>Gate 4(a)</b> – Contract / Grant Extension/Variation/ <u>Novation</u>	<u>PAB or HoP or delegated SCM</u> <b>AND</b> The relevant Director or delegated Assistant Director <b>AND</b>

Deleted:

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

Deleted:

Deleted:

Deleted: PAB¶

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Deleted: PAB¶

Formatted: Font: (Default) Arial

Deleted: PAB¶

Formatted: Font: (Default) Arial

Deleted:

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Deleted: <object>



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

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Deleted: PAB¶

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

18.2 The whole contract financial value thresholds for the purposes of **Rule 18.1** are:

- (a) Works and Concession Contracts - £1,000,000.00 inclusive of VAT
- (b) Social and Other Specific Services Contracts - £663,540.00 inclusive of VAT
- (c) Goods and Services contracts - £213,477.00 inclusive of VAT.

Formatted: Font: (Default) Arial, 11 pt

Formatted: Justified

Formatted: Font: (Default) Arial

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

## 19. CONTRACT MANAGEMENT

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

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

Deleted:

Deleted:

Deleted: 19.2 Where appropriate the Responsible Officer involved in contract management shall have received a level of formal training commensurate with the nature of the contract.¶  
¶  
19.3

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

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

### Contract Variation / Novation

Deleted: 4

Formatted: Font: (Default) Arial

Deleted: or

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

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Deleted:

Deleted: effected

Formatted: Font: (Default) Arial

19.4 Contracts with a value in excess of the relevant WTO GPA Threshold may be varied or extended in accordance with the terms of that Contract and/or as outlined in Regulation 72 of the PCRs. Approval must be sought in accordance with **Rule 18.1**, (Table 5 - Gateway Process - Authorisation to Approve Gate 4a).

Deleted: 5

Formatted: Font: (Default) Arial

Deleted:

Deleted:

Deleted: <object>



## Contract Termination

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

Deleted:

## 20. TRAINING FOR PROCUREMENT AND CONTRACT MANAGEMENT

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

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

Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm

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

## 21. DECLARATION OF INTERESTS

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

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

Deleted:

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

## 22. GRANTS

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

Deleted:

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

Deleted: A

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Deleted: should

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

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

Deleted: 3

Formatted: Font: (Default) Arial

22.4 Where the value of a grant exceeds the relevant WTO GPA Threshold, or £1M for works, the Gateway Process shall be completed in accordance with **Rule 18**.

Deleted: <object>

22.5 Specific exceptions to **Rule 22** are permitted in circumstances as the Monitoring Officer and S151 Officer may agree.

Deleted: 4  
Formatted: Font: (Default) Arial

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

Deleted: 5  
Formatted: Font: (Default) Arial  
Deleted:

### 23. HIRING AND ENGAGING STAFF

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

Deleted: <object>

**APPENDIX 3**

**28.0 GRANTS AND EXTERNAL FUNDING**

- 28.1 External funding can provide an important source of income to the Council but grant conditions must be carefully examined before any application is submitted or agreement is entered into to ensure they are compatible with the Council’s aims and objectives. Grant conditions may also result in the Council committing to future expenditure for which there is no budget provision. A risk assessment must therefore be completed and documented to ensure all potential financial obligations and future liabilities are properly identified.
- 28.2 The CFO will provide detailed procedural guidance to follow when applying for grant or other external funding, and before any offers of funding are accepted.
- 28.3 Corporate Directors should consult with the CFO in all circumstances where applications for grants or other external funding are being considered.
- 28.4 ~~Corporate Directors are permitted to submit applications where the expected funding is £200,000 or less. The limit applies to the aggregate level of funding where the grant is to be paid in instalments.~~ The following approvals are required before applications are submitted. ~~The limits apply to the aggregate level of funding where the grant is to be paid in instalments. where the aggregate funding is expected to be over £200,000:~~

Estimated Value of Grant	Required action / approval
<u>Less than £200,000</u>	<u>Corporate Director in consultation with CFO</u>
£200,000 <u>and over</u> - <u>£500,000</u>	Obtain approval of the CFO in consultation with the <u>Executive Member for Finance and other</u> relevant Executive Member(s)*
<u>Over £500,000</u>	<u>Obtain approval of the relevant Executive Member(s)</u>

Formatted: Indent: Left: 0 cm, First line: 0 cm

Formatted Table

\*Recurring grants and external funding (a grant/funding which has been applied for previously with no substantial change to grant conditions or delivery of the grant) require consultation with the relevant Executive Member (s) at the discretion of the CFO.

Formatted: Font: Not Bold

- 28.5 The following approvals are required before any offers of grant or other external funding are accepted:

New, discretionary grants and external funding (a new grant/funding which at the discretion of the Council to apply for and has not been applied for previously):

Value of Grant Offer	Required action / approval
Less than £200,000	Obtain approval of the CFO
£200,000 - £1m	Obtain approval of the relevant Executive Member(s) <u>in consultation with the CFO and the</u>

	<a href="#">Executive Member for Finance</a>
Over £1m	Obtain approval of the Executive

[Recurring grants and external funding \(a grant which has been applied for previously with no substantial change to grant conditions or delivery of the grant\):](#)

<a href="#">Estimated Value of Grant</a>	<a href="#">Required action / approval</a>
<a href="#">Less than £200,000</a>	<a href="#">Corporate Director to inform the CFO</a>
<a href="#">£200,000 and over</a>	<a href="#">Obtain approval of the CFO in consultation with the Executive Member for Finance and other relevant Executive Member (s) as necessary</a>

[Direct award grants \(grant provided directly to the Council where it is statutory requirement to provide the prescribed service and where there is no application requirement\):](#)

<a href="#">Type of grant</a>	<a href="#">Required action / approval</a>
<a href="#">Statutory</a>	<a href="#">Corporate Director to inform the CFO</a>
<a href="#">Discretionary</a>	<a href="#">As per rules for new discretionary grants and recurring grants</a>

- 28.6 Corporate Directors are responsible for ensuring all grant conditions are complied with and the required approvals and certifications are obtained before submitting claims or returns to the relevant funding bodies.

**Proposed amendments to the Constitution re public rights of way**

**Officers' Delegation Scheme**

- Amend paragraph 8.1 of the Specific Delegations to the Corporate Director of Environment as follows, for clarification purposes:

**8 Delegation to the Corporate Director of Environment**

8.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or officer, the Corporate Director of Environment is responsible for the exercise of all powers, duties and functions of the authority in relation to the following:

- Allotments
- Bereavement services, crematoria, public and private burials, maintenance of closed churchyards and public health funerals
- Coastal management and protection
- Commons and village greens
- Contaminated land
- Control of pollution and air quality
- Coroners service
- Dog warden services
- Environmental health and protection
- Environmental services including low carbon and natural capital services
- Fleet operation
- Flood management
- Footpaths, ~~and~~ Bridleways, Restricted Byways and Byways Open to all Traffic
- Harrogate Borough Council Act 1986 and Harrogate Stray Act 1985
- Harbour services for Scarborough, Whitby and Filey Coble Landing
- Highways, road safety, transportation and traffic regulation including winter maintenance and commercial services with the Highways teckal company
- Integrated Passenger Transport
- Licensing
- Managing economic crime unit
- Markets
- Parking Services including civil parking enforcement, penalty charge notices and permit administration
- Parks, playgrounds, public open spaces and grounds maintenance
- Public rights of way
- Registration of births, deaths and marriages
- Regulatory services (including trading standards, food hygiene, noise protection, pest control)

- Seashores and promenades
- Street Scene including street cleansing and litter
- Provision and cleaning of public conveniences
- Waste Services including collection, disposal, recycling, household waste recycling centres, commercial waste collection and closed landfill sites.

...

- Amend paragraph 8.3(b) of the Specific Delegations to the Corporate Director of Environment re 'Physical Environment including Public Rights of Way and Open Spaces' as follows, to update a legislative reference and to reflect that *all* objections regarding Definitive Map Modification Orders must be referred to the Secretary of State:

(b) **Physical Environment including Public Rights of Way and Open Spaces**

- (i) The exercise of all of the functions of the Council relating to the physical environment of the Council, rights of way and open spaces including but not limited to the Wildlife and Countryside Act 1981 the Highways Act 1980 the Town and Country Planning Act 1990;
- (ii) The power to make representations to the Secretary of State regarding Definitive ~~Map Modification Orders~~ and Public Path Orders (with the exception of Creation Orders) to which a ~~valid~~ duly made objection has been received following public advertisement of the Order, subject to consultation with the relevant Executive Member(s) and local Member(s).

- Amend paragraph 8.3(c) of the Specific Delegations to the Corporate Director of Environment re 'Commons Registration' as follows, to clarify and update the legislative references:

\*(c) **Commons Registration**

~~The exercise of all functions of the Council in relation to common land and town and village green including but not limited to those Council functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. To determine all applications and exercise all functions of the Council in its role as Commons Registration Authority under Part 1 of the Commons Act 2006 and associated legislation (and any successor legislation).~~

- After paragraph 8.3(f)(vi) of the Specific Delegations to the Corporate Director of Environment, remove the "8.4" numbering from the heading "Matters excluded from the delegation", for consistency in numbering:

**8.4** Matters excluded from the delegation:

The following matter is excluded from this delegation:

- (a) the issue of a new safety certificate in respect of a sports ground in North Yorkshire, or the withdrawal of an existing certificate.

### **Area Constituency Planning Committee Terms of Reference**

- Amend paragraph \*(e) as follows, as the word “Creation” was omitted in error at the time of adopting the Constitution, when it was intended that Public Path Creation Orders (not all Public Path Orders) would be delegated to the Area Constituency Planning Committees:

...

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

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

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

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

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

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

**Proposed amendments to Officers' Delegation Scheme  
re responsibility for Business Improvement Districts (BIDs)**

Proposed amendments to transfer responsibility for Business Improvement Districts from the Corporate Director of Resources to the Corporate Director for Community Development by amending their respective Specific Delegations in the Officers' Delegation Scheme as follows:

**9 To the Corporate Director of Community Development**

9.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Corporate Director of Community Development is responsible for the exercise of all powers, duties and functions of the Council in relation to the following:

- Archives
- Business Improvement Districts
- Building Control
- Conservation and archaeology
- Culture and Arts
- Economic Development, Regeneration and Skills
- Housing
- Key Venues – including Harrogate Convention Centre and Scarborough Open Air Theatre
- Leisure services and community sports facilities
- Libraries
- Local Land Charges
- Museums
- Planning and development
- Protection of hedgerows and preservation of trees
- Street naming & numbering
- Support and hosting the two AONB
- Tourism

...

**10. Delegation to the Corporate Director of Resources**

10.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Corporate Director of Resources is responsible for the exercise of all powers, duties and functions of the Council in relation to the following:

- ~~Business Improvement Districts~~
- Commercial activities
- Council tax and business rates
- Customer contact including contact centres and the Council's website
- Data governance and security
- Facilities management
- Financial management
- Grants
- Housing and council tax benefit assessment, fraud and verification



- Procurement
- Property
- Revenue and Benefits
- Technology
- Transformation

...

## North Yorkshire Council

## Constitution Members Working Group

Wednesday 4<sup>th</sup> October 2023**Member Engagement and Decision Making Throughout the Preparation of Development Plan Documents – Recommended Changes to the Council’s Constitution****Report of the Corporate Director Community Development****1.0 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to present to Members, for their consideration for recommendation to the Executive and ultimately full Council for approval, proposed changes to the Constitution to support more effective and streamlined decision making during the preparation of Development Plan Documents (DPDs), such as the new Local Plan for North Yorkshire (set out in Section 4 of this report).

**2.0 BACKGROUND**

- 2.1 The local plan is a statutory requirement for the council and a key delivery vehicle for many of the priorities and ambitions that are set out in other plans and strategies that the council prepares. It will bring everything together and set out the blueprint for place and growth for North Yorkshire.
- 2.2 The role of elected members is critical in this process. We need to make sure that we have effective and timely engagement with Members, both informally and formally, to ensure that:
- The process best supports the requirement to bring together a single local plan across the North Yorkshire geography
  - Both officers and Members develop a collective understanding of the issues that are important for the plan to address; and are bought into the overall plan strategy
  - Members have a full understanding of the local plan process and the evidence that underpins it
  - Good working relations are developed between officers and Members
  - We make smooth and timely progress of the plan through the various stages of preparation with efficient decision-making processes in place.
- 2.3 Plan making comprises the preparation of evidence across all policy areas, a call for available sites to be submitted to the council, site assessment and selection, policy drafting, significant stages of countywide public consultation and an independent Examination by the Secretary of State. Long lead in times for reporting to Members at key stages will quickly put the council behind schedule.
- 2.4 Legislation relating to newly forming councils includes a duty for the council to have a new local plan in place by end March 2028, which would be challenging for any local authority area, but particularly for a plan area of the scale and diversity of North Yorkshire. In

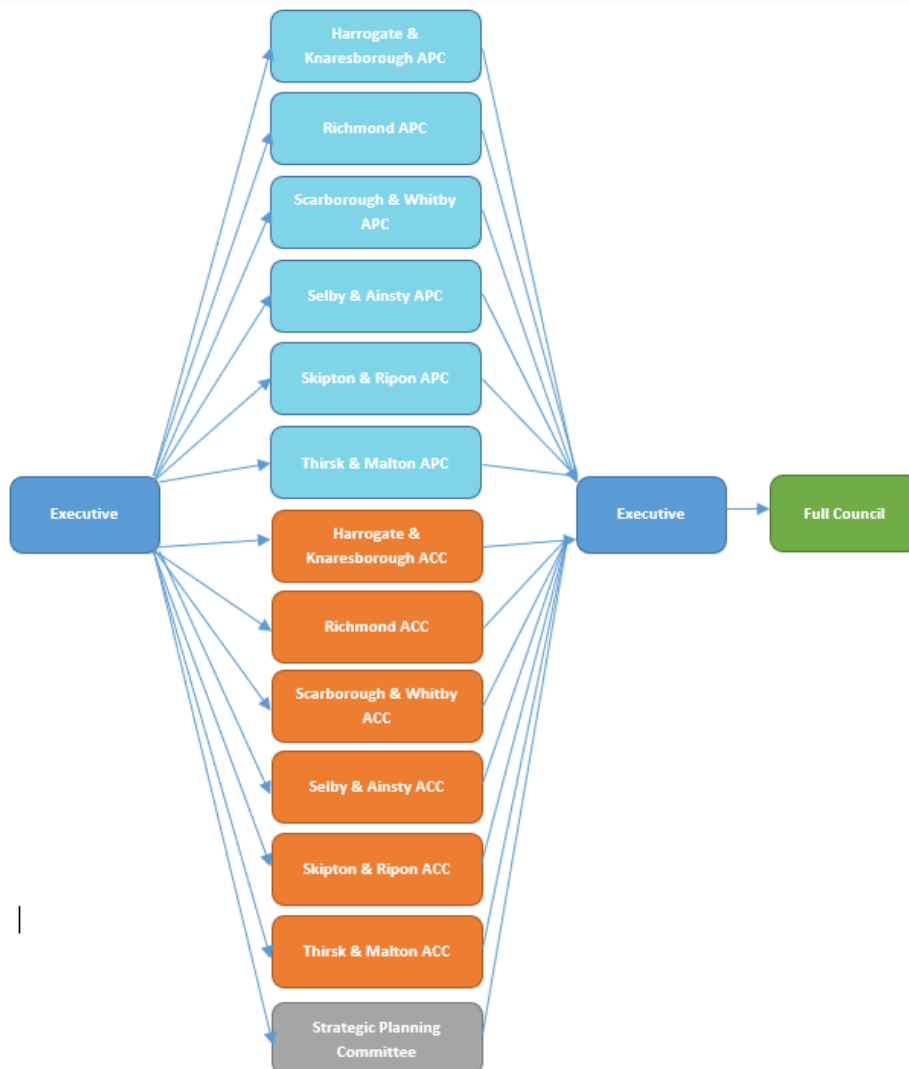
addition to this, the Department for Levelling Up Housing & Communities (DLUHC) have released a consultation on changes to plan making which would see pressure to further reduce these timescales. Officers are putting together a response to the consultation on behalf of the council and will monitor closely any changes to the process and how those changes relate to existing legislation.

- 2.5 It should be noted that the process for Member engagement and decision making during plan making also applies to the preparation of other DPDs such as the Selby Local Plan, Maltkiln New Settlement DPD and the review of the Minerals and Waste Joint Plan when that takes place.

### 3.0 THE CURRENT CONSTITUTION

- 3.1 The Council's constitution currently assigns the role of plan making to seven separate committees whereby each of the Area Planning Committees (APCs) and the Strategic Committee has the following remit: 'To support and be consulted in respect of any development plan documents'. In addition, the constitution assigns the following role to the Area Constituency Committees (ACC): 'To act as consultees in major decisions affecting their area and to influence policy development and the strategic agenda of the Council'. The current process is shown in diagram form below.

- 3.2 Collectively this approach (illustrated in the diagram below) undermines effective and efficient decision making as part of the plan making process because of the time needed to take plans through 13 separate committees and the difficulty in bringing together a single set of recommendations to Executive in respect of a single local plan/DPD.

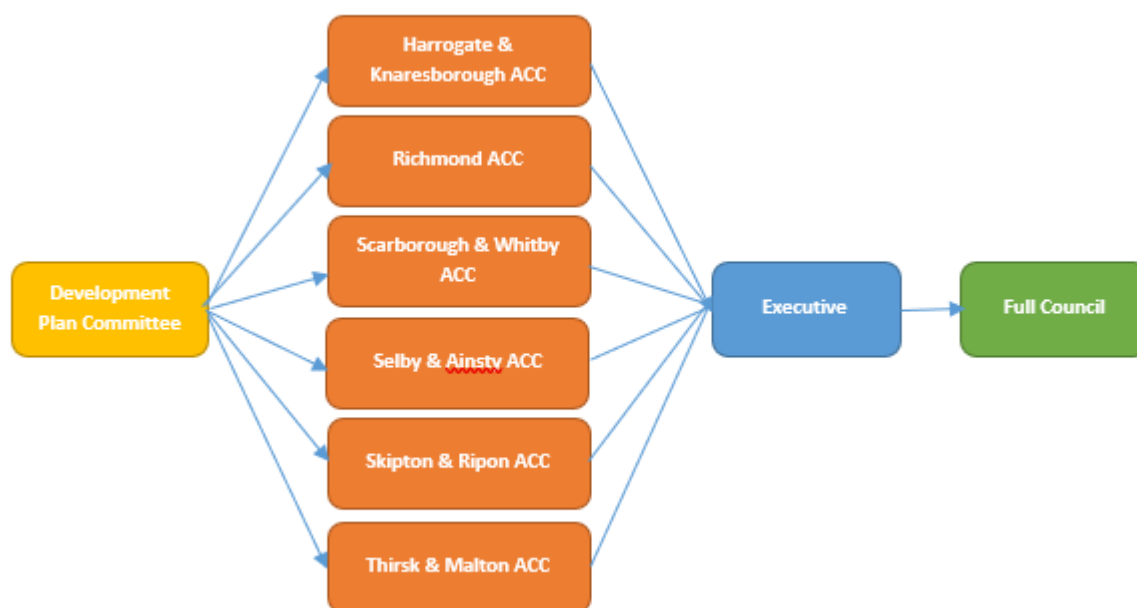


#### 4.0 RECOMMENDED APPROACH FOR DISCUSSION WITH THE CONSTITUTION WORKING GROUP (REFERRED TO AS OPTION A)

- 4.1 Drawing on experience and best practice, officers have put together options for amending the constitution so that the process for engaging with Members is more effective and streamlined. Officers put forward two options for discussion with the Executive Member with responsibility for Planning in consultation with other Executive Members in September 2023. They are set out as Option B and Option C within Appendix 1.
- 4.2 Taking into consideration feedback from the Executive Member, the preferred option is set out as Option A below, which is a variation of options B and C (see Appendix 1). It is considered that Option A creates a balance between the need to streamline the process and ensure strategic oversight of the local plan/DPDs as a whole, and the desire to retain local input from the ACCs at key formal stages.

#### Option A

- 4.3 Option A (illustrated in the diagram below) retains a role of the ACCs at the formal stages and proposes the use of a single Development Plan Committee throughout the plan making process. The concept of a single Development Plan Committee across a plan area is widely used by other local planning authorities and is considered best practice. Feedback from the LGR Planning Members Task and Finish Group (set up in 2022 to oversee work on LGR transition) showed support for a single cross-party Development Plan Committee.



- 4.4 The Development Plan Committee would act as the main sounding board for the preparation of the Local Plan/DPDs<sup>1</sup> (both informally and at formal stages); supporting officers in the evolution of the plan and ultimately providing recommendations and comments for consideration by the ACCs and the Executive at formal stages of plan making.

<sup>1</sup> Except for Neighbourhood Plans (see para 4.14)

- 4.5 The Development Plan Committee would be politically proportionate and would meet both informally (non-decision making, interactive workshops and information sharing) and formally (decision making to the extent that they provide formal views back to the ACCs and Executive). In addition to streamlining decision making this option allows for a more effective collaborative working relationship to develop between officers and Members and a better collective understanding in bringing together a single local plan for North Yorkshire.
- 4.6 In respect of the new Local Plan for North Yorkshire, the informal and formal (public) meetings of the Committee will be scheduled in line with the stages set out at Appendix 2. It should be noted that early informal engagement with all Members of the Council on the Local Plan is an essential part of this process.
- 4.7 The Membership of the Development Plan Committee would be based upon the overall balance of the Council, with a total membership of either:
- 24 Members comprising 4 Members from each ACC, or
  - 30 Members, comprising 5 Members from each ACC
- 4.8 Nominations from the political groups (including named substitutes) would be requested once the proportionality calculation has been run and Terms of Reference for the committee would be included in the Constitution and on the NYC website. Appendix 3 illustrates the proportionality calculation based on 24 and 30 Members.
- 4.9 The Development Plan Committee meetings will be arranged in consultation with the Chair, as needed, to tie in with key stages of plan making. For formal (public) meetings, papers will be published on the council's website five clear working days ahead of each meeting. Due to the ongoing legislative requirement to review DPDs, the committee will be a standing committee of the council and not time limited. It will in effect undertake a scrutiny role.
- 4.10 In addition to the creation of the Development Plan Committee the following changes to the constitution are proposed:
- The following is deleted from the remit of the APCs *'To support and be consulted in respect of any development plan documents'*
  - The following be added to the remit of ACCs
    - *'To support and be consulted on development plan documents at formal decision making stages of the plan making process'*
    - *'To support and be consulted in respect of Neighbourhood Plans within the constituency area'*
  - The following is deleted from the remit of the Strategic Planning Committee *'To support and be consulted in respect of any development plan documents'*
- 4.11 It should be noted that none of the options referred to in this paper include roles for the Area or Strategic Planning Committees within the formal stages of plan making. Whilst there would be no legal issue with their inclusion, both officers and the Executive Member

for Planning (in consultation with other Executive Members) conclude that it is not preferable or necessary for these committees to assume a dual role of both determining planning applications and being consulted on and feeding into the preparation of DPDs. In effect having both a regulatory role as well as a policy development role.

### **Neighbourhood Planning**

- 4.12 Neighbourhood planning allows local communities to develop a shared vision for their neighbourhood; to set out planning policies within Neighbourhood Plans that will form part of the development plan used in determining applications for planning permission.
- 4.13 Whilst the Neighbourhood Plan is very much community led, the Council has a role in providing support and guidance as the Neighbourhood Planning Group develop their proposals and ultimately, following an examination of the Plan and a successful referendum the Council adopts the Plan.
- 4.14 The very local nature of Neighbourhood Plans aligns well with the locality-based approach of ACCs. In the case of Neighbourhood Plans, it is therefore proposed that ACCs are the main committee for considering this type of plan and that it is not necessary to consult with the Development Plan Committee in addition to the relevant ACC/ACCs. The process would usually involve the input of a single ACC, unless the boundary of the Neighbourhood Area intersects with more than one constituency area.
- 4.15 Appendix 4 to this report recommends how and when the relevant ACC interacts with the Neighbourhood Planning process. There are numerous stages in the Neighbourhood Planning process, some of which are purely or largely procedural over which we as a Council have no influence. In these instances we are recommending that officers simply provide an update note to the relevant ACC, via the Chair. Equally, and whilst the Plan remains that of the local community preparing it, we do have an influencing role at certain stages. Here we are recommending that before the Council provides its comments to the Neighbourhood Planning group the relevant ACC is consulted.

## **5.0 CONSULTATION UNDERTAKEN AND RESPONSES**

- 5.1 Consultation has taken place with Executive Members and officers from Legal and Democratic Services.

## **6.0 ALTERNATIVE OPTIONS CONSIDERED**

- 6.1 The alternative options considered are set out within Appendix 1. Another option would be to leave the constitution as written, however this is not recommended as the other options better support the considerations set out at para 2.2.

## **7.0 FINANCIAL IMPLICATIONS**

- 7.1 The option proposed significantly reduces the number of committees, timescale and staff resource needed to work through the formal decision making process for DPDs.
- 7.2 It is proposed to ask the Independent Remuneration Panel to consider an appropriate allowance for the Chair and Vice Chair of the Development Plan Committee. It is officers

view that this would be comparable to an Overview and Scrutiny role which has a Chair receiving an SRA of £5,526 and the Vice Chair £1,842. However this will be a matter for the IRP and full Council to approve.

## **8.0 LEGAL IMPLICATIONS**

8.1 The Council's legal officers have been consulted during the preparation of this report and their feedback has been considered in bringing together this recommendation.

## **9.0 EQUALITIES IMPLICATIONS**

9.1 The preparation of all DPDs are supported by their own Equalities Impact Assessment in accordance with current legislation.

## **10.0 CLIMATE CHANGE IMPLICATIONS**

10.1 This paper sets out proposed amendments to the decision making process in order that it is more effective and efficient. It does not propose any change that would have anything other than a neutral impact on climate change.

## **11.0 REASONS FOR RECOMMENDATIONS**

11.1 The recommendations set out within this report seek to ensure more effective and streamlined engagement and decision making throughout the preparation of DPDs such as the council's Local Plan for North Yorkshire.

## **21.0 RECOMMENDATIONS**

- i) That the Constitution Working Group support amendments to the constitution in line with section 4 of this report.
- ii) That the Constitution Working Group provide views on the appropriate number of Members to include within the Development Plan Committee (either 24 or 30 as set out in para 4.6 above).

## **APPENDICES:**

- Appendix 1 – Alternative Options Considered
- Appendix 2 – Further Explanation of Option A in Respect of the New Local Plan for North Yorkshire
- Appendix 3 - Proportionality calculated on a Committee of 24 and/or 30 based on the overall proportionality of NYC AND the individual area proportionality of each individual ACC
- Appendix 4 - Recommended Approach to Role of the Area Constituency Committee and Political Sign Off During the Preparation of Neighbourhood Plans

## **BACKGROUND DOCUMENTS:**

- The Councils Constitution

*Nic Harne  
Corporate Director Community Development  
County Hall  
Northallerton  
04/10/2023*

*Report Author – Linda Marfitt, Head of Planning Policy & Place  
Presenter of Report – Linda Marfitt, Head of Planning Policy & Place*

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



## APPENDIX 1 – ALTERNATIVE OPTIONS CONSIDERED

### Option B: The Creation of a Single New Development Plan Committee

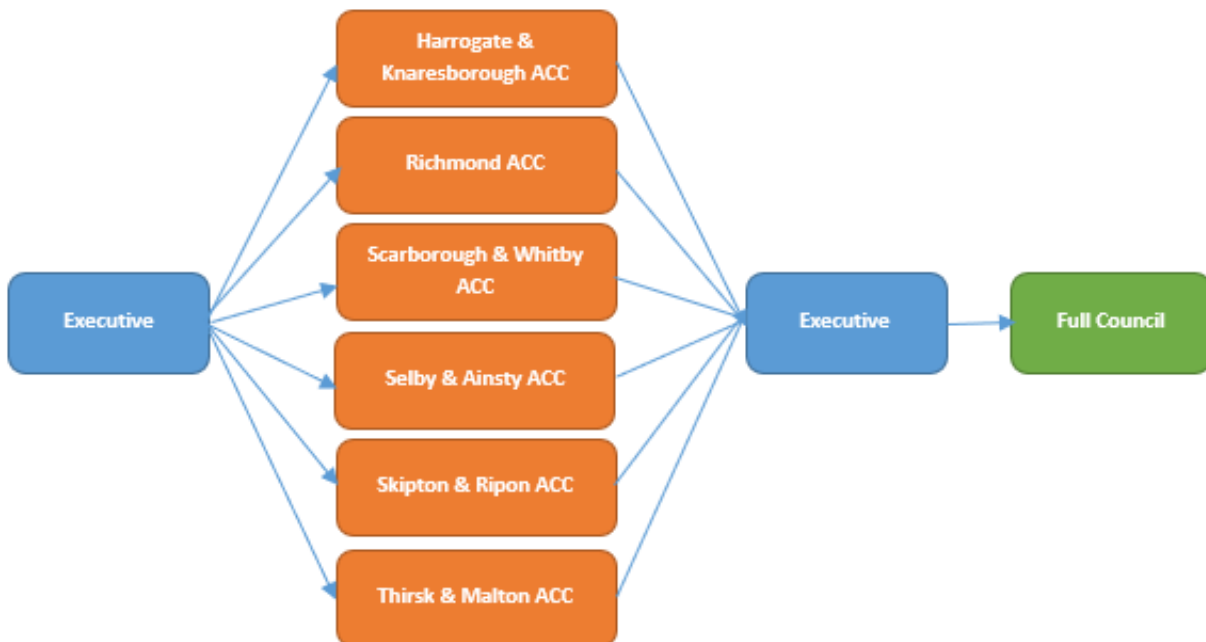
As shown in the diagram below, this option would be the same as Options A but without the inclusion of the ACCs during the formal stages of plan making.



This approach would bring the most benefit in terms of the considerations set out at para 2.2 of this report. This option is the most streamlined and having one overall Development Plan Committee is seen as best practice by some other local authorities across the country.

### Option C: The Use of ACCs

As shown in the diagram below, this option proposes retaining the role of the ACCs but includes no overall committee. This modest amendment still leaves us with quite a convoluted process by which views of the various ACCs are fed into the plan making process in comparison with option B, but with the risk of limited strategic oversight of the plan as a whole.



**APPENDIX 2 – FURTHER EXPLANATION OF OPTION A IN RESPECT OF THE NEW LOCAL PLAN FOR NORTH YORKSHIRE**

	<b>Stage of Plan making (Taken from draft LDS)</b>	<b>Proposed Engagement with Members</b>
<b>Reg 18</b>	Pulling together key evidence, review national guidance, initial engagement on issues for the Local Plan	<ul style="list-style-type: none"> <li>• All member briefing session – by way of introduction</li> <li>• Regular Executive Member updates/briefings</li> <li>• Meeting of new DP Committee:               <ul style="list-style-type: none"> <li>○ Informal, interactive session: Scoping the Issues</li> </ul> </li> </ul>
	Consult on scope of the Local Plan and spatial options (Issues & Options consultation)	<ul style="list-style-type: none"> <li>• Regular Executive Member updates/briefings</li> <li>• Meetings of new DP Committee:               <ul style="list-style-type: none"> <li>○ Informal, interactive session:                   <ul style="list-style-type: none"> <li>▪ Spatial options</li> <li>▪ content of consultation document</li> </ul> </li> </ul> </li> <li>• All Member briefing session</li> <li>• Executive (or Executive Member) agrees content for consultation</li> </ul>
	Consult on draft plan	<ul style="list-style-type: none"> <li>• Regular Executive Member updates/briefings</li> <li>• Meetings of new DP Committee:               <ul style="list-style-type: none"> <li>○ Informal workshops and briefing sessions</li> <li>○ Content of workshops based around development of the draft plan</li> </ul> </li> <li>• All Member briefing session</li> <li>• Meeting of new DP Committee to consider content of Draft Plan and make comments/ recommendations to Executive (formal meeting)</li> <li>• Formal meeting of each ACC to consider content of draft plan and provide views to the Executive</li> <li>• Executive (or Executive Member) agrees content for consultation following receipt of comments from new LP Committee</li> </ul>
<b>Reg 19</b>	Consult on Submission Draft Plan	<ul style="list-style-type: none"> <li>• Regular Executive Member updates/briefings</li> <li>• Meeting (s) of new DP Committee:               <ul style="list-style-type: none"> <li>○ Informal workshops and briefing sessions</li> <li>○ Content of workshops based around feedback from consultation and proposed amendments to policies and proposals</li> </ul> </li> <li>• Meeting of new DP Committee to consider content of Draft Plan and make comments/ recommendations to Executive (Formal meeting)</li> <li>• All Member briefing</li> <li>• Formal meeting of each ACC to consider content of draft plan and provide views to the Executive</li> <li>• Executive agrees content of consultation following receipt of comments from new DP Committee and recommends to council for consultation and subsequent submission</li> </ul>

		<ul style="list-style-type: none"> <li>• Full Council agrees content for consultation and subsequent submission with modifications being delegated to relevant officer in consultation with Exec Member for Planning</li> </ul>
<b>Reg 22</b>	Submission of the Plan for Examination	<ul style="list-style-type: none"> <li>• Member workshop/briefing sessions: <ul style="list-style-type: none"> <li>○ Meeting of new DP Committee (Informal)</li> <li>○ Content of workshops based around feedback from consultation and proposed modifications</li> </ul> </li> <li>• Subject to appropriate delegation (see above) Exec Member/Exec agrees any modifications for submission plus any other supporting docs</li> </ul>
<b>Reg 24</b>	Examination of the Plan	Delegated Authority to be sought to ensure relevant officer in consultation with the Executive Member can conduct matters on behalf of the council during the examination including responding to questions, requests from the inspector and agreeing to modifications during the hearing sessions
<b>Reg 26</b>	Adoption of the Plan	<ul style="list-style-type: none"> <li>• Full Council adopts the plan (with modifications as required) via recommendation from Executive</li> </ul>

**APPENDIX 3: PROPORTIONALITY CALCULATED ON A COMMITTEE OF 24 AND/OR 30 BASED ON THE OVERALL PROPORTIONALITY OF NYC AND THE INDIVIDUAL AREA PROPORTIONALITY OF EACH INDIVIDUAL ACC**

1. A Committee of 24 should consist of 13 seats allocated to the majority group and 11 to the others.
2. A Committee of 30 should consist of 16 seats allocated to the majority group and 14 to the others.
3. If an equal number of seats is allowed from each ACC, of which there are 6, then a Committee of 24 will consist of 4 seats per ACC and a Committee of 30 will consist of 5 seats per ACC based upon the political make up of each ACC.

<b>ACC</b>	<b>No. of Councillors in ACC</b>	<b>4 Member proportionality on a Committee of 24 based on the political make-up of the ACC</b>	<b>5 Member proportionality on a Committee of 30 based on the political make-up of the ACC</b>
<b>Richmond</b>	16	3 Conservative & 1 from by election result	4 Conservative & 1 from by election result
<b>Thirsk and Malton</b>	15	2 Conservative & 1 NY Ind & 1 Liberal	3 Conservative, 1 NY Ind & 1 Liberal
<b>Skipton &amp; Ripon</b>	15	2 Conservative & 1 Lib (& 1 NY Ind or Green)	3 Conservative, 1 Lib (& 1 NY Ind or Green)
<b>Harrogate &amp; Knaresborough</b>	13	2 Conservative & 2 Liberal	2 Conservative & 3 Liberal
<b>Scarborough &amp; Whitby</b>	15	2 Conservative & 2 Labour	2 Conservative, 2 Labour (& 1 NY Ind or Ind Unaff)
<b>Selby &amp; Ainsty</b>	16	2 Conservative, 1 Labour (& 1 NY Ind or Ind Unaff)	2 Conservative, 2 Labour (& 1 NY Ind or Ind Unaff)
<b>Total</b>		13 Conservative seats	16 Conservative seats
		4 Liberal seats	5 Liberal seats
		3 Labour seats	4 Labour seats
		1 NY Independent	1 NY Independent
		1 NY Ind or Green	1 NY Ind or Green
		1 NY Ind or Ind Unaffiliated	2 NY Ind or Ind Unaffiliated
		1 dependent on by election result	1 dependent on by election result
		24	30

**APPENDIX 4: RECOMMENDED APPROACH TO ROLE OF THE AREA CONSTITUENCY COMMITTEE AND POLITICAL SIGN OFF DURING THE PREPARATION OF NEIGHBOURHOOD PLANS**

Stage	Recommended Engagement with Relevant ACC and process for political sign off	Commentary
<p><b>Consultation on proposed neighbourhood area</b> (if required)</p>	<ul style="list-style-type: none"> <li>Email update provided to Executive Member for Planning and Chair of relevant ACC</li> </ul>	<p>Consultation is not required for new neighbourhood areas for the whole of a parish.</p> <p>Where an area is proposed that is not a whole parish a 6 week public consultation is required.</p> <p>Either way there is no power for the council to prevent this, therefore no decision making required of the Council.</p>
<p><b>Area Designation</b></p>	<ul style="list-style-type: none"> <li>Approval for Area designation delegated to Executive Member for Planning</li> <li>Email update provided to Chair of relevant ACC</li> </ul>	<p>There is no need for this to go before any other committee, other than for information as it is not specifically related to the development plan. For example areas can be designated, but no Neighbourhood Plan is prepared.</p> <p>If the area proposed is the whole parish, there is a requirement to designate. Area designations have to be carried out within prescribed timescales.</p>
<p><b>Comments on Draft Plan (pre-submission) Consultation</b></p>	<ul style="list-style-type: none"> <li>Officers provide support and guidance to the neighbourhood planning group as they prepare their Submission Plan; providing officer comments on the pre-submission version of the plan.</li> <li>Email update provided to Executive Member for Planning and Chair of relevant ACC</li> <li>Where basic conditions are not met, approval of comments on the Submission Draft Plan</li> </ul>	<p>This is an informal stage that allows for views to be provided to help the NP group develop their plan and to ensure that they meet the basic conditions. This tends to be via regular engagement with the neighbourhood planning group and culminates in a written response. We are proposing that as this is the informal stage this would be dealt with at officer level.</p> <p>However, there may be instances where Member involvement would be necessary, for example where officers considered that basic conditions were not met.</p>

	delegated to Executive Member for Planning who consults with Relevant ACC	
<b>Submission consultation</b>	<ul style="list-style-type: none"> <li>Email update provided to Executive Member for Planning and Chair of relevant ACC</li> </ul>	This is a purely procedural stage. Subject to the submission requirements consultation should start as soon as possible. There is no option to choose not to consult. Minimum 6 weeks for consultation.
<b>Comments on Submission Consultation</b>	<ul style="list-style-type: none"> <li>Approval of comments on the Submission Draft Plan delegated to Executive Member for Planning who consults with Relevant ACC</li> </ul>	
<b>Examination</b>	<ul style="list-style-type: none"> <li>Email update provided to Executive Member for Planning and Chair of relevant ACC</li> </ul>	<p>Following submission, the plan must be examined and we have no scope to influence the process. Working with the Neighbourhood Planning Group officers appoint an Examiner.</p> <p>It would only be if the consultation raised previously unidentified issues that could not reasonably be resolved through examination that the plan would not go to examination (Discussions with the plan body would be needed and they would have to effectively withdraw the plan).</p>
<b>Post Examination: Examiners report and Referendum</b>	<ul style="list-style-type: none"> <li>Approval of Examiners recommendations and agreement to proceed to referendum delegated to Executive Member for Planning</li> <li>Email update provided Chair of relevant ACC</li> </ul>	<p>In all likelihood recommendation from examiner to put the plan to referendum, usually subject to modifications.</p> <p>Whilst the decision to hold a referendum is procedural, given that NYC as the LPA is required to make a decision on what action to take in response to the Examiner's recommendations this is a significant milestone so political sign off is appropriate.</p> <p>Recent experience with the Bradley Neighbourhood Plan supports the recommend approach with both the Area Planning Committee and Strategic Committee questioning why the report was before them given the stage in the process.</p>
<b>Adoption</b>	<ul style="list-style-type: none"> <li>Full Council takes the decision that the plan is 'made' via a report from the Executive</li> </ul>	The plan will become part of the Development Plan, as such is a full council decision.

	<ul style="list-style-type: none"><li>• Email update provided Chair of relevant ACC</li></ul>	<p>Following a positive outcome from the referendum, the regulations give full weight to the neighbourhood plan in decision making. The decision at this stage is therefore procedural.</p> <p>The plan must be adopted within 8 weeks (starting on the day after referendum). Whilst the regulations do not specify sanctions if this does not happen it may be that we need to either a) consider setting up a special meeting of Council or b) seeking to agree with the neighbourhood planning group a date beyond 8 weeks.</p>
--	---	---

## APPENDIX 7

Proportionality calculation for a Development Plan Committee of 18 members based on the overall proportionality of North Yorkshire Council (NYC) and the individual area proportionality of each Area Constituency Committee (ACC).

Applying the overall proportionality of the Council as a whole

Committee size of 18	Conservative and Independents	Liberal Democrats and Liberal	Labour	NY Independent	Green	Unaffiliated	Awaiting by-election
Actual	9.60	2.60	2.20	1.80	0.80	0.80	0.20
Rounded	10	3	2	2	1	1	0

This however rounds to 19 due to the majority rule so the least % to the next whole figure will be Lib Dem on 2.6 which is 0.4 away from a figure of 3 where all the others are either 0.2 over or under, however the by election result could change this.

There is representation on an 18 seat Development Plan Committee of all political groups, with the exception of the Green Group or the unaffiliated.

In order to achieve representation for all political groups and the unaffiliated independents, the committee size would need to be a minimum of 20. See below.

Committee size of 20	Conservative and Independents	Liberal Democrats and Liberal	Labour	NY Independent	Green	Unaffiliated	Awaiting by-election
Actual	10.67	2.89	2.44	2.00	0.89	0.89	0.22
Rounded	11	3	2	2	1	1	0

A committee size of 18 would have representation from all political groups if the unaffiliated were not allocated a seat (as they are not a political group).



For a committee size of 20, the additional seats for the Green Group and the unaffiliated independents could come from any of the ACCs on which they currently have seats.

### Applying proportionality of each ACC

A Committee of 18 should consist of 10 seats allocated to the majority group. If an equal number of seats is allowed from each ACC, of which there are 6, then a Committee of 18 will consist of 3 seats per ACC.

Each ACC is made up of a different political make up and that, therefore, affects the proportionality of the ACC. However, the end result will still fall in line with the overall NYC proportionality.

ACC	No. of Councillors in ACC	3 Member proportionality on a Committee of 18 based on the political make-up of the ACC
Richmond (Yorks)	16	3 Conservative and Independents*
Thirsk and Malton	15	2 Conservative and Independents and 1 NY Independent/Liberal Democrat and Liberal**
Skipton and Ripon	15	2 Conservative and Independents and 1 Liberal Democrat and Liberal
Harrogate and Knaresborough	13	1 Conservative and Independents and 2 Liberal Democrat and Liberal
Scarborough and Whitby	15	1 Conservative and Independents, 1 Labour and 1 NY Independent/Unaffiliated
Selby and Ainsty	16	1 Conservative and Independents, 1 Labour and 1 NY Independent

\* Conservative and Independents proportionality is 2.44 but others are 0.19 . This is the lowest % so allowing the correct “total” majority.

\*\*The forthcoming by-election for Sowerby and Topcliffe could change this.

## North Yorkshire Council

### MEMBERS' WORKING GROUP ON THE CONSTITUTION

4 October 2023

#### Proposed Review of Outside Bodies for recommendation to the Executive and Council

Report of the Assistant Chief Executive, Legal and Democratic Services.

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

- 1.1 To present to Members, for their consideration for recommendation to the Executive and ultimately full Council, an outline of options to review the outside bodies that the Council appoints to, which now number over 170, following the creation of the new unitary North Yorkshire Council and the amalgamation of outside bodies from all 8 former local authorities

#### **2.0 BACKGROUND**

- 2.1 Subsequent to the creation of the new North Yorkshire Council on 1 April 2023, the number of Outside Bodies that the Council now appoints to has increased dramatically, as the appointments previously made by the seven legacy District and Borough Council's, now fall under the jurisdiction of North Yorkshire Council.
- 2.2 Prior to the formation of the new Unitary Authority there was always an intention to review and so reduce the number of Outside Bodies by the County Council. Since North Yorkshire Council is now responsible for the total number of Outside Bodies inherited from the eight former local authorities, this number now exceeds 170 and is unmanageable and requires review and streamlining.
- 2.3 The workload on Elected Members had increased dramatically following the creation of the Unitary Authority with a reduction in the number of Councillors from 319 previously, to 90 currently. This creates additional pressure on Councillor time and the ability to represent a large number of organisations.

#### **3.0 APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES**

- 3.1 Appointments to Category 1 Outside Bodies were made by the Executive in May 2022 for the final year of North Yorkshire County Council and then for a period of 4 years from the start of the new Unitary Authority to May 2027. This was subsequently reviewed at the Executive meeting in May 2023.
- 3.2 Category 1 Outside Bodies should be Members of the Council. The Constitution states, with regard to Category 1 outside bodies, that:
- appointments will be made corporately;
  - some Officer briefing or other support will be provided;
  - there will be a requirement to report back, perhaps to an Officer who may report onwards;
  - expenses will be paid to Councillors unless they are payable by the body appointed to.

Appointments to Category 2 and 3 Outside Bodies were made by the relevant Area Constituency Committees in May 2022 for the final year of North Yorkshire County Council and then for a period of 4 years from the start of the new Unitary Authority to May 2027. This was also further reviewed at the relevant Area Constituency Committee Meetings throughout June 2023.

3.3 Category 2 outside bodies typically operate across the geographic area of more than one Electoral Division. The Constitution states, with regard to Category 2 outside bodies, that:

- those appointed should be Councillors;
- some Officer briefing or other support may be provided;
- any report back will be to the Area Constituency Committee (which may report to the Executive on it, if appropriate); and
- expenses will be paid to Councillors unless they are payable by the body appointed to.

3.4 Category 3 outside bodies typically operate across a smaller geographic area, usually within a single Electoral Division. The Council's Constitution states, with regard to Category 3 outside bodies, that:-

- the person appointed is expected to be a member of the local community, but may be the local Member;
- the local Member will make a nomination to the relevant Area Constituency Committee;
- there will be no Officer support;
- there will be no report back (unless the local Member deems it necessary) and any report back will be to the Corporate Director of Resources; and
- expenses will not be paid by the Council.

#### **4.0 ALTERNATIVE OPTIONS CONSIDERED**

4.1 There was an initial consideration not to appoint to all or some of the existing outside bodies following 1 April 2023, however this was discounted on the basis that it was beneficial, at that time, to keep all of the existing appointments in order to continue to provide local support by Members. It was discussed and agreed at the Constitution Working Group (CWG) on 22 August 2022 to adopt this option.

4.2 The issues identified at that CWG meeting are still evident and we therefore need to revisit this decision, as per the agreed recommendation, to conduct a more in-depth review. The issues are primarily:<sup>1</sup>

- There is a need to ensure that there is a thorough understanding of what the outside bodies that are appointed to actually do, who is on them and how effective they are
- Often the outside bodies are defunct, and we are not informed
- People appointed do not always attend
- There is no form of feedback to the Council
- The bodies need to be clear on how they support the aims and objectives of the Council
- Concerns that Councillors will not have the time to undertake all of their duties in the new Unitary Authority and sit on multiple Outside Bodies.

---

<sup>1</sup> Notes from CWG 22 August 2022

The agreed recommendation on 22 August 2022 was:

- Once the new North Yorkshire Council is established, then a more in-depth review of Outside Bodies is undertaken to establish what the new Council wants to achieve through supporting and engaging with them and the criteria for inclusion in the Constitution in the longer term.

4.3 It is now a priority to review the number of outside bodies, as this currently stands at over 170. The objective is that the number of outside bodies now appointed to by North Yorkshire Council is reduced to better align with the strategic and operational priorities of the Council. These focus on:

- Place and Environment
- Economy
- Health and Wellbeing
- People
- Organisation.

In doing so, consideration is also given to the increased workload upon Members.

4.4 There are a number of options that could be considered.

#### **Option 1**

Do nothing - continue with the current number of outside bodies as they are. Complete an audit of all bodies to ensure all the data we have is accurate and up to date. This would not be practical for a number of reasons: there are over 170 outside bodies to maintain oversight of, which creates a significant administrative burden; previously the appointments to the 170 plus outside bodies were shared between 319 councillors, now it is only 90; it remains unclear how the existing outside bodies that are appointed to support the work and priorities of the Council.

#### **Option 2**

Review all of the outside bodies against a firm set of criteria, (attached at Appendix 1), and ascertain which bodies align with the strategic and operational priorities of the Council. These bodies will then remain for the immediate future but may be subject to further review at a later date. This would reduce the number slightly but not significantly.

#### **Option 3**

Remove all of the Category 3 Outside appointments completely and review the remaining Category 1 and Category 2 appointments against the agreed set of criteria and ascertain which bodies align with the strategic and operational priorities of the Council. This would reduce the number significantly. As there is no requirement for Elected Members to report back to Council for these positions, there is no feedback or understanding of what the Outside Body is achieving or how that fits with the Council's objectives, if at all.

4.5 If option 2 or 3 is chosen, in order to communicate this change effectively, a letter will be drafted and sent to all affected bodies outlining the decision. The letter will determine and explain why the Council will no longer support the Outside Body corporately, as North Yorkshire Council, but will confirm that should any existing Councillor wish to remain on the body as an independent representative, they can do so in their own right.

#### **Conclusion**

Option 3 is the most pragmatic option to choose. This allows outside bodies to continue but strictly in line with supporting the Council's strategic and operational priorities, whilst reducing the number significantly and to a more manageable level. It also allows Elected Members to

continue on an outside body in their own right, if they feel that are able to do that effectively, allowing them to manage their workload accordingly. This suggestion, once submitted to the Constitution Working Group for review, would then follow the timeline outlined at the end of this report with an expected implementation date of 1 April 2024.

## **5.0 FINANCIAL IMPLICATIONS**

5.1 There are no direct financial implications arising from this report although option 1 will require a large amount of officer time on an ongoing basis.

## **6.0 LEGAL IMPLICATIONS**

6.1 There are no immediate legal implications arising from this report. Further work may be needed to clarify any legal status of the Outside Bodies and their relationship with North Yorkshire Council as part of any review undertaken.

6.2 Children and Young People's Services have been consulted as a courtesy as the majority of Category 3 Outside Bodies are Educational Trusts and Foundations.

6.3 Local Engagement Directorate has also been consulted to identify any Community links and relationships that already exist in any Outside Bodies.

## **7.0 EQUALITIES IMPLICATIONS**

7.1 There are no equalities implications arising from this report.

## **8.0 CLIMATE CHANGE IMPLICATIONS**

8.1 There are no climate change implications arising from this report.

## **9.0 REASONS FOR RECOMMENDATIONS**

9.1 In order to reduce and align the number of outside bodies made by the Executive and the Area Constituency Committees, it is recommended that, subject to any comments Members may have, the recommendations set out below be proposed to the Executive for recommendation to full Council for approval.

## **10.0 RECOMMENDATION**

10.1 That, subject to any comments Members may have, the Working Group:

Endorse option 3 in order to better align the number of outside bodies in accordance with the strategic and operational priorities of the Council.

### **APPENDICES:**

Appendix 1 – Criteria Determination for Remaining Outside Bodies.

Appendix 2 – Current list of all Outside Bodies

### **BACKGROUND DOCUMENTS:**

North Yorkshire Council Constitution. [Constitution](#)

Barry Khan, Assistant Chief Executive, Legal and Democratic Services

Report Author – Christine Phillipson, Principal Democratic Services and Scrutiny Officer

## **Outside Body Review**

### **Our Vision and Ambitions**

Does the Outside Body fit with these and align with the Council's priorities ?.

- Place and Environment
- Economy
- Health and Wellbeing
- People
- Organisation

These ambitions allow us to focus on local areas providing local services and access, local accountability, action and empowerment.

#### **Questions:**

- **Does the body specifically require Elected Member representation ?**  
(can it continue without Elected Member representation, i.e., a local representative) ?
- **Is the remit and/or purpose of the body clear and within the strategic remit of council ?**  
(Is it beneficial to us)?
- **Does it make decisions on policy or finance significant to the Council or impact on the local place ?**

Body to comply with all three to remain.

Yes to all three questions - body remains  
Yes to Q1&2 – body remains  
No to 2 or all – body removed

## Schedule 5

### Appointment to Outside Bodies

#### 1. PARTNER BODIES

Those appointed to these bodies should be Members of the Council.

- ◆ Appointments will be made corporately.
- ◆ Some Officer briefing or other support will be provided.
- ◆ There will be a requirement to report back, perhaps to an Officer who may report onwards.
- ◆ Expenses will be paid to Councillors unless they are payable by the body appointed to.

A	B	C	D	E	F
Outside Body	No of Seats	Appointed By	Appointed (Members and Subs)	Appointed until	Report back by/to
Airedale Internal Drainage Board	9	Executive	Cllr A Brown Brian Shuttleworth Victoria Oldham <b>6 vacancies</b>	May 2027	
Airedale NHS Foundation Trust Council of Governors	1	Executive	Cllr R Foster	May 2027	
Border to Coast Pensions Partnership	1	Executive	Cllr G Jabbour	May 2027	
Bradford District Care Trust's Council of Governors	1	Executive	Cllr A Brown	May 2027	
Breckenbrough School Limited	2	Executive	<b>Vacancy</b> Cllr N Knapton	May 2027	
British Destinations	1	Executive	Cllr D Bastiman	May 2027	
British Ports Association	1	Executive	Cllr D Bastiman	May 2027	
Citizens Advice North Yorkshire	2	Executive	Cllr C Les Cllr C Goodrick	May 2027	
Community First Yorkshire	1	Executive	Cllr D Jeffels	May 2027	
County Councils Network	4(Leader, Deputy Leader & Portfolio Holders for	Executive	Cllr C Les Cllr G Dadd Cllr J Sanderson Cllr M Harrison	May 2027	

A	B	C	D	E	F
Outside Body	No of Seats	Appointed By	Appointed (Members and Subs)	Appointed until	Report back by/to
	Children & Adult Services)				
DANVM Drainage Board	5	Executive	Cllr M Crane Cllr Mike Jordan Cllr John McCartney Gillian Ivey Robert Tams	May 2027	
Doncaster/Sheffield Airport Consultative Committee	1 + Sub	Executive	Cllr J Cattnach Sub: Cllr M Jordan	May 2027	
Drax Power Station Consultative Committee *	4 + Subs (Nearest Divisional Members )	Executive	Cllr M Jordan Cllr C Lunn Cllr K Arthur Cllr T Grogan	May 2027	
Durham Tees Valley Airport Consultative Committee	1 + Sub	Executive	Cllr H Moorhouse Sub: Cllr D Chance	May 2027	
Eggborough Power Limited Consultative Committee	2 + Subs (Divisional Members)	Executive	Cllr C Lunn Cllr J McCartney Sub: Cllr M Jordan	May 2027	
First Ainsty Drainage Board	4	Executive	Cllr A Warneken Cllr A Paraskos Howard Ferguson 1 vacancy	May 2027	
Foster Panel (East)	1	Executive	Cllr J Jefferson	May 2027	
Foster Panel (West)	1	Executive	Vacancy	May 2027	
Harrogate and District Community Action - Board of Trustees	1	Executive	Cllr S Gibbs	May 2027	
Harrogate and District NHS Foundation Trust	1	Executive	Cllr N Brown	May 2027	
Humber Coast and Vale Integrated Care System	1(Portfolio Holder)	Executive	Cllr M Harrison	May 2027	
Humber Strategy Forum	1(Portfolio Holder)	Executive		May 2027	
Kyle & Upper Ouse Drainage Board	2	Executive	Cllr J Cattnach Victoria Oldham	May 2027	



A	B	C	D	E	F
Outside Body	No of Seats	Appointed By	Appointed (Members and Subs)	Appointed until	Report back by/to
Leeds Bradford International Airport Cons Committee	1 + Sub	Executive	Cllr A Paraskos Sub: Cllr P Haslam	May 2027	
Local Government Association (LGA)	4 (Leader, Deputy Leader & Portfolio Holders for Business & Corporate Services)	Executive	Cllr C Les Cllr G Dadd Cllr D Bastiman Cllr D Chance	May 2027	
Local Government Grp - General Assembly	1	Executive	Cllr C Les	May 2027	
Local Government Grp - Rural Services Partnership	2	Executive	Cllr D Ireton Cllr R Foster	May 2027	
Local Government North Yorkshire & York Transport and Planning Board	2	Executive	Deferred - Check should this be portfolio holder ?	May 2027	
Local Government North Yorkshire and York	1 (Leader) + Sub	Executive	Cllr C Les Sub: Cllr G Dadd	May 2027	
Local Government Yorkshire and Humber Employers' Committee	1 + Subs (Exec Member for Finance)	Executive	Cllr G Dadd Sub: Cllr C Lunn	May 2027	
North Eastern Inshore Fisheries and Conservation Authority	2	Council	Cllr D Chance Cllr n Swannick	May 2027	
North York Moors Historical Railway Trust Limited	2	Executive	Cllr D Chance Cllr C Pearson	May 2027	
North York Moors National Park Authority	9	Council	Cllr D Jeffels Cllr H Moorhouse Cllr C Pearson Cllr J Ritchie Cllr G Jabbour Vacancy Cllr J Andrews Cllr M Donohue-Moncrieff Cllr A Warneken	May 2027	

A	B	C	D	E	F
Outside Body	No of Seats	Appointed By	Appointed (Members and Subs)	Appointed until	Report back by/to
North York Moors National Park Local Access Forum	1 + Sub	Executive	Cllr G Jabbour Sub: Cllr D Chance	May 2027	
North Yorkshire Local Access Forum	2	Executive	Cllr R Heseltine Cllr D Jeffels	May 2027	
North Yorkshire Youth Limited Board of Trustees	1	Executive	Cllr J Sanderson	May 2027	
North Yorkshire, York and East Riding Local Enterprise Partnership	1	Executive	Cllr C Les	May 2027	
NYNet Ltd Board and NYNet 100 Ltd	1 + 1 (Portfolio Holder) observer/ Sub	Executive	Cllr D Bastiman Observer: Cllr S Watson	May 2027	
Ouse and Derwent Internal Drainage Board	15	Executive	Cllr J Cattnach Cllr S Duckett Cllr K Arthur Juan Jose Brooks Mike Baker Charles Richardson Kay McSherry Martin Grainger Victoria Oldham Howard Ferguson <b>5 vacancies</b>	May 2027	
PATROL (Parking and Traffic Regulations Outside London)	1	Executive	Cllr C Aldred	May 2027	
Rail North	2 (Leader & Portfolio Holder)	Executive	Cllr C Les (Director) Cllr K Duncan (Deputy Director)	May 2027	
Reserve Forces and Cadets Association for Yorkshire and the Humber	2	Executive	Cllr A Lee Cllr Kevin Foster	May 2027	Check which is remaining
Rural Services Network (SPARSE Rural Special Interest Group)	1 + 2 Sub's	Executive	Cllr R Heseltine Sub: Cllr D Ireton, Cllr Y Peacock	May 2027	

A	B	C	D	E	F
Outside Body	No of Seats	Appointed By	Appointed (Members and Subs)	Appointed until	Report back by/to
Scarborough Museums, Culture and Creative Trust	1 (Portfolio Holder)	Executive	Cllr S Myers	May 2027	
Scarborough Theatre Trust	1 (+ 1 observer)	Executive	Cllr D Chance Observer: Stuart Clarke	May 2027	
Selby Area Internal Drainage Board	11	Executive	Cllr J Cattanach Cllr M Crane Cllr M Jordan John Mackman Chris Pearson Martin Grainger Gillian Ivey Ian Chilvers Georgina Ashton Charles Richardson Jim Deans	May 2027	
South Tees Hospitals NHS Foundation Trust	1	Executive	Cllr S Watson	May 2027	
St Camillus Trust	1 + officer	Executive	Cllr J Sanderson Officer: Janet Crawford	May 2027	
Staithe Harbour Commissioners	1 (Portfolio Holder)	Executive	Cllr D Bastiman	May 2027	
Standing Advisory Council on Religious Education	5	Executive	Cllr J Jefferson Cllr G Jabbour Cllr A Baker Cllr R Heseltine Cllr A Wilkinson	May 2027	
Swale & Ure Drainage Board	3	Executive	Cllr A Paraskos Cllr C Les Cllr A Baker	May 2027	
Tees, Esk and Wear Valleys NHS Foundation Trust Council of Governors	1	Executive	Cllr R Swiers	May 2027	
Trans-Pennine Trail Board	1	Executive	Cllr M Jordan	May 2027	
Transport for the North Board and Partnership Board	1 + Sub (Leader &	Executive	Cllr C Les Sub: Cllr K Duncan	May 2027	

A	B	C	D	E	F
Outside Body	No of Seats	Appointed By	Appointed (Members and Subs)	Appointed until	Report back by/to
	Portfolio Holder)				
Transport for the North General Purposes Committee	1(Leader)	Executive	Cllr C Les	May 2027	
Transport for the North Scrutiny Committee	1	Executive	Cllr P Haslam	May 2027	
University of Leeds - Court	1	Executive	Cllr P Haslam	May 2027	
University of York - Court	2 (Chairman of NYCC and Exec Member for Ed)	Executive	Cllr D Ireton Cllr A Wilkinson	May 2027	
Vale of Pickering Internal Drainage Board	5	Executive	Cllr C Goodrick 4 vacancies	May 2027	
Veritau Ltd (shared Internal Audit Service) Board of Directors	1 (Executive Member for Finance + Sub	Executive	Cllr G Gadd Sub: Cllr D Chance	May 2027	
West Yorkshire Integrated Care System	1	Executive	Cllr A Solloway	May 2027	
West Yorkshire Combined Authority - Business Innovation and Growth Panel	1	Executive	Cllr S Myers Cllr R Foster	May 2027	
West Yorkshire Combined Authority - The Place Panel	1	Executive	Cllr M Crane	May 2027	
West Yorkshire Combined Authority Partnership Committee	1 (Leader)	Executive	Cllr C Les	May 2027	
York and North Yorkshire Economy and Skills Board	1(Portfolio Holder)	Executive	Cllr A Wilkinson	May 2027	
York and North Yorkshire Local Enterprise Partnership Overview and Scrutiny Board	1 + Sub	Executive	Cllr C Goodrick Sub: Cllr R Windass	May 2027	
York and North Yorkshire Local Enterprise Partnership Infrastructure Board	1(Portfolio Holder)	Executive	Cllr D Bastiman	May 2027	
York Archaeological Trust for Excavation and Research Limited	1	Executive	Cllr D Chance	May 2027	
York Teaching Hospitals NHS Foundation Trust	1	Executive	Cllr L Colling	May 2027	

A	B	C	D	E	F
Outside Body	No of Seats	Appointed By	Appointed (Members and Subs)	Appointed until	Report back by/to
York, North Yorkshire and East Riding Strategic Housing Partnership ( <a href="http://nycyerhousing.co.uk">nycyerhousing.co.uk</a> )	1 (Portfolio Holder)	Executive	Cllr S Myers	May 2027	
Yorkshire Agricultural Society	1	Executive	Cllr C Les	May 2027	
Yorkshire and Humber Joint Scrutiny of Health Committee	1	Executive	Cllr A Lee	May 2027	
Yorkshire and Humber Strategic Migration Group	1	Executive	Cllr D Chance	May 2027	
Yorkshire Coast and Ryedale Disability Forum	1	Executive	Cllr J Andrews	May 2027	
Yorkshire Coast Community Rail Partnership	1	Executive	Cllr N Swannick	May 2027	
Yorkshire Coast Tourism Advisory Board	1	Executive	Cllr P Trumper	May 2027	
Yorkshire Dales National Park Authority	10	Council	Cllr R Foster Cllr D Ireton Cllr A Murday Cllr Y Peacock Cllr K Sedgwick Cllr S Myers Cllr R Heseltine Cllr S Shaw-Wright Cllr S Parsons Cllr D Noland	May 2027	
Yorkshire Leaders' Board	1 (Leader)	Executive	Cllr C Les	May 2027	
Yorkshire Purchasing Organisation Management Committee	1 + Sub	Executive	Cllr G White Sub: Cllr A Thompson	May 2027	
Yorkshire Purchasing Organisation Procurement Holdings Ltd	1	Executive	Cllr G White	May 2027	
Yorkshire Regional Flood and Coastal Committee	1 + Sub	Executive	Cllr D Bastiman Sub: Cllr J Cattanach	May 2027	
Yorventure Management Group	1 + Sub	Executive	Cllr D Bastiman Sub: Cllr D Staveley	May 2027	
Yorwaste Limited	2	Executive	Cllr A Lee Cllr J Weighell OBE	May 2027	

\* In making appointments to Drax Power Station Consultative Committee, the Executive should ensure that the Chair or Vice-Chair and at least three Members of the Strategic Planning Committee be nominated to serve, and that there is representation from the local area.



## 2. LOCAL BODIES (appointments by Area Constituency Committees)

- ◆ Those appointed to these bodies should be Councillors.
- ◆ The appointments will be made by the Area Constituency Committee(s) concerned.
- ◆ Some Officer briefing or other support may be provided.
- ◆ Any report back will be to the Area Constituency Committee (which may report to the Executive on it, if appropriate).
- ◆ Expenses will be paid to Councillors unless they are payable by the body appointed to.

	No of seats	
Bond End Air Quality Steering Group (NYCC) H&K	1	Cllr Matt Walker
Citizens Advice Scarborough and District S&W	1 + Sub	Cllr R Swiers
Community and Police Consultation Group – Ryedale T&M	TBC	Vacancy
Community Client Group (Malton, Norton and Old Malton Flood Alleviation Scheme) T&M	3	3 Vacancies
Craven and Harrogate Districts Citizens Advice Bureau Combine to N Yorks Citizens Advice & Law Centre ? (inc Ryedale, Ripon, Richmond etc. etc.)	2 (1 Craven and 1 Harrogate)	Cllr P Lacey Cllr R Heseltine
Esk Valley Railway Development Company S&W	1	Cllr N Swannick
Fairfax Community Centre H&K	1	Cllr Phillip Broadbank
Friends of Craven Museum S&R	1	Vacancy
Forest of Bowland AONB Joint Advisory Committee S&R	1 + Sub	Cllr S Myers Sub: Cllr D Ireton
Gouthwaite Reservoir Board of Management S&R	1	Cllr A Murday
Greatwood and Horse Close Estate Committee S&R	2	Cllr Robert Heseltine, Andy Solloway
Groundwork (North Yorkshire) S&A	2	Cllr A Warneken Cllr S Shaw-Wright
Hambleton Community Action R	1	Cllr C Dickinson
Hambleton Over 50s Forum R	1	Cllr C Dickinson
Harrison Collection Trust T&M	1	Vacancy
Harrogate and District Community Action H&K	1	Cllr S Gibbs
Harrogate International Festival Board of Governors H&K	1	Cllr C Aldred
Harrogate White Rose Theatre Trust – Board H&K	2	Cllr Mike Schofield Cllr Robert Windass
Hartlepool Power Station Local Community Liaison Council R	1	Cllr H Moorhouse
Heysham Power Station Local Liaison Council S&R	1	Vacancy
Hospital of James Knowles Trust S&R	1	Vacancy
Howardian Hills AONB Joint Advisory Committee T&M	2 + Subs	Cllr C Goodrick Cllr G Jabbour
Humber Strategy Forum S&A	2	Cllr J Cattanach Cllr B Packham
Knaresborough Community Centre Committee H&K	1	Cllr H Gostlow
Leeds-Morecambe Community Rail Partnership S&R	1	Vacancy
Limited Liability Partnership R	1	Cllr Steve Watson
Malton & Norton Area Partnership Board T&M	2	2 Vacancies
Malton and Norton Infrastructure and Connectivity Steering Group T&M	1	Vacancy
Malton Community Sports Centre Finance and Premises Governors T&M	1	Vacancy

Mazars Yorkshire and Humber Governance Forum for Members <b>S&amp;R</b>	1	Vacancy
Milton Rooms Management Committee <b>T&amp;M</b>	2	
National Coal Mining Museum for England Liaison Committee <b>S&amp;A</b>	1 (+1 sub)	Cllr S Shaw-Wright
National Park Management Plan Steering Group <b>R</b>	1 + sub	Cllr Y Peacock Sub: Cllr K Sedgwick
Nidd Gorge Advisory Partnership H&K	6	Cllr Phillip Broadbank Cllr Paul Haslam Cllr Arnold Warneken Cllr Matt Walker Cllr Hannah Gostlow Cllr Mike Schofield
Nidderdale AONB Joint Advisory Committee <b>S&amp;R</b>	3 + Subs	Cllr Cunliffe-Lister TBC Cllr A Murday Cllr N Hull
North Bank Local Enterprise Partnership <b>S&amp;W</b>	1	Cllr Derek Bastiman
North Yorkshire and Cleveland Coastal Forum Executive Committee <b>S&amp;W</b>	2	Cllr D Bastiman Cllr D Chance
Parishes Liaisons Group <b>S&amp;R</b>	TBC	Vacancy
Pateley Bridge Quarry, Greenhow - Board of Trustees <b>H&amp;K</b>	1	Vacancy
Raincliffe Woods Community Enterprise <b>S&amp;W</b>	2	Cllr D Jeffels Cllr H Phillips
Renaissance Knaresborough Management Committee H&K	1	Cllr H Gostlow
Richmondshire Leisure Trust Board <b>R</b>	1	Cllr Kevin Foster
Ryedale Community Transport – Ryecat <b>T&amp;M</b>	1	Vacancy
Ryedale Folk Museum <b>T&amp;M</b>	1	Vacancy
Ryedale Tourism Advisory Board <b>T&amp;M</b>	2	2 Vacancies
Ryedale YMCA Board of Management <b>T&amp;M</b>	1	Vacancy
Safer Craven Local Delivery Team <b>S&amp;R</b>	1	Cllr A Solloway
Safer Ryedale Delivery Team <b>T&amp;M</b>	1 + Sub	Vacancy Cllr J Andrews is sub
Scarborough & District Sports Council <b>S&amp;W</b>	3	Cllr Janet Jefferson Cllr R Maw Cllr H Phillips
Scarborough and Ryedale Joint Home Improvement Agency Committee <b>S&amp;W &amp; T&amp;M</b>	2	Cllr L Colling
Scarborough United Scholarships Foundation with the John Kendal Trust <b>S&amp;W</b>	1 + Sub	Cllr J Jefferson
Selby and District Housing Trust <b>S&amp;A</b>	3	Cllr Stephanie Duckett
Selby and District Rail Users Group <b>S&amp;A</b>	1	Vacancy
Selby District Association for Voluntary Services <b>S&amp;A</b>	1 + Sub	Cllr K Arthur Cllr C Lunn (sub)
Settle Area Swimming Pool Committee <b>S&amp;R</b>	1	Vacancy
Settle Freight Quality Partnership <b>S&amp;R</b>	1	Vacancy
Settle Victoria Hall Trustees <b>S&amp;R</b>	1	Vacancy
Settle/Carlisle Railway Development Company <b>S&amp;R</b>	1	Vacancy
Starbeck Community Fund H&K	1	Cllr Pat Marsh
Stokesley and District Community Care Association (Trustee) <b>R</b>	1	Vacancy
The Local Fund H&K	1	Cllr Sam Gibbs
The Scarborough Municipal Charity <b>S&amp;W</b>	4	Cllr E Broadbent Cllr R Maw Cllr J Jefferson Cllr S Sharma



Tourism Advisory Board T&M	1	Vacancy
Whitby United Charities S&W	3	Cllr P Trumper Cllr N Pearson Cllr N Swannick
White Rose Home Improvement Agency T&M	1	Vacancy
Yorkshire Housing Group - Craven Area Committee S&R	1	Cllr Robert Heseltine

### LOCAL BODIES (appointee expected to be a member of the local community (but may be the local Member) nominated by the local Member)

- ◆ The person appointed is expected to be a member of the local community, but may be the local Member.
- ◆ The local Member will make a nomination to the relevant Area Constituency Committee.
- ◆ The relevant Area Constituency Committee will make the appointment.
- ◆ There will be no Officer support.
- ◆ There will be no report back (unless the local Member deems it necessary). Any report back will be to the Corporate Director of Resources.
- ◆ Expenses will not be paid by the Council.

**NB: The following outside bodies are not Partnerships for the purpose of Partnership Governance as they do not meet the relevant criteria.**

	No of seats	
Amotherby Educational Foundation T&M	1	Mrs H Woodall
Appleton Wiske Educational Foundation R	1	David Hugill
Atkinson and Clarke Educational Foundation (Newton-le-Willows/Patrick Brompton) R	1	Vacancy
Bellerby School Foundation R	1	Mrs E Scott
Boyle and Petyt Foundation (Bolton Abbey) S&R	1	Mrs M Longden
Carleton Endowed School Trust (Skipton) S&R	2	Mrs E K Brown Mrs M Mason
Castle Bolton and Redmire Education Foundation R	1	Mr D Morton
Christopher Wharton Educational Foundation T&M	1	Cllr C Goodrick
Clarke's Old School Foundation Wigglesworth S&R	1	Mr P Raper
Constance Elizabeth Beckwith Bequest (Easingwold and Huthwaite T&M)	1	Vacancy
Coulthurst Sandylands Sports Centre Management Committee S&R	1	Cllr A Solloway
Cridling Stubbs Educational Charity S&A	1	Cllr J McCartney
Edward Atkinson Charity S&A	1	Cllr M Jordan
Elizabeth Barnett Charity (East Witton) R	1	Cllr Clive Pearson
Eskdaleside-cum-Ugglebarnby Educational Foundation Greenhow Enhancement Fund S&W	1	Mr J Fort BEM
Hargraves and Green Educational Foundation (Giggleswick/Austwick S&R)	1	Mr C Fryer
Heber Charity (Thornton-le-Beans)T&M	1	Robert Baker
Horsehouse School Charity (Carlton Highdale) R	1	Roger Harrison-Topham
Horton-in-Ribblesdale Exhibition Foundation Governors S&R	1	Mr James Davis
Horton-in-Ribblesdale Foundation Governors S&R	1	Mrs Linn Booth
John Dakyn Trust, East Cowton Fund R	1	K Petch
John Dakyn's Educational Charity at Kirby Hill R	2	Cllr A Thompson Vacancy
John Stockton Education Foundation (Kirkbymoorside) T&M	3	Mr Nick Holroyd Rebecca Hall Mrs M Gamble
King James's Foundation at Knaresborough H&K	1	Cllr M Walker
Kirkby Overblow Educational Foundation S&A	1	Cllr A Paraskos
Lady Lumley's Educational Foundation (Pickering) T&M	1	Cllr J Andrews
Langcliffe Educational Foundation S&R	1	Mrs M Lodge
Longstaffe Educational Foundation (High Bentham) S&R	1	Cllr D Ireton
Lupton Foundation (High and Low Bishopside) S&R	2	J Fort

		Mrs Hilary Jefferson
Mary Waud Foundation (Cliffe School Charity) S&A	1	Cllr K Arthur
Middleton School Foundation T&M	1	Vacancy
Oglethorpe and Dawson Educational Foundation S&A	3	Cllr K Poskitt Mrs J Marshall Bea Rowntree
Old Meeting House Trust, Helmsley T&M	1	Vacancy
Olive and Norman Field Charity R	1	Cllr C Les
Oswaldkirk and Ampleforth Education Foundation T&M	1	Cllr S Mason
Poad's Educational Foundation (Newton upon Rawcliffe) T&M	1	Vacancy
Preston Education Foundation (Stokesley) R	3	S Robertson Vacancy Dr S B Tawse
Prince Henry's Grammar School, Otley S&R	1	Vacancy
Prowde's Educational Charity R	1	The Lord Crathorne KCVO
Raikes Foundation (Pateley Bridge) S&R	2	Hilary Jefferson Christine Skaife
Rev James Graves' Foundation at Thorpe Bassett T&M	1	Vacancy
Rev Michael Sydall Educational Foundation (Catterick) R	1	Cllr C Les
Richard Taylor's Educational Foundation Trust H&K	1	Cllr P Haslam
Richmond School Trust R	1	Mrs Linda Curran
Ripon Grammar School Foundation Governors S&R	4	M Chambers MBE S Martin MBE Mr B Bateman MBE City Cllr L Barnes OBE
Sir John Horsfall Exhibition Foundation (Glusburn and Sutton-in-Craven) S&R	1	Cllr P Barrett
Staintondale Educational Trust S&W	1	Cllr C Pearson
Sylvester Petyt's Foundation (Skipton) S&R	1	Gordon Bell
Thirsk and Sowerby Swimming Baths Charity Management Committee T&M	1	Mr Robert Baker
William Cockin Educational Foundation (Melsonby) R	1	Cllr A Thompson
William Hardcastle Charity S&R	2	Mrs P Hutchinson Mrs Sally Harrison
Wistow Church of England School Charity S&A	1	Cllr J Cattanach
Yorebridge Education Foundation R	5	Mr J Hodgson Mr M Fleming Mr M Teasdale Cllr Y Peacock Ros Cadman