



The North Yorkshire Council
Community Development
County Hall
Northallerton
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Our ref: 101010681825
Date: 5th November 2024

Dear Ms McManus,

I am writing in response to your complaint received 13th August 2024, thank you for taking the time to contact North Yorkshire Council. I have now had the opportunity to speak with my colleagues and look at the relevant information to enable me to respond.

Firstly, I would like to take this time to apologise for the delay responding to your complaint. I appreciate that the lack of communication can be frustrating and falls short of the standard you would expect from North Yorkshire Council.

There are 4 elements to your complaint, summarised below;

- The form of contract provided by North Yorkshire Council was not as set out in the original application for the bid and was not fit for purpose, as Zero Carbon Harrogate is not a supplier of goods or services to the Council;
- There were unacceptable delays to the process of contract resolution;
- The time taken for contract resolution, combined with lags earlier in the project in finalising documentation resulted in a delay of ten months between the award of the grant for this project and the final signing of the contract;
- Finally, North Yorkshire Council assigned risk to Zero Carbon Harrogate (ZCH) particularly in the issue of employment of the staff member who had been assigned throughout to provide a service to the whole project. In excessively delaying the signing of the contract, a great deal of stress was placed on this individual, who was at risk of losing his employment, and on the team at ZCH who were endeavouring to assure funding for his salary. This forced the charity to agree to contract terms and provisions which it did not wish to sign up to.

In summary, it appears the two major concerns raised which are present in the 4 elements of your complaint are that it is alleged it is the incorrect form of contract and that there were delays in formalising the contract. I will therefore address these concerns specifically.

Form of Contract

I understand that ZCH worked with North Yorkshire Council on submission of a grant funding application that would allow for a Local Energy Advice Demonstrator One Stop Shop project to be progressed. Whilst the application uses the term “partner”, this is not a contractual term and is used interchangeably with “supplier” to refer to parties involved in the proposed project to be funded. ZCH’s role in the project is set out in the funding application under the heading “Delivery role” as being to coordinate training for contractors.

This is a service provision and has, therefore, been underpinned by a services contract between North Yorkshire Council and ZCH. Payments are made by the Council to ZCH in accordance with the terms of this contract. North Yorkshire Council, therefore, are content the correct form of contract has been used and in any event are unable to change its standard contracting arrangements.

Delays

Unfortunately, there were delays in reaching the point of contract award with ZCH due to restructuring within North Yorkshire Council, which impacted on the transfer of this project from LEP to Housing.

It also impacted the internal governance processes which ensure appropriate checks and balances are undertaken, and approvals are in place in accordance with North Yorkshire Council’s constitution, before a contract is entered into. Whilst we appreciate this was frustrating, please be assured that matter was dealt with expediently as possible in the circumstances.

North Yorkshire Council is pleased to have been able to progress the contract and establish a successful project delivery with ZCH; I understand there is a positive working relationship between the parties, and we are looking forward to continuing that over the course of the contract.

I hope you find this information helpful, and I have responded to the issues you have raised. However, if you remain unhappy with my response you can contact the complaints team again to discuss your concerns further.

We would expect you to ask for this within 20 working days of the date of the stage 1 response, however, we will use discretion if we receive this later.

Yours sincerely,

Lynn Williams
Head of Housing Renewal